local rural parcels-post service on the rural delivery routes; to the Committee on the Post Office and Post Roads.

By Mr. HELM: Petition of G. M. Martin, administrator, asking reference to the Court of Claims of the claim of J. L. Martin against the United States; to the Committee on War Claims.

By Mr. HOUSTON: Affidavits to accompany House bill 9809, for the relief of Walter A. Menges; to the Committee on Pensions.

Also, affidavits to accompany House bill 9627, for the relief of Marion Stone; to the Committee on Invalid Pensions.

Also, petitions of citizens of Fayetteville, Manchester, Tullahoma, and Lewisburg, all in the State of Tennessee, in support of Senate bill 3776, to regulate express companies and other common carriers; to the Committee on Interstate and Foreign Commerce.

By Mr. LAFEAN: Resolution of Local No. 534, of Strinestown, Pa., urging upon Congress the passage of a bill restricting immigration; to the Committee on Immigration and Naturalization.

Also, resolutions of Washington Camp, Local No. 690, of Heidlersburg, Pa., urging upon Congress the immediate enactment of the illiteracy test into law; to the Committee on Immigration and Naturalization.

Also, petition of High Rock Canning Co., High Rock, York County, Pa., asking reduction of duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. McCALL: Petition of citizens of the United States, favoring House joint resolution 100, authorizing the President to instruct representatives of the United States to next International Peace Conference to express desire of the United States that nations shall not attempt to increase their territory by conquest, and to endeavor to secure a declaration to that effect from the conference; to the Committee on Foreign Affairs.

By Mr. McKINNEY: Memorial of Railway Lodge, No. 695, International Association of Machinists, Rock Island, Ill., protesting against the installation of the Taylor system in the armories and arsenals of the United States; to the Committee on Labor.

By Mr. PETERS: Preamble and resolution adopted by the convention of the Protestant Episcopal Church in the diocese of Massachusetts May 3-4, 1911; to the Committee on Foreign Affairs.

By Mr. REDFIELD: Resolutions of the Manufacturers' Association of New York, advocating the establishment of a United States court of patent appeals; to the Committee on Patents.

Also, resolutions of the Manufacturers' Association of New York, urging separate revision of the schedules of the tariff law; to the Committee on Ways and Means.

By Mr. STEPHENS of California: Petition from the Church of the Brethren of Lordsburg, Cal., for the passage of a bill to forbid interstate transmission of race gambling odds and bets; to the Committee on the Judiciary.

Also, resolutions of Gaylord Post, No. 125, Department of California and Nevada, Grand Army of the Republic, in favor of the Sulloway pension bill; to the Committee on Invalid Pensions.

By Mr. SULZER: Resolution of the Fine Arts Federation of New York, approving the report of the Lincoln Memorial and Fine Arts Commissions; to the Committee on Industrial Arts and Expositions.

Also, resolutions of the New York Manufacturers' Association, relative to the revision of the tariff; to the Committee on Ways and Means.

By Mr. WEDEMEYER: Papers to accompany bill granting an increase of pension to Mary E. Milliken; to the Committee on Invalid Pensions.

By Mr. WILSON of New York: Resolution of Central Labor Union of Brooklyn, N. Y., requesting investigation of conditions in the factories of E. W. Bliss Co. in regard to the eight-hour workday on Government work; to the Committee on Labor.

Also, resolution of the Manufacturers' Association of New York, favoring revision of the tariff law schedule by schedule; to the Committee on Ways and Means.

Also, resolutions of the Manufacturers' Association of New York, favoring the establishment of a United States court of patent appeals; to the Committee on the Judiciary.

Also, resolution of the Fine Arts Federation of New York, indorsing the proposed site for the Lincoln Memorial at Washington, D. C.; to the Committee on Industrial Arts and Expositions.

Also, resolutions of the Shoe Manufacturers' Association of New York, protesting against removing the duty from leather, shoes, harness, and leather manufactures; to the Committee on Ways and Means.

HOUSE OF REPRESENTATIVES.

FRIDAY, *May 19, 1911.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D., as follows:

Eternal God, our heavenly Father, to whom we are responsible as rational beings, we thank Thee for all the strong, pure, noble, self-respecting men and women who have kept close to Thee and observed the laws which Thou hast ordained, and thus become masters in the art of living godly lives. But we most fervently pray for the poor, weak, insipid men and women who have forgotten Thee and lost all self-respect and become submerged by their own vicious acts and desires to the lowest depths. Have mercy, O God, we beseech Thee, upon them, and teach the strong how to impart strength unto the weak, the pure how to impart purity unto the impure, the godly how to impart godliness unto the ungodly. We realize that the laws enacted by men may restrict, restrain, but they do not remove the disease. This must be done by personal contact, through sympathy, by the power and influence of love. Help us thus to rid ourselves of the cesspools and slums of our city, and all cities, for Christ's sake. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 850. An act to amend an act entitled "An act to legalize and establish a pontoon railway bridge across the Mississippi River at Prairie du Chien, and to authorize the construction of a similar bridge at or near Clinton, Iowa," approved June 6, 1874; and

S. 144. An act to legalize a bridge across the Pend Oreille River, in Stevens County, Wash.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 850. An act to amend an act entitled "An act to legalize and establish a pontoon railway bridge across the Mississippi River at Prairie du Chien, and to authorize the construction of a similar bridge at or near Clinton, Iowa," approved June 6, 1874; to the Committee on Interstate and Foreign Commerce.

S. 144. An act to legalize a bridge across the Pend Oreille River, in Stevens County, Wash.; to the Committee on Interstate and Foreign Commerce.

ARMY SHOE CONTRACTS.

Mr. HAY, from the Committee on Military Affairs, reported the following House resolution (H. Rept. 37):

House resolution 133.

Resolved, That the Secretary of War be, and he is hereby, requested if not incompatible with the public interest, to send to the House of Representatives full information, as follows, with regard to certain statements made by Hon. ROBERT E. DIFENDERFER, of Pennsylvania, in the House on April 25, 1911:

First. What proportion of the contracts for Army shoes during the fiscal years 1909, 1910, and 1911 were awarded to the firm of Hermann & Co.?

Second. What are the names of the individuals or firms who have secured contracts for Army shoes in the fiscal years 1909, 1910, and 1911? What was the amount of each contract?

Third. Have any competitors been blacklisted or disqualified from bidding on any Army shoe contract in the fiscal years 1909, 1910, and 1911? If so, what were the names of those competitors and what was the cause of their disqualification?

Fourth. What proportion of the Army shoe contracts in the fiscal years 1909, 1910, and 1911 were awarded to the lowest bidders?

Fifth. How many bidders were there for the last Army shoe contract?

Sixth. Is Shrewsbury leather required in the specifications for Army shoes?

Seventh. Did the War Department institute a test between Shrewsbury leather and Calumet leather? If so, was it found that Calumet leather was better?

Also the following committee amendments were read:

In line 2, page 1, strike out the word "requested" and insert the word "directed."

In the same line, strike out the words "if not incompatible with the public interest."

On page 1, in lines 8 and 9, strike out "and nine, nineteen hundred and ten," and insert the word "one."

Mr. HAY. The latter amendment is to carry the inquiry back to 1901.

Mr. MANN. Will not the Clerk report it as it would read as amended?

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The SPEAKER. The Clerk will report the resolution as it would read if amended.

The Clerk read as follows:

What proportion of the contracts for Army shoes during the fiscal years 1901, 1910, and 1911 were awarded to the firm of Hermann & Co.?

Mr. MANN. Mr. Speaker, I suggest to the gentleman that the amendment will only cover the three years of 1901, 1910, and 1911.

Mr. HAY. It should have read "1901 to 1911, inclusive." Therefore I move to amend the resolution by inserting after the word "eleven" the word "inclusive," so as to take in all of those years.

Mr. MANN. Why does not the gentleman make it read "1901 to 1910, inclusive"?

The SPEAKER. The question is on the adoption of the committee amendments. Is a separate vote demanded on any amendment? If not, the vote will be taken in gross.

The question was taken, and the amendments were agreed to.

The SPEAKER. The question is on agreeing to the resolution as amended.

The resolution as amended was agreed to.

Mr. LONGWORTH. Mr. Speaker, I would like to ask the gentleman a question.

Mr. HAY. Certainly.

Mr. LONGWORTH. Ought not the same amendment be made on line 13?

Mr. MANN. It occurs several times in the resolution. As to the resolution that was just adopted, where the first paragraph, headed "First," was made to read from 1901 to 1910, I desire to ask the gentleman whether he wishes the same amendment in the second, third, and fourth paragraphs?

Mr. HAY. I do, Mr. Speaker. I have not had my attention called to the fact that the years were repeated in each one of these paragraphs, and I therefore move that the Clerk be instructed to amend the resolution so as to read in each paragraph "from 1901 to 1910, inclusive."

Mr. MANN. The gentleman will have to ask unanimous consent to reconsider the vote by which the resolution was agreed to.

Mr. HAY. Yes. Mr. Speaker, I ask unanimous consent to reconsider the vote by which the resolution was agreed to.

The SPEAKER. Without objection, the amendment will be agreed to. Is there objection?

There was no objection, and the amendment was agreed to.

Mr. RAKER. Mr. Speaker, that also occurs on page 2.

The SPEAKER. The gentleman from Illinois has already called attention to the fact that that occurs there, too. The amendment includes that. The Clerk will report the next resolution.

ARMY SHOE CONTRACTS.

The Clerk read as follows:

House resolution 152 (H. Rept. 36).

Resolved, That the Secretary of War be, and is hereby, requested, if not incompatible with the public interest, to send to the House of Representatives full information relative to certain statements made in the House on April 25, 1911, by Hon. ROBERT E. DIFENDERFER, a Member from the State of Pennsylvania, said information to cover the following facts, since the beginning of the fiscal year 1901:

First. The names of individuals or firms who have secured contracts for Army shoes and the amount of each contract in each fiscal year.

Second. What proportion of said contracts was awarded to the firm of Hermann & Co., of Massachusetts.

Third. Whether any competitors have been blacklisted or disqualified from bidding on any Army shoe contract in any such fiscal year; if so, the name of such competitors and the alleged causes for said disqualification or blacklisting.

Fourth. What proportion of said Army shoe contracts have been awarded to the lowest bidders.

Fifth. Whether any of the specifications for such Army shoe contracts in any fiscal year since 1901 stipulated any particular make of leather; if so, what.

The SPEAKER. The Clerk will report the amendments.

The Clerk read as follows:

On page 1, line 2, strike out the word "requested" and insert the word "directed."

On page 1, line 2, strike out the words "if not incompatible with the public interest."

The SPEAKER. The vote is first on the amendments. Is a separate vote demanded on any amendment? If not, they will be considered in gross. The question is on agreeing to the amendments.

The question was taken, and the amendments were agreed to.

The SPEAKER. The vote now recurs on the adoption of the amended resolution.

Mr. GARDNER of Massachusetts. Mr. Speaker, has the previous question been ordered on this?

Mr. HAY. I have the floor, Mr. Speaker. Does the gentleman want some time?

Mr. GARDNER of Massachusetts. I would like to have some time. I have just come in, this second, and I was unaware of the situation.

Mr. HAY. I will say to the gentleman that the only question is as to the time covered by the resolution.

Mr. GARDNER of Massachusetts. Which resolution?

Mr. MANN. We have already passed the gentleman's resolution.

Mr. HAY. We have already passed the resolution introduced by the gentleman from Massachusetts.

The SPEAKER. The question is on the adoption of the amended resolution.

The question was taken, and the resolution as amended was agreed to.

ARIZONA AND NEW MEXICO.

Mr. FLOOD of Virginia. Mr. Speaker, I move that the House do now resolve itself into Committee of the Whole House on the state of the Union for the further consideration of House joint resolution 14, approving the constitutions of New Mexico and Arizona as amended.

The SPEAKER. The gentleman from Virginia, the chairman of the Committee on the Territories, moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of House joint resolution 14, as to the admission of Arizona and New Mexico. The question is on agreeing to the motion.

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

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of House joint resolution 14, approving the constitutions formed by the constitutional conventions of the Territories of New Mexico and Arizona, with Mr. GARRETT in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of House joint resolution 14, of which the Clerk will report the title.

The Clerk read as follows:

House joint resolution 14, approving the constitutions formed by the constitutional conventions of the Territories of New Mexico and Arizona.

Mr. FLOOD of Virginia. Mr. Chairman, I yield 30 minutes to the gentleman from Mississippi [Mr. HUMPHREYS].

The CHAIRMAN. The gentleman from Mississippi [Mr. HUMPHREYS] is recognized for 30 minutes.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, there have been two reports submitted to the House on this resolution, one by the majority and one by the minority. Those reports show the difference of opinion between the Democratic Members and the Republican Members, and the difference follows the lines which have differentiated the doctrines of these two parties from the beginning.

The Democratic Members, in the majority report, insist upon the admission of these Territories, proceeding upon the theory that the people are entitled to frame such constitutions as in their opinion are best suited to their needs, believing, as we have always believed, in local self-government.

The Republicans, on the contrary, have submitted a report which forbids the admission of Arizona unless she will agree to change her constitution to suit the ideas and the views of this Congress. Under the enabling act Arizona and New Mexico will come in when their constitutions are approved by Congress and the President; or if they are approved by the President, and Congress fails to disapprove, then they come in; but the present situation is this, that the President has approved the constitution of New Mexico, but has failed to act at all as to the constitution of Arizona. So that if Congress fails to act at all, New Mexico will come in and Arizona will stay out.

The report of the majority of the committee is in effect a disapproval of both constitutions. That is, it accepts both constitutions with a condition precedent, and that is that the people of New Mexico shall vote upon an amendment to their constitution, which, if adopted, will render it more easily amendable in the future, and in Arizona to give the people an opportunity to vote further upon the proposition of the recall of judges.

Mr. DICKINSON. Will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from Mississippi yield to the gentleman from Missouri?

Mr. HUMPHREYS of Mississippi. Yes.

Mr. DICKINSON. I understand that New Mexico will come in as a State by reason of the approval of its constitution by the President if no action is taken by this House on this joint resolution. Suppose that both Houses of Congress pass this joint

resolution. What effect will that have upon New Mexico? Can not New Mexico fail to act under this joint resolution and come in anyhow, by virtue of the approval of the President, if Congress does not pass affirmative action outside of this resolution disapproving the constitution?

Mr. HUMPHREYS of Mississippi. I think not. I think if Congress passes this resolution it will operate as a disapproval of the New Mexico constitution, and under the terms of the enabling act it can not come in. If the President approves the joint resolution adopted by Congress, then, if both States vote on the proposed amendments as provided for, as they undoubtedly will, both will come in.

Mr. DICKINSON. Mr. Chairman, may I inquire further?

Mr. HUMPHREYS of Mississippi. Certainly.

Mr. DICKINSON. Does the gentleman suppose that Congress, after the President has approved the New Mexico constitution, can avoid the resolution already passed admitting New Mexico?

Mr. HUMPHREYS of Mississippi. There has been no resolution already passed admitting New Mexico. There was an enabling act authorizing the people in the Territory to form a constitution and apply for statehood.

Mr. DICKINSON. Can you avoid the enabling act at this late day which requires the President to approve, which he has done, thereby admitting New Mexico if Congress did not dissent?

Mr. HUMPHREYS of Mississippi. Yes; I think so. We can admit these States without any enabling act at all. That enabling act had provisions in it which bound the people of the Territories. It had further provisions in it which are an attempt to bind the action of this Congress. In so far as the enabling act of the Sixty-first Congress was an attempt to control the action of the Sixty-second Congress, I think it is a nullity. This Congress can admit those States whether they have complied with the enabling act or not. Congress has admitted many States heretofore without any enabling act.

Mr. OLMSTED. Mr. Chairman, will the gentleman allow me a question?

Mr. HUMPHREYS of Mississippi. Certainly.

Mr. OLMSTED. I agree with the gentleman that Congress could to-day pass a law admitting these States, repealing the enabling act and admitting them at once; but as long as that stands it is the law. Would not the adoption of this resolution in its amended form act as a disapproval of the present constitution?

Mr. HUMPHREYS of Mississippi. I think so.

Mr. OLMSTED. And thus delay the admission of New Mexico as a State?

Mr. HUMPHREYS of Mississippi. It would not delay it one day, for this reason, that the enabling act provides that after their constitution has been approved by the President and Congress there shall be an election held at which State officers shall be chosen, and that the result of that election shall be certified to the President.

Upon the receipt of that certificate the President shall proclaim the admission of the State into the Union. Under the provisions of this resolution, at the same election held on the same day that it would be held under the enabling act, the people vote upon the proposition to amend the constitution. Whether they vote "aye" or vote "no," as soon as the result is ascertained and certified to the President he issues the proclamation admitting the State to statehood.

Mr. OLMSTED. Not if they vote "no."

Mr. HUMPHREYS of Mississippi. Yes; if they vote either way.

Mr. OLMSTED. If they vote "no" they do not become a State.

Mr. HUMPHREYS of Mississippi. The gentleman from Pennsylvania is mistaken. The resolution provides that whether they vote "aye" or vote "no" they shall be admitted. The minority, or rather a majority of the minority, submit a report, and I suppose they will offer an amendment at the proper time which makes a condition precedent to the admission of Arizona that they shall vote "aye" on the proposition, but that is not the provision of the resolution.

The resolution provides that they shall be admitted whether they vote "aye" or vote "no," because we proceed on the theory that it is a matter properly left to those people to determine what kind of a constitution they want, and that Congress has no right, although it may have the power, to decide what constitution they shall have.

Mr. KENDALL. Will the gentleman yield?

The CHAIRMAN. Does the gentleman from Mississippi yield to the gentleman from Iowa?

Mr. HUMPHREYS of Mississippi. I do.

Mr. KENDALL. The majority resolution simply provides that the Territories of New Mexico and Arizona shall each hold another election, at which there shall be submitted to the electors of these Territories the propriety of amending the constitution that they have heretofore ratified, and whether they vote to amend or reject the proposed amendments they are still admitted into the Union, irrespective of the vote?

Mr. HUMPHREYS of Mississippi. Yes.

Mr. KENDALL, That election is to be held at the same time as the election for State officials?

Mr. HUMPHREYS of Mississippi. Yes, at the same time; and the statement in the minority report that it will work delay in the case of New Mexico is not founded on fact. She will come in exactly on the same day that she would come in under the enabling act.

Now, Mr. Chairman, I had originally intended to discuss the conditions in New Mexico and Arizona in an effort to demonstrate to the House that they are entitled to statehood, but the debate has taken a different course. Nobody seems to question the fact that they have the territorial area, that they have the population in numbers, and that they have the population in character that would entitle them to admission.

Heretofore they have been kept out, and the responsibility for it rests upon the Republican side of the House. They have been kept out of the Union not because they had an insufficient territorial area, not because they had population insufficient in numbers, but because that side of the House, the Republican side, did not have faith in the character of the people there and did not believe that they were capable of self-government. I do not believe that any other conclusion can be drawn from the history of the application of these Territories for admission in this House.

Mr. CAMPBELL. Will the gentleman yield?

Mr. HUMPHREYS of Mississippi. Certainly.

Mr. CAMPBELL. May I ask how long the conditions of their fitness to statehood have existed?

Mr. HUMPHREYS of Mississippi. My opinion is that that condition has existed ever since the Territory of New Mexico was added to the Union.

Mr. CAMPBELL. Can the gentleman tell why the Territory of New Mexico was not admitted as a State when the Democratic party had undisputed control of both branches of Congress and of the Executive?

Mr. HUMPHREYS of Mississippi. No. I can state that there never has been a time when a Democratic House has refused to pass a resolution admitting New Mexico as a State into the Union. Since the Civil War the Democratic Party has had control of the three branches of the Government for two years, and two years only. But during the past 16 years the Republican Party has had control of this end of the Capitol and of the Senate and of the White House, and during all those 16 years these Territories have applied for statehood, and during all that time they have been qualified for statehood, and during all that time other Territories with less population have been admitted into the Union by that side of the House, but these Territories have been rejected. [Applause on the Democratic side.] And I call upon the gentleman, if he can, to give any other reason why they have been kept out, except that, in the opinion of the Republican Party, the character of the people was not such as to justify their coming into the Union.

Mr. CAMPBELL. I assume the gentleman would not object to naming the Territory that has been admitted with a less population in the last 16 years.

Mr. HUMPHREYS of Mississippi. No.

Mr. CAMPBELL. What Territory was admitted that had a less population?

Mr. HUMPHREYS of Mississippi. Well, I will name to the gentleman the Territories that have been admitted since the Republican Party has been in power, and I will give the population of each for a number of years back.

Mr. CAMPBELL. I mean within the last 16 years.

Mr. HUMPHREYS of Mississippi. In 1860, for instance, the Territory——

Mr. CAMPBELL. This was the statement made—for the last 16 years.

Mr. HUMPHREYS of Mississippi. I will give it to the gentleman during the entire time that the Republican Party has been in power. You have been in power for 16 years and you have kept these Territories out. You have admitted other Territories with less population and with less territorial area. The Republican Party has——

Mr. CAMPBELL. Within the last 16 years?

Mr. HUMPHREYS of Mississippi. No; but you have kept these out within the last 16 years, when you have been in abso-

lute control, and while you were in absolute control prior to that time you admitted the other Territories——

Mr. CAMPBELL rose.

Mr. HUMPHREYS of Mississippi. Oh, if the gentleman will possess his soul in patience, I will give him the figures. In 1864, for instance. Under the census of 1860 Nevada had a population of 6,857, and the same year New Mexico had 93,000. In 1870 Nevada had 42,000. In the same year New Mexico had 91,000. In 1864—I give the figures for 1860 and 1870 because there was no census for 1864—in 1864 Nevada was admitted as a State.

In 1889 Montana was admitted with 142,000, and the same year New Mexico had a population of 160,000. In 1890 Idaho was admitted with 88,000 and Wyoming was admitted with 60,000, and at the same time New Mexico had a population of 195,000, and at that same time Arizona had a population of 122,000. [Applause on the Democratic side.]

Mr. CAMPBELL. The gentleman has failed to give a single case where the Republican Party admitted a State in the last 16 years.

Mr. HUMPHREYS of Mississippi. Because the Republican Party has been in power; that is why. [Applause on the Democratic side.] It is for the very reason that I state. I can not state that they have been admitted, because the Republican Party was in power and refused to admit them; but you yoked New Mexico and Arizona together against their will in a resolution admitting them as one State. Let me tell you something else you did. In order to bribe the people of Arizona to accept that condition you inserted a provision in your resolution that they would be given $5,000,000 cash for a school fund if they would accept the terms which you imposed. [Applause on the Democratic side.]

Mr. CAMPBELL. But the gentleman stated that the Republican Party had been admitting States within the last 16 years with a less population than Arizona and New Mexico.

Mr. HUMPHREYS of Mississippi. Oh, no; the gentleman did not. The gentleman said the Republican Party had been admitting States into the Union with less population than New Mexico and Arizona, but that during the past 16 years it had kept these two States out, and the only reason you can give for it is that you did not think the character of the population would justify their admission.

This, Mr. Chairman, has been the objection which has always been made to the admission of States located outside the territory of the original States.

In 1811, when the bill for the admission of the State of Louisiana came before the House, Josiah Quincy, of Massachusetts, in a speech opposing the admission, among other things, said:

> It was not for these men that our fathers fought. It was not for them this Constitution was adopted. You have no authority to throw the rights and liberties and properties of this people into hotch-pot with the wild men on the Missouri, nor with the mixed, though more respectable, race of Anglo-Hispano-Gallo-Americans who basks on the sand in the mouth of the Mississippi.

In 1843, when the bill for the settlement of the Oregon Territory came before the Senate, the wild men on the Missouri seem to have taken a step forward in the opinion of the statesmen of the older States, and in discussing that question Senator McDuffie, of South Carolina, then said:

> Why, sir, of what use will this be for agricultural purposes? I would not for that purpose give a pinch of snuff for the whole Territory. I wish to God we did not own it. I wish it was an impassable barrier to secure us against the intrusion of others. This is the character of that country. Who are we to send there? Do you think your honest farmers in Pennsylvania, New York, or even Ohio or Missouri, will abandon their farms to go upon any such enterprise? God forbid.

In opposing the same measure, Senator Dickerson, of New Jersey, said:

> We have not adopted the system of colonization, and it is to be hoped we never shall. Oregon can never be one of the United States. If we extend our laws to it, we must consider it as a colony. Is the Territory of Oregon ever to become a State, a member of the Union? Never. The Union is already too extensive.

And again, in 1848, in a speech in the Senate, Mr. Webster said:

> I have never heard of anything, I can not conceive of anything, in itself more absurd and more affrontive to all sober judgment. Mexico and California are not worth one dollar.

I wonder with what emotions the shade of that great statesman contemplated the action of this House last winter, when, in making preparation for the celebration and glorification of the completion of the Panama Canal, we decided to hold the great exposition in the city of San Francisco.

"Mexico and California are not worth one dollar," so thought the great expounder. Let us see. In New Mexico to-day the taxable values now amount to $300,000,000. In addition, there are 400 miles of railroads now untaxed but soon to be, and, according to the estimate of the Geological Survey, 9,000,000,000 tons of coal. There are school buildings valued at a million dollars and a hundred thousand school children, 10 daily and 100 weekly papers, 41 national banks, 34 Territorial banks, and 3,000 miles of railroad.

In Arizona the taxable values equal $450,000,000, schools and public buildings $1,000,000, 33 Territorial and 13 national banks, live stock valued at $18,000,000, and 1,900 miles of railroads.

So much for the material development of the Territories that would not be worth one dollar.

In area New Mexico has 122,000 square miles; Arizona, 112,000 square miles; and New England, including New York and New Jersey, has 124,000 square miles.

If any rule as to the population requirement has ever been adopted, I think I can say safely that that rule has been that when a Territory has sufficient area and a population equal to that fixed by the apportionment as entitling a State to one Representative in Congress. Under the ordinance of 1787 for the government of the Northwest Territory it was provided that the States to be formed out of that great Territory should be admitted when they had a population of 60,000. In obedience to this requirement Illinois was admitted with 55,000; Kentucky, with 73,000; Louisiana, with 76,000; Mississippi, with 75,000; Missouri, with 66,000; and Ohio, with 45,000. And so I repeat that the only reason the Republican Party has refused admission to New Mexico and Arizona, in view of the fact that they have all along had the requisite population and the requisite territorial area, is that they have had no faith in the character of the people of those Territories and in their capacity for self-government.

There is nothing in the history of these people to justify any such position. The very common opinion entertained by the people east of the Mississippi River is that the people of New Mexico and Arizona are emigrants from old Mexico, and they regard them in the light of Mexican peons. Nothing could be further from the truth. The Spanish-American citizens of New Mexico are descended from a very noble race. They are not Mexicans in race, in sympathy, or in civilization. Their ancestors came to New Mexico direct from Spain, and they have no connection by blood or political affiliations with old Mexico.

When the first explorers reached New Mexico, they found a tribe of Indians far advanced in the arts of civilization. They lived in towns, they cultivated their fields, and were dressed in clothes made of cotton cloth. It was thought by these first explorers that that country was rich in mineral wealth, and so this first discoverer wrote back to the home Government of Spain, "I have discovered a new Mexico." Colonists were sent out from Spain to settle this new Mexico, and it became and remained a Province of Spain, as distinct from the Province of Mexico as it was from any other Spanish colonies upon the face of the earth. As a matter of fact, they were separated from the people and Government of old Mexico by hundreds of miles of trackless desert. They maintained their civilization, they reared a race of pure Castilian blood, and they are and have a right to be as proud of their lineage as any other Caucasians in any other State of this Union. They are not Mexicans, and they naturally and properly resent the treatment they have had by the citizens of the other States of this Union, who have unconsciously and ignorantly affronted them in their literature and in their political treatment of them.

When the Mexican revolution ended successfully in 1821 and the authority of Spain was put an end to, the Government of old Mexico sent a governor to New Mexico, and then, and not until then, were they brought under the authority or bore any political relation to that Government. For 300 years they have maintained their civilization, and before the settlement at Jamestown they had built their schoolhouses and erected their temples of worship.

In 1846, when war was declared with Mexico, Gen. Kearney, commanding the American forces, was received with open arms by the people of New Mexico, and he promised them then that they would be taken into the Union of States and guaranteed all the rights and privileges of American citizens. Under the treaty of Guadalupe Hidalgo it was again solemnly agreed that these people should be admitted as citizens of the United States and receive and enjoy all the rights of that citizenship according to the principles of the Constitution of the United States. This same guarantee was given them under the treaty of Gadsden, and again in the compact with Texas.

Relying upon the good faith of the United States, they applied for statehood in 1851, and President Taylor sent a message to Congress urging that they be given it. At every Congress since that time they have stood at the door and knocked, but it has never yet been opened to them. Other Territories with less population, with less territorial area, with less industrial de-

velopment have been admitted on their borders, but these more fortunate Territories were peopled by emigrants from the older States, and so those people believed, and so they had a right to believe, and I believe and charge that the only reason they have been denied admission to the Union was because the Republican Party, which has been in power in this country, with the exception of two short years, for the past half century and more, did not believe that in character and qualifications for self-government they were capable of maintaining the institutions of a State.

Mr. WARBURTON. Mr. Chairman, I would like to ask the gentleman why the Democratic Party did not admit these States when it had the power during previous administrations.

Mr. HUMPHREYS of Mississippi. I do not understand the gentleman's question.

Mr. WARBURTON. Why was it the Democratic Party did not admit these States when it had the power to do so?

Mr. HUMPHREYS of Mississippi. The Democratic Party had power two years since the war, and in those two years it failed to admit them, and when it failed to admit them it did wrong. The great trouble with the Republican Party to-day is that they follow the Democratic precedent when it is wrong, but never follow it when it is right. [Applause and laughter on the Democratic side.]

Mr. OLMSTED. But it is never right.

Mr. CANNON. Mr. Chairman, will the gentleman yield?

Mr. HUMPHREYS of Mississippi. Certainly.

Mr. CANNON. If the failure to admit these Territories during the last 16 years excludes the Republican Party from indorsement, then the failure to admit these Territories during the period that existed between the 4th of March, 1893, and the 4th of March, 1895, when the Democratic Party had a full majority in the House and in the Senate, and the Democratic President was in the White House, with three sessions of Congress during that time, ought to exclude the Democratic Party from proper indorsement. In other words, I suppose the gentleman claims that the baby was such a small one for those two years that it ought not to put the Democratic Party out of the pale of social, if not voting, approval.

Mr. HUMPHREYS of Mississippi. Oh, no; the gentleman claims this, that there was another baby at that time that was so great a baby that had come to the Democratic Party through the mismanagement and the malfeasance of the Republican Party in power for years before that, whereby the burdens upon the people were so great and overwhelming, that it took all of the time of the party trying to take care of it. [Applause on the Democratic side.]

Mr. CANNON. If the gentleman will allow me further, receiving so much applause from his party friends—and I always like to join in applause of the estimable gentleman from Mississippi—does the gentleman, or does his party, look with pride upon the wonderful accomplishments during the years of 1893 to 1895, when you had full power? [Applause on the Republican side.]

Mr. HUMPHREYS of Mississippi. The gentleman's party looks not with pride upon all that happened then. The gentleman's party looks with pride upon the fact, however, that the Democratic Party since that time has consistently and continually fought the policies of the Republican Party, which had brought this country to the condition it was found in when the Democratic Party assumed power in 1893, and I am thankful to God that the verdict rendered last November shows that the people have at last come to the conclusion that we are right. [Applause on the Democratic side.]

Mr. CANNON. If the gentleman will allow me——

Mr. HUMPHREYS of Mississippi. Oh, Mr. Chairman, I would prefer to go on and discuss this matter, with no intention, of course, to be discourteous to the distinguished gentleman from Illinois, my friend. We have had this matter about 1893 thrashed out here until it is threadbare, and is, to use an expression of a distinguished gentleman of this country, "worn to a frazzle."

The question is of admitting the Territories of Arizona and New Mexico to-day, and the Democratic Party to-day stands for their admission with the constitutions which they have provided, without the delay of a single minute. Does the gentleman and his party stand for the same thing to-day?

Mr. CANNON. I am for the admission of New Mexico, as the gentleman was for its admission in the last session last winter of the Sixty-first Congress, when, with this constitution, without the dotting of an "i" or the crossing of a "t," it received the approval unanimously of the House; and I am of the same opinion still.

Mr. HUMPHREYS of Mississippi. I am, too. Now, is the gentleman in favor of the admission of Arizona?

Mr. CANNON. Will the gentleman vote that way?

Mr. HUMPHREYS of Mississippi. I will; but will that side of the House vote to admit the State of New Mexico with the constitution she has now, without the dotting of an "i" or the crossing of a "t," and vote to admit the State of Arizona without the dotting of an "i" or the crossing of a "t"? Will the gentleman and his party do that?

Mr. CANNON. I will treat each Territory [laughter on the Democratic side] in the matter of statehood upon its respective merits, and will vote, as the gentleman and his party voted, to admit New Mexico; and if I vote against admitting Arizona, for good reasons, when we come to the separate measure for Arizona, I will take the responsibility for my vote. Is the gentleman willing to take the responsibility for his vote if New Mexico is not admitted?

Mr. HUMPHREYS of Mississippi. The gentleman will take all the responsibility that can be put upon him. The Democratic Party has no desire to shirk it. The Democratic Party lays no log across the road of New Mexico. If the people of New Mexico come into this Union according to the provisions of this resolution, they will come in exactly the same day as they would come if the conditions proposed in the pending resolution were stricken out.

Mr. HAMILTON of Michigan. Will the gentleman yield for a question?

Mr. HUMPHREYS of Mississippi. I will.

Mr. HAMILTON of Michigan. I take it that we need have very little difficulty about New Mexico, and what I want to ask the gentleman particularly is this—the gentleman may have covered it in his remarks, because I did not hear the beginning of his remarks: Does the gentleman favor the abrogation of the recall of judges as provided for in the Arizona constitution?

Mr. HUMPHREYS of Mississippi. Well, we will get to that in a moment.

Mr. HAMILTON of Michigan. I did not know but what the gentleman might have covered that. That is really the difficulty, I take it, of Members on both sides of this House, and there really ought not to be any partisan question involved here at all.

Mr. HUMPHREYS of Mississippi. No; I have no doubt the Republican Party believe that.

Mr. HAMILTON of Michigan. Well, I reckon you believe it.

Mr. HUMPHREYS of Mississippi. I think there has been partisanship all the way through.

Mr. HAMILTON of Michigan. I mean there ought not to be any partisanship on this question of the recall of judges. It is not a partisan question.

Mr. HUMPHREYS of Mississippi. Not at all.

Mr. HAMILTON of Michigan. And really that is the only question involved here.

Mr. HUMPHREYS of Mississippi. In my opinion, that is not the only question involved. Whether I favor the recall of judges or whether I do not, my opinion is immaterial. I do not think it is up to this Congress to determine that question for the people of Arizona. I believe the people of Arizona have a perfect right to provide in their constitution that judges may be recalled by the people and still the Territory be entitled to admission into this Union.

Mr. HAMILTON of Michigan. May I make another suggestion? The gentleman and I have always reasoned pretty freely and frankly on these questions. The reason, as it appears to me, is this: Now, that this question is presented to the Congress of the United States, we, as the Congress of the United States, ought to set the mark of our disapproval on the recall of judges, if we do disapprove of it, and if we do not disapprove, then we ought to deliberately say we do approve. If as lawyers, if as Representatives, we believe in the recall of judges, why, then, let us say so, and if we do not, then let us say we do not. It is up to us now.

Mr. HUMPHREYS of Mississippi. That has been the position of the gentleman's party from the beginning, and I think he is entirely consistent.

Mr. HAMILTON of Michigan. It is not a question of party.

Mr. HUMPHREYS of Mississippi. It is a question of party. The position of the Republican Party is that it is the duty of the Federal Government to determine for the people in the States the kind of government they ought to have. The Democratic position is just the contrary, and that it is the right of the people in the various States to establish such governments as, in their opinion, are best suited to their conditions; and that is the position here to-day, and that is the issue drawn by the two reports now filed. The Democratic Party says that it is in favor of the admission of these Territories with the constitutions as they stand to-day.

Mr. HAMILTON of Michigan. Mr. Chairman, the gentleman says that his party is in favor of letting the people of a Territory make their own constitution. Now, the gentleman would not carry that so far as to say that he would be in favor of letting the people of a Territory adopt a constitution which might approve the practice of polygamy?

Mr. HUMPHREYS of Mississippi. The gentleman says this, and now, speaking for my single self——

Mr. HAMILTON of Michigan. That is the way I like to hear the gentleman talk.

Mr. HUMPHREYS of Mississippi (continuing). I believe the people of these Territories have a right to come into the Union provided they have a constitution that is republican in form and does not violate the provisions of the enabling act, and I do not believe that the recall of judges renders the constitution unrepublican in form. Now, that is what I believe.

Mr. MARTIN of Colorado. It was not forbidden by the enabling act.

Mr. HUMPHREYS of Mississippi. It was not forbidden by the enabling act as suggested by the gentleman from Colorado.

Mr. OLMSTED. If the gentleman will permit me just a second, the enabling act does require or provide for the approval of the constitution by Congress. Now, if we approve of the constitution containing a provision for the recall of judges, then we approve that provision along with the rest of the constitution.

Mr. HUMPHREYS of Mississippi. That applied to the Sixty-first Congress. That Congress can not put any limitations upon the powers of the Sixty-second Congress. The Sixty-first Congress said that they would not admit these Territories as States until they approved of their constitutions. The Sixty-second Congress says, "We will admit these States with the constitutions they have, without reference to whether we approve them or disapprove them; and the Sixty-first Congress had no power to bind us in that regard."

Mr. OLMSTED. I admit that the Sixty-second Congress can repeal any act the Sixty-first Congress passed.

Mr. HUMPHREYS of Mississippi. We do not have to repeal it, nor have we repealed any of the conditions which were fixed in the enabling act. The Sixty-first Congress was utterly without power to bind us. We can admit these States without any enabling act. States have come into this Union without any enabling acts and without any constitutions.

Mr. OLMSTED. Let me ask one more question, in order that I may understand the gentleman's position. Does he intend to vote for this substitute resolution recommended by the majority of the Committee on the Territories, or does he propose to vote for the resolution in its original form?

Mr. HUMPHREYS of Mississippi. I propose to vote for the resolution in its original form.

Now, Mr. Chairman, the question of the recall of judges——

Mr. OLMSTED. Just one word. That resolution does provide, in its original form, and requires us to say, that we approve of that constitution. If we do not approve of the recall of judges we can not conscientiously vote for the original resolution, because to so vote would be to approve of that Arizona constitution, which does contain a provision for the recall of judges——

Mr. HUMPHREYS of Mississippi. Which does the gentleman call the "original resolution"?

Mr. OLMSTED. The one introduced by the gentleman from Virginia, chairman of the Committee on Territories, House joint resolution 14.

Mr. HUMPHREYS of Mississippi. Now, Mr. Chairman, the gentleman can just draw whatever conclusion his mind will lead him to on that question.

Mr. KENDALL. Mr. Chairman, will the gentleman yield?

Mr. HUMPHREYS of Mississippi. Yes.

Mr. KENDALL. The gentleman from Mississippi has been very generous in submitting to interruptions, and I want to ask him a question or two for information. The original resolution introduced by the gentleman from Virginia and referred to the Committee on Territories provided for the admission of both these Territories and the approval of the constitutions, which had been previously ratified by their people.

Mr. HUMPHREYS of Mississippi. I beg the gentleman's pardon. I did not hear him.

Mr. KENDALL. I say, the original resolution, introduced by the gentleman from Virginia and referred to the Committee on Territories, provided for the admission of both these Territories and for the approval of the constitutions which had been previously ratified by the people of those Territories.

Mr. HUMPHREYS of Mississippi. Yes.

Mr. KENDALL. Now, the committee proposes an amendment by which these Territories are to be admitted after an election shall have been held, at which these same constitutions, with certain amendments, shall be submitted to the people for their ratification or rejection?

Mr. HUMPHREYS of Mississippi. Yes.

Mr. KENDALL. But in any event, whether the people shall approve or reject the amendments proposed in this resolution, the Territories are to be admitted into the Union. Do I understand that the gentleman proposes to ignore the recommendations of the majority of the committee and vote against the amendment?

Mr. HUMPHREYS of Mississippi. I misapprehended the question of the gentleman from Pennsylvania [Mr. OLMSTED] when he referred to the "original" resolution. I intend to vote for the resolution as reported from the committee.

Mr. KENDALL. For the substitute?

Mr. HUMPHREYS of Mississippi. Yes; on condition——

The CHAIRMAN. The time of the gentleman has expired.

Mr. FLOOD of Virginia. Mr. Chairman, I yield 30 minutes more to the gentleman from Mississippi.

Mr. KENDALL. Let me inquire of the gentleman what the condition amounts to; if, whether or not it is complied with, the Territories enter the Union just the same?

Mr. HUMPHREYS of Mississippi. It amounts to a good deal, I think. It gives to the people of that Territory the right to vote on the proposition again, and there are a great many people in that Territory who insist that they would like to have an opportunity to vote upon this proposition. As it was submitted to them they accepted it, because, as some of them said, the people were crazy to be admitted to the Union and they would have accepted anything, and I can understand how they should be. Those Territories have been ruled from Washington. They have been administered from Washington. Their officers have been appointed from Washington. They have had, in a mild form, as one of my friends here suggests, a carpet-bag government, and I can understand how any people who live out in the Territories of the United States, where their affairs are governed from Washington, 1,000 or 2,000 miles away, would be willing to accept almost any constitution presented to them in order to escape from that condition and have self-government.

A very high official of this Government is reported to have said recently that the people of Arizona would have voted for that constitution if it had contained a provision that would have established such government as Kipling tells us lies "somewhere east of Suez, where the best is like the worst and there aren't no Ten Commandments" [laughter], and I can readily understand how they feel.

Mr. Chairman, the question here is raised sharply by the two reports, whether or not the recall of judges renders this constitution republican in form. Before taking that matter up, I want to say that, so far as I am concerned, I am utterly opposed to the recall of judges. I am opposed to the recall of any officers, and I am also opposed to short terms for officers. I was one of those who voted in this House five or six years ago in favor of making the term of Congressmen four years, and I would vote again for that proposition. I do not believe there is anything in the history of this country, and, so far as my limited investigation has gone, there is nothing in the history of other countries, that would justify this turning to the recall of judges. The judges I have in mind, whose names have come down to us in the history of the world, connected with infamy and held in execration were judges who were subject to recall. Pontius Pilate did not deliver up the Innocent One to be crucified until the mob reminded him that "we are friends of Cæsar."

I do not believe any brighter chapter in the history of this Republic will ever be written than the chapter which tells the story of the judiciary of these United States. [Applause.] I have never yet done it, and I do not believe the day will come when I shall go on the stump or rise in my place on this floor and assail in unmeasured terms the judiciary of this country. And I do not believe, with all due respect to everybody else, that those who do preach to the people the doctrine that our courts are corrupt or that they are subject to improper influences and that their opinions are directed by special interests are serving their country well or are the best friends of liberty. [Applause.]

A few days ago a distinguished gentleman of this country, whose star has recently risen above the horizon, but which in my opinion is destined at no distant date to become the brightest luminary in our political firmament, expressed my views on the subject of the recall of judges so clearly that I will quote

what he says. I read from a speech of Gov. Woodrow Wilson, recently delivered in Kansas City:

The recall is a means of administrative control. If properly regulated and devised, it is a means of restoring to administrative officials what the initiative and referendum restore to legislators, namely, a sense of direct responsibility to the people who choose them.

The recall of judges is another matter. Judges are not lawmakers. They are not administrators. Their duty is not to determine what the law shall be, but to determine what the law is. Their independence, their sense of dignity and of freedom, is of the first consequence to the stability of the State. To apply to them the principle of the recall is to set up the idea that determinations of what the law is must respond to popular impulse and to popular judgment.

It is sufficient that the people should have the power to change the law when they will. It is not necessary that they should directly influence by threat of recall those who merely interpret the law already established. The importance and desirability of the recall as a means of administrative control ought not to be obscured by drawing it into this other and very different field.

Mr. HARDY. Will the gentleman permit me just one question?

Mr. HUMPHREYS of Mississippi. Certainly.

Mr. HARDY. Has the gentleman ever heard anybody denounce the judiciary of this country in unmeasured terms?

Mr. HUMPHREYS of Mississippi. I have.

Mr. HARDY. The whole judiciary?

Mr. HUMPHREYS of Mississippi. They did not except anybody particularly.

Mr. HARDY. The gentleman has heard something I have never heard in my life.

Mr. HUMPHREYS of Mississippi. Well, that is remarkable, but nevertheless true.

Mr. KENDALL. Is the gentleman in favor of appointive judges?

Mr. HUMPHREYS of Mississippi. I am. I think our actions outside of this Chamber frequently speak louder than our words in this Chamber. The proposition was submitted in the State of Mississippi at the State election last November to change from the present system of appointing judges to the system of electing the judges by the people and I voted against the change.

Mr. KENDALL. Did the proposition carry or not?

Mr. HUMPHREYS of Mississippi. That is a very hard question to answer. It got the votes, but the question is whether it is going to be inserted in the constitution. It is claimed by some very good lawyers that it was not submitted as it should have been.

Mr. KENDALL. It got a majority of the votes in favor of the amendment?

Mr. HUMPHREYS of Mississippi. Yes; there was an overwhelming majority of the votes in favor of the amendment, I am sorry to say, and I was left then, as I have frequently been on other occasions, in the minority.

Now, Mr. Chairman, as to this recall of judges. As I understand the argument of the gentlemen on the other side, it is that the fact that the judges may be recalled by popular vote renders this constitution unrepublican in form, and to that proposition I should like to address myself for a few moments.

I do not believe any gentleman will contend that if the recall of officers is permissible, and still the Government be republican in form, that the mere fact of the recall of the judges will render it unrepublican. I believe this to be true, and I think no lawyer here will take issue with me, that if any State in this Union has a constitution which is substantially the form of the constitutions of the original States that then it is republican in form.

The Supreme Court of the United States, in fact, has said this very thing. In Twenty-first Wallace, page 162, in discussing the guaranty clause of the Constitution, the court said:

All the States had governments when the Constitution was adopted. These governments the Constitution did not change. They are accepted precisely as they were, and it is therefore to be presumed that they were such as it was the duty of the States to provide. Thus we have unmistakable evidence of what was republican in form within the meaning of that term as employed in the Constitution.

I shall call your attention very briefly to some of the provisions in the constitutions of the original States on this particular question.

Mr. WARBURTON. I understand the gentleman to say that this side are all opposed to the constitution as provided for Arizona.

Mr. HUMPHREYS of Mississippi. Oh, no; I did not intend to say that. I said the opposition to the constitution of Arizona had come from that side.

Mr. WARBURTON. Personally, I am in favor of admitting her without any further conditions.

Mr. HUMPHREYS of Mississippi. I am glad to hear that, and I understand there are a number of gentlemen on that side who are, but the minority report was submitted, as the gentleman understands, by members of his party, and the speeches that have so far been made in opposition were from that side of the House.

Now, the declaration that "all political power is vested in and derived from the people only" is in the bill of rights of nearly all the States, and I insist, therefore, that if the people have the right to delegate to the legislature the power to recall judges, the people themselves must necessarily have that power, or else they could not have delegated it to the legislature.

When the old articles of confederation were in existence before the "more perfect union" was formed, this provision appeared in them:

ART. 5. For the more convenient management of the general interest of the United States, Delegates shall be annually appointed in such manner as the legislature of each State shall direct, to meet in Congress on the first Monday in November in every year, with a power reserved to each State to recall its Delegates or any of them at any time within the year and to send others in their stead for the remainder of the year.

Thomas Jefferson—and I address this remark to this side of the House particularly—in a draft of a constitution which he prepared for the State of Virginia—and I believe that we will all agree that he would not advocate any government that was not republican in form—submitted a draft in which this provision occurred:

Delegates to Congress shall be appointed by joint ballot of both houses of the assembly for a term not exceeding one year, subject to being recalled within the term by joint vote of both said houses.

Now, I will read provisions from some other States. In Massachusetts the bill of rights and the constitution adopted in 1780 contained this provision:

In order to prevent those who are vested with authority from becoming oppressors, the people have the right at such periods and in such manner as they shall establish by their form of government to cause their public officers—

All of them, not legislative, not executive, not judicial, but all of them—

to cause their public officers to return to private life, and to fill vacant places by certain and regular elections and appointments.

In their constitution, providing for Delegates to Congress, they say that they "may be recalled at any time within a year."

Now, the New Hampshire bill of rights contains this provision:

A frequent recurrence to the fundamental principles of the constitution and a constant adherence to justice, moderation, temperance, industry, frugality, and all the social virtues are indispensably necessary to preserve the blessings of liberty and good government. The people ought therefore to have a particular regard to all those principles in the choice of their officers and representatives; and they have a right to require of their lawgivers and magistrates an exact and constant observance of them in the formation and execution of the laws necessary for the good administration of government.

And accordingly, in article 72 of their constitution, they provide that—

All judicial officers shall hold their offices during good behavior, provided, nevertheless, the governor, with consent of the council, may remove them upon the address of both houses of the legislature.

The constitution of Texas, 1845, article 4, provided that—

The judges of the supreme and district courts shall be removed by the governor on the address of two-thirds of each house of the legislature for willful neglect of duty or other reasonable cause which shall not be sufficient grounds for impeachment.

Now, if the Legislature of Texas could remove the judge for reasonable cause and when his offending did not consist in willful neglect of duty or misbehavior in office, whence came that power? We all agree, and every State in this Union has incorporated that principle in its bill of rights in one form or another, that the people are the source of all political power. Then, if the people can delegate to the legislature the power to recall a judge for reasonable cause which in itself does not constitute a willful neglect of duty or misbehavior in office, and leave to the legislature to determine what is a reasonable cause, by what process of reasoning do you reach the conclusion that the people themselves could not reserve that power and also recall the judge for what to them seemed reasonable cause?

In Maine—and I suppose we will all agree that the same rule applies to the States which have been admitted to the Union since the formation of the Constitution as applied to the original States—in Maine in 1819 they provided that their judges might be recalled by impeachment, and might further be recalled by an address of both houses of the legislature.

Now, in Maryland; I would like to read the reasons given by the people for their action. It is urged that in order that a judge may be independent—and I think they ought to be—that we should have no recall, and that any act which tends to remove that independence renders the constitution unrepublican

in form. Here is what the Maryland people stated in their bill of rights in 1776:

That the independency and uprightness of judges are essential to the impartial administration of justice and a great security to the rights and liberties of the people; whereas the chancellor and judges ought to hold commissions during good behavior; and the said chancellor and judges shall be removed for misbehavior on conviction in a court of law, and may be removed by the governor upon the address of the general assembly: *Provided*, That two-thirds of all the members of each house concur in such address.

Mr. CAMPBELL. Will the gentleman yield right there?

The CHAIRMAN. Does the gentleman from Mississippi yield to the gentleman from Kansas?

Mr. HUMPHREYS of Mississippi. I do.

Mr. CAMPBELL. Does not the gentleman think that where a man is chosen to a position for life, the position taken by the Maryland Assembly was a correct one, and that that rule should not apply where an officer is elected for a short term of years?

Mr. HUMPHREYS of Mississippi. It does apply in various States where the term is for 7, 9, or 15 years.

Mr. CAMPBELL. The term of 9 or 15 years is an unusually long term for one to be elected to office in this country.

Mr. HUMPHREYS of Mississippi. I do not think so. I think the judges, as a rule, hold for as long a term as that. In my own State the supreme court judges hold for nine years.

Mr. CAMPBELL. The average, however, is much less than that in this country.

Mr. HUMPHREYS of Mississippi. But whatever be the theory, my proposition is that the people have the power; and the fact that it was in the constitutions of the States forming the original Union shows that it was not unrepublican, or, as Madison expressed it, it was not antirepublican, and that was the test. It was not that it was unrepublican, but that it was not antirepublican. Now, this same provision goes through the constitutions of a number of the States.

Mr. RAKER. Mr. Chairman, will the gentleman yield?

Mr. HUMPHREYS of Mississippi. Certainly.

Mr. RAKER. After reading the constitution of Massachusetts has the gentleman inquired whether or not the people have seen fit or have had occasion to recall any of their judges, and has not that provision worked well for the last 100 years?

Mr. HUMPHREYS of Mississippi. I understand the provision has worked well, because there has been no change in it.

Mr. RAKER. And therefore the judges are of just as high a class there, and render as good opinions, as anywhere in the world.

Mr. HUMPHREYS of Mississippi. My opinion is, though I am a very humble member of the legal profession, that the opinions of no court in these United States stand higher than the opinions of the courts in the State of Massachusetts, and there they are chosen for life.

Mr. CAMPBELL. The judges are appointed by the governor for life, are they not, in Massachusetts?

Mr. HUMPHREYS of Mississippi. I do not recall just as to that, but the term is for life. Now, I have a number of authorities here giving a definition of a republican form of government, to which I would like to direct the attention of the House, if I may be permitted to proceed.

Mr. UTTER. Mr. Chairman, I understand the gentleman to say that, in his mind, the sole question is the recall. I understand him to say, second, that, so far as the work of Congress is concerned, the sole question is to determine whether the constitution offers a republican form of government, and that he does not consider the recall as contrary to a republican form of government. Therefore, that Congress would not be justified in holding out a State simply because it puts the recall in its constitution. Is that the gentleman's argument?

Mr. HUMPHREYS of Mississippi. Yes. I do not think Congress would be justified; but, of course, I think Congress has the power to keep the State out, because the Constitution says, "New States may be admitted by the Congress into this Union"; and, of course, Congress can admit them or keep them out, just as Congress has kept these States out. Congress is not called upon to give anybody any reason for it, and I do not think any good reason can be given for it in this particular instance, but Congress has the power, and it also has the power to lay down the terms on which the State may be admitted.

Mr. UTTER. One more question. If Congress admits this State with a recall, does it therefore practically approve of the recall?

Mr. HUMPHREYS of Mississippi. Oh, I think not. I am in favor of admitting this State with the recall, but I do not think there is a gentleman on this floor who is more opposed to the recall of judges than I am. I think, however, that is a matter that ought to be left to the people of Arizona, to let them work out their own salvation.

Mr. UTTER. And that we have no right to say with whom we shall travel. In other words, as in the case of a woman who marries a man to reform him, whether he needs reform afterwards or not, she has nothing to say about it. If we accept a State which has a provision in its constitution that we believe is against the common good we thereby approve it, whereas now is our time to say whether or not we shall approve it.

Mr. HUMPHREYS of Mississippi. Oh, I take it that the gentleman does not approve all of the constitutions of all of the States of this Union, does he?

Mr. UTTER. Oh, certainly not. But when the States come in Congress ought to approve of their constitutions.

Mr. HUMPHREYS of Mississippi. Why, the obligation on Congress is to guarantee that their forms of government shall be republican after they are in. Now, the objection which the gentleman offers, as I understand, is not that this is unrepublican in form but that it is undesirable.

Mr. UTTER. Undesirable?

Mr. HUMPHREYS of Mississippi. The gentleman believes it is republican in form?

Mr. UTTER. I certainly do. I think the power lies in the people to do that if they wish.

Mr. HUMPHREYS of Mississippi. Then I submit, if it is republican in form, it is none of the business of Congress to attempt to change it for this reason, that as soon as they come in the State will have the power to change it back again. The gentleman in that way will not get rid of the association of an evil State or an evil community. He will still have to associate on terms of absolute equality with the State of Arizona after it comes in if the government is republican in form.

Why, the Supreme Court has decided that on many occasions. In one instance, by a solemn treaty the Government had made with the Indians, the Indians, under the treaty, had a right to go on unoccupied land of the United States and hunt. In Wyoming, after the State was admitted into the Union, the legislature enacted a law prohibiting the Indians from hunting on those unoccupied lands of the United States, and they appealed to the Supreme Court of the United States, and the court stated in that case (Ward *v.* Race Horse) that the State had full power to enact such legislation, and that there is no such thing as inequality among the States in this Union; that we could have no Union here except upon the theory that all the States stood upon a full equality.

Mr. UTTER. I think I understand the gentleman's position exactly, and that is why I asked, because that is where he differs from myself. His position is this: If in his mind the form of constitution is republican, he is not justified in going further. Now, the position I take is that while I admit that form may be republican, still as representing the Congress and therefore representing the other States that join with those States, we have the right to demand something else besides that.

Mr. HUMPHREYS of Mississippi. Now, I have the language of the Supreme Court of the United States in the case, and I will read the language of the court to show the utter futility of any such——

Mr. WILLIS. I want to suggest that the gentleman give the number of the case. I am very much interested in the argument the gentleman is making, and I think it is absolutely correct. What is the case?

Mr. HUMPHREYS of Mississippi.. The case I was about to read is that of Bolln against Nebraska. It is United States Supreme Court Report 176. Now, the court in that case held this:

This court has held in many cases that whatever be the limitations upon the power of a Territorial government they cease to have any operative force except as voluntarily adopted after such Territory has become a State of the Union. Upon the admission of a State it becomes entitled to and possesses all the rights of dominion and sovereignty which belonged to the original States and stands upon an equal footing with the original States in all respects, and, again, not only did Congress declare that Nebraska was admitted upon an equal footing with the original States, but the whole Federal system is based upon the fundamental principle of the equality of the States under the Constitution. The idea that one State is debarred while the others are granted the privilege of amending their organic laws to conform to the wishes of their inhabitants is so repugnant to the theory of their equality under the Constitution that it can not be entertained even if Congress had power to make such discrimination.

Mr. HAMILTON of Michigan. May I suggest to my friend that there is some limitation to it after all.

Mr. HUMPHREYS of Mississippi. Yes; there is a limitation.

Mr. HAMILTON of Michigan. Suppose here is a sovereign State. Its constitution is republican in form when it is admitted. After it is admitted, being a sovereign State, an amendment to the constitution is voted upon by the people which makes its constitution unrepublican in form. Then I think the gentleman will agree with me that the Federal Government has the right to say that practically a revolutionary condition exists.

Mr. HUMPHREYS of Mississippi. The theory I was proceeding upon was the statement of the gentleman from Rhode Island [Mr. UTTER] that he believed it was not unrepublican in form. Now, if it is unrepublican in form, then the constitution of Oregon is unrepublican in form, and the obligation which rests upon Congress is not simply to refuse to admit a State where the government provided is not republican in form, but that obligation continues. The words of the Constitution are, "That we guarantee to each State," and it is not the province of the guarantor to create, as Mr. Tucker says in his work on the Constitution, to create—I will read that section. I think it is very interesting.

Mr. HAMILTON of Michigan. But it is a continuing duty.

Mr. HUMPHREYS of Mississippi. It is. It is none of our business to create these governments.

I read from Tucker on the Constitution, 638, as follows:

The word "guarantee" does not mean to form, to establish, to create; it means to warrant, to secure, to protect the State—that is, the body politic—in its right to have a republican form of government. It defends the people against the interference of any foreign power or of any intestine conspiracy against its right as a body politic to establish for itself republican forms of government. To allow the guarantor to take the initiative—

This in answer to the gentleman from Rhode Island—

to allow the guarantor to take the initiative, and, under the pretext of duty as its guarantor—

And we have no other duty—

to impose a form of government upon the people of a State, would *make this clause*, intended for protection, an excuse for destructive invasion.

That is the position I take exactly.

Mr. UTTER. Will the gentleman permit me?

Mr. HUMPHREYS of Mississippi. Certainly.

Mr. UTTER. There is only one question, which is as to the power of Congress to say on other matters than the unrepublican feature. You take the position that it is only the unrepublican features, as I understand; but it seems to me Congress has not only the duty of saying that, but it has the duty of saying in regard to other things in the constitution.

Mr. HUMPHREYS of Mississippi. The gentleman and I differ radically in regard to that.

Mr. UTTER. We differ. That is all.

Mr. J. M. C. SMITH. I would like to inquire, for information: In a number of the States the constitution provides for the recall of some of the State officers, and I would like to inquire if the constitution is any more unrepublican in form that provides for the recall of judges than one that provides for the recall of other State officers?

Mr. HUMPHREYS of Mississippi. There is no distinction, in my opinion, so far as the power of the people to recall their officers goes. The judge is a very high officer, the one who has to stand between the State, frequently, and the citizen; between the rich and the powerful on the one hand and the poor and the helpless on the other. He is the highest functionary of government. But, nevertheless, the judge is an officer of the law. And if a State has the power to recall its officers and remain republican in form, that power extends to the judges as well as to all other branches.

Now, Mr. Chairman, I hope I may be permitted to conclude my remarks without further interruption. I am anxious to present my views on the question as to what is a republican form of government, as contemplated by the framers of the Constitution.

In the frame of the Constitution which Mr. Randolph submitted to the Constitutional Convention the clause, which is *now section* 4 of Article IV of the Constitution, was:

That a republican constitution and its existing laws ought to be guaranteed to each State by the United States.

In Madison's journal the following colloquy appears, which I think will be very interesting in the present discussion:

Mr. Gouverneur Morris thought the resolution very objectionable. He should be very unwilling that such laws as exist in Rhode Island should be guaranteed.

Mr. WILSON. The object is merely to secure the States against dangerous commotions, insurrections, and rebellions.

Mr. RANDOLPH. The resolution has two objects—first, to secure a republican government; secondly, to suppress domestic commotions.

He urged the necessity of both these provisions.

Mr. Madison moved to substitute "that the constitutional authority of the States shall be guaranteed respectively against domestic as well as foreign violence. * * *"

Mr. Wilson moved as a better expression of the idea "that a republican form of government shall be guaranteed to each State, and that each State shall be protected against foreign and domestic violence."

This seeming to be well received, Mr. Madison and Mr. Randolph withdrew their propositions, and on the question for agreeing to Mr. Wilson's motion it passed, nem. con.

Adjourned.

Why was this provision included in the Constitution? Madison said, in his letter to the people of New York in the Forty-third Federalist, that the purpose of it was to protect "the system from aristocratic and monarchical innovations," and I believe the history of the struggle which had ended at Yorktown will justify no other conclusion. As stated by him, the experiences of all other people who had gone that way before them taught that in a republican confederacy it was essential that the elements which composed it should also be republican, and in addition to this, all the States were weak.

Virginia, the largest of them all, had only some 700,000 population. They had fought through seven years of the Revolution to establish their independence, and success had come then only through the kindly offices of another great power; and so it was as natural as it was necessary that each of the States should insist that all of the States should bind themselves to guarantee to each the enjoyment of the right for which they had so long struggled, the right to live under a republican form of government.

Since that day many great statesmen have undertaken to give a definition of the words "republican form of government." One of the greatest lawyers who held a seat in that convention of great men was James Wilson, of Pennsylvania, and it was he who wrote the article as it was finally agreed upon by the convention. Subsequently he became a judge of the Supreme Court of the United States, and in the famous case of Chisolm against Georgia, reported in Second Dallas, he gave what he thought was a correct definition. At page 457 he says:

As a citizen I know the constitution of that State to be republican, and my short definition of such a government is one constructed on this principle, "that the supreme power resides in the body of the people."

If this definition be the correct one, certainly no one will contend that the people of Arizona have gone beyond the limits set by the Constitution when they retain to themselves the right, to use the expression in the Massachusetts bill of rights, "to cause their public officers to return to private life at such periods and in such manner as they shall establish."

Madison said that the only restriction imposed on the States is that they shall not exchange republican for antirepublican constitutions.

There is just one other matter to which I will allude, and that is the provision in this resolution which repeals so much of the enabling act as requires the people of New Mexico to put into their constitution that no person may be eligible to hold a State office or to become a member of the legislature who can not speak the English language. This was a plain, direct, and, in my opinion, unwarranted attack on the Spanish-American citizens of New Mexico, whose patriotism and whose loyalty has never been found wanting in times of great public distress. They furnished more soldiers to the Union Army in proportion to their numbers than any State west of the Mississippi River. They have filled offices of trust and responsibility in the Territory ever since its organization, and they were guaranteed by the treaty of Guadalupe Hidalgo, by the proclamation of Gen. Kearny, by the treaty of Gadsden, by the compact with Texas, and by the organic act of 1850 that they should enjoy forever all the rights of American citizens. Section 6 of that organic act expressly states:

The qualifications for voting and holding office shall be such as shall be prescribed by the legislative assembly—

and since that day down to this no attempt has ever been made to deny them the rights which had been so sacredly guaranteed, and this requirement of the enabling act is just one more evidence of the tendency of the Republican Party to discriminate against these people.

This resolution removes this proscription, and I have no hesitancy in saying that there is no warrant anywhere in the Constitution for Congress to regulate, prescribe, or in any way interfere with the elective franchise in any State, so long as the right to vote is neither denied nor abridged on account of race, color, or previous condition of servitude.

In addition to this it is an utterly useless as well as a thoroughly impudent proceeding, because as soon as New Mexico is admitted as a State she can strike out of her constitution this provision which you forced her to put into it, and Congress will have no power whatever to interfere. This question is too well settled in the books to admit of any controversy. In Bolln *v.* Nebraska the Supreme Court of the United States declared:

This court has held in many cases that whatever be the limitations upon the power of a Territorial government they cease to have any operative force except as voluntarily adopted after such Territory has become a State of the Union. Upon the admission of a State it becomes entitled to and possesses all the rights of dominion and sovereignty which belonged to the original States, and stands upon an equal footing with the original States in all respects; and again, not only did Congress declare that Nebraska was admitted upon an equal footing with the original States, but the whole Federal system is based upon the fundamental principle of the equality of the States under the Constitution.

The idea that one State is debarred, while the others are granted, the privilege of amending their organic laws to conform to the wishes of their inhabitants is so repugnant to the theory of their equality under the Constitution that it can not be entertained, even if Congress had power to make such discrimination.

And again, in Escanaba *v.* Chicago (107 U. S.) the court holds:

Although the act enabling the people of Illinois Territory to form a constitution and State government and the resolution of Congress declaring the admission of the State into the Union refers to the principles of the ordinance according to which the constitution was to be formed, its provisions could not control the authority and powers of the State after her admission. Whatever the limitations upon her powers as a Government whilst in a Territorial condition, whether from the ordinance of 1787 or the legislation of Congress, it ceased to have any operative force, except as voluntarily adopted by her after she became a State of the Union. On her admission she at once became entitled to and possessed of all the rights of dominion and sovereignty which belonged to the original States. She was admitted and could be admitted only on the same footing with them. The language of the resolution admitting her is "on an equal footing with the original States in all respects whatever." Equality of constitutional right and power is the condition of all the States of the Union, old and new.

And now, Mr. Chairman, in conclusion let me express the hope that this resolution will be agreed to, and that the old doctrine which has been the cardinal principle of the Democratic Party from its foundation, the right of local self-government, may again be asserted as the guiding principle still, and that it shall not be written that our party, which has always been the party of the people, has refused to accept this, perhaps the last star that will ever go upon the flag, because the people of Arizona have in their constitution manifested an overconfidence in the people. [Loud applause.]

Mr. FLOOD of Virginia. Mr. Chairman, I yield one hour to the gentleman from Missouri [Mr. BOOHER]. [Applause.]

Mr. BOOHER. Mr. Chairman, I believe this is the first time in four years of service in this House that I have asked the attention of the House upon any question for any considerable length of time. I only do so now because I believe that every Missourian, whether to the manner born or by adoption, has a peculiar interest in the admission of Arizona and New Mexico as States into this Union. It was the bravery and valor of Missourians that gave to this Union the Territories of New Mexico and Arizona. It was the word and honor of Missourians that promised to the people of that Territory in 1846 a republican form of government. And I stand here to urge the American Congress to carry out the promises that have been given time and time again to the people of those Territories that they may come into this Union as States with equal representation and the rights of every other State. [Applause.] I appeal to my colleagues upon the other side of this Chamber from the State of Missouri to join with me and to join with this side of the Chamber in granting to these two Territories the rights that your people and my people in 1846 promised them they should have. [Applause.]

We not only promised it then, but in the treaty of 1848, the treaty, as it is called, of Guadalupe Hidalgo, we guaranteed not only that these Territories should become a part of the United States, but we guaranteed that they should become States of this Union as soon as the Congress of the United States should admit them, and we guaranteed that they should come here with the same standing, with the same rights as every other Territory that has been admitted to the Union of States. Ever since 1846 these Territories have been knocking at the door of this Congress for admission into the Union, and they have been denied.

During the remarks of my friend from Mississippi [Mr. HUMPHREYS], the distinguished ex-Speaker of this House [Mr. CANNON] wanted to know why the Democratic Party, when in control of the Government from 1893 to 1895, had not admitted these Territories into the Union. I want to ask my distinguished friend why it was that the Republican Party during all its long years of power did not admit these Territories as States into the Union? Does he think that the Democratic Party, in the brief period of two years, could remedy all the wrongs that the Republican Party in all its years of power has fastened upon the people of this country? Give us a little time and we will remedy, not only your sins of commission, but your sins of omission as well. [Applause on the Democratic side.]

Mr. Chairman, I want to go back a little while to the war between the United States and Mexico. You are all familiar with the history of that war. Where did we get New Mexico and Arizona and part of Colorado? They were one Territory at the time, under the Mexican Government. Who captured New Mexico and Arizona? Every man who was in the Army of the United States that gave New Mexico and Arizona and part of Colorado to this Union was a Missourian. All those men were Missouri soldiers, every single one of them. [Applause.] They were recruited from among the yeomanry of Missouri.

Mr. Chairman, you will pardon me if I take some time to go over this. In the year 1846 the first regiment of mounted volunteers was organized in Missouri. Its members were recruited from the people of Missouri. One thousand strong, they left the city of Independence, Mo., and rendezvoused at Fort Leavenworth, now in the State of Kansas. At that place they halted and were mustered into the service of the United States under Gen. Kearny. They elected their officers, and I think I can appeal to every Missourian when I say to you that the men who were elected officers of that regiment had all enlisted as privates. A. W. Doniphan was elected colonel, defeating a graduate of West Point. Maj. Gilpin, a graduate of West Point, was made a major of the regiment; and so on through the whole organization. Every man who held a commission in that regiment of 1,000 men had enlisted as a private soldier in the cause of his country.

They left Fort Leavenworth in June, 1846, under the lead of Gen. Kearny. He had an army—a great little army it was—of 1,685 men, as I now recollect the number. They started on their long march to Santa Fe, then in the complete control of the Mexicans. They started across the sand of the Great American Desert, as it was then called, which Daniel Webster said was not worth spending a single dollar of American money to put into the United States. Yet to-day this Great American Desert comprises the States of Colorado, Nebraska, and Kansas and the Territories of New Mexico and Arizona, that are knocking at the doors of this Congress and asking for admission into the Union of States.

This gallant army started on its march. Where? Across 900 miles of sand and desert for Santa Fe. They arrived there in less than 50 days, and the Mexican Army surrendered to them. What did the American officers do at that time? I have here the proclamation that Gen. Kearny issued to the people of New Mexico. He promised the New Mexican people that they should be admitted as States into this Union as soon as Congress could act upon their petitions. He promised that they should have all the rights and all the privileges of any other Territory that had ever been annexed to the United States. And ever since that time the Congress of the United States, whether it has been Democratic or Republican, has denied to these people the right to come into the Union of States.

Why ask the question now, Why did not this or that party do something when in control of the Government? This is too grave and important a matter to a half million American citizens for this great House of Representatives to haggle over for a moment more. Last Congress this House unanimously voted to admit New Mexico, but the bill failed in the Senate. Let us now, with equal unanimity pass this bill admitting both Territories and let the Senate assume the responsibility, if it cares to, of again defeating the bill.

Gentlemen, I want to say to you that I do not care whether the people of Arizona and New Mexico are Democrats or Republicans. I believe they are entitled to admission as States. I believe they are entitled to come into this Union upon the constitutions that their people have written, and it makes no difference to you or me whether we agree with them upon the things they have put into their constitutions so long as they comply with the conditions of the enabling act.

I was very sorry on yesterday to hear my friend from Ohio [Mr. WILLIS] inject any politics into this discussion. I am going to reply to him after awhile. I am standing here and urging you to admit these States into the Union, because I believe they are entitled to admission, and for the further reason that Missourians in 1846 promised the people of these Territories that they should be admitted into the Union as States, with all the rights possessed by other States of the Union. I want to see that promise kept.

In 1846 Santa Fe surrendered to Col. Doniphan and Gen. Kearny, who bore a commission from one of the greatest Democrats that ever lived in this country and one of the greatest patriots the country has ever seen, William L. Marcy, Secretary of War; and he promised the people of New Mexico that they should come into this Union as a State just as soon as Congress could provide the way for them to get in. At that time they had 160,000 people, but ever since that time the way has been barred. Why have they not been admitted? I am not here to say why; but the fact remains that they have not been admitted, and now they stand here as two separate States asking at the hands of the people's Representatives that they be admitted as States into the Union, and I appeal to the Republican side of this House to state any good reason why they should not be admitted. I intend to ask, before I conclude, permission to print in the RECORD the proclamation issued by Gen.

Kearny and the treaty of Guadalupe Hidalgo, so that the people of this country may see just exactly how the American people, whether the Congress has been Democratic or Republican, have treated the people of these Territories ever since 1846.

What do I care for the recall? If the people of Arizona want the recall, they are entitled to it. That is my view upon this question. [Applause on the Democratic side.]

When the question of the initiative and referendum was submitted to the people of my State I voted against it; but a majority of the people of the grand old State of Missouri declared in favor of the initiative and referendum, and they are entitled to it. I believe in the rule of the majority every time. [Applause on the Democratic side.] Do our Republican friends say that because Arizona has incorporated into her constitution the proposition of the recall of judges that it makes that constitution unrepublican in form, contrary to the principles of the Declaration of Independence and the Constitution of the United States? No; not a single voice has declared that; but they say it is dangerous to admit a Territory with that kind of a law. How dangerous is it? Gentlemen, this is a country in which the people rule. This is the people's Government. Talk about the people reaching out and grasping for power! Let me say to you that the people in this Government do not have to reach out and grasp for power. They have the power already. [Applause on the Democratic side.] They have not surrendered one single bit of power to the National Government.

Oh, but the recall must not apply to judges. Who creates courts and elects judges? The people, of course. Since when, then, has the creature become stronger and greater than the creator. The power that makes can certainly be trusted to unmake, change, or alter their work.

Mr. KENDALL. One of the gentleman's colleagues the other day was expressing considerable apprehension if certain powers should be conferred upon the people. What does the gentleman have to say in that connection?

Mr. BOOHER. I am not here to answer for the apprehensions of any other gentleman. I am speaking my own views.

Mr. KENDALL. I understand the gentleman to hold that the power is resident in the people in the first instance.

Mr. BOOHER. Yes; and always abides with them.

Mr. KENDALL. And that we have no power except what we acquire from them?

Mr. BOOHER. If the gentleman will tell me what he means, I can answer his question.

Mr. KENDALL. I mean this: If the gentleman will permit me to make a little statement.

Mr. BOOHER. Certainly.

Mr. KENDALL. I have heard considerable anxiety expressed here that the people might tear down this great fabric of government, might profane the temple of government, might do a great variety of other rather unseemly things if they had the power.

I gather from the gentleman's remarks that he is not afraid to trust the people to do anything they may think for their best interest.

Mr. BOOHER. Not at all.

Mr. KENDALL. I am a Republican, and neither am I afraid to trust them. [Applause.]

Mr. BOOHER. Good! the gentleman is a better patriot than a Republican. I want to say that I would rather trust the great body of the American people than any body of men that the great American people by their votes have clothed with power. [Applause.]

The American people may make mistakes; they may put men in high places that are not worthy, but if you will give them an opportunity to remedy the wrong they will do it the first time the opportunity is presented.

Why, I heard yesterday the argument of my friend from California [Mr. KAHN], and also my other friend from California [Mr. KNOWLAND], and the whole theory of their argument was that it would be dangerous to admit the Territory of Arizona into the Union because of the provision for the recall of judges in the constitution of the new State. And yet it developed on a question asked by my friend from California [Mr. RAKER] that these two gentlemen themselves at the last election in California voted for candidates standing on a platform that pledged the Republican Party of California to pass the initiative, referendum, and recall, and that there was no qualification so far as judges were concerned. [Applause on the Democratic side.] If a good thing for California, why deny it to Arizona?

Gentlemen of the committee, I do not know why a judge is a sacred person. I know two Federal judges to-day that if I had the power to recall them I would vote to do it, and 90 per cent of the voters in Missouri, Kansas, and Nebraska would join me. [Applause.]

Mr. WARBURTON. Will the gentleman yield?

Mr. BOOHER. I will.

Mr. WARBURTON. Would the gentleman be in favor of the resolution of the gentleman from Wisconsin pending in this House for recalling United States Senators?

Mr. BOOHER. I want to say to the gentleman that with this hot weather and the dilatory performance in that body at the other end of the Capitol I am inclined to think that I would vote for it, but I am afraid the Senate would not pass it. [Laughter.] However, I want to say to my friend that I am not in favor of the recall proposition for any officer.

Mr. SLOAN. Will the gentleman yield to me?

Mr. BOOHER. Yes.

Mr. SLOAN. Before the gentleman commits Nebraska to the recall of the judges, I would like to ask him to state whether he refers to Federal judges or supreme judges.

Mr. BOOHER. I said Federal judges, and that only applies to two of them and not to the whole. The gentleman knows to whom I refer very well.

Now, Mr. Chairman, is it a good objection to the admission of Arizona into the Union because they have the recall of judges? Let me say to you that more crimes have been perpetrated against the liberty and lives of the people of this world by judges of courts than were ever perpetrated by the people themselves? Who was the bloody Jeffreys? Was not he the judge of a court? Who condemned the Savior and sent Him to the cross? Was it not a judge?

Mr. SLOAN. They turned it back to the people.

Mr. BOOHER. They turned it back to the rabble that did not represent the people.

Mr. SLOAN. That was the first recall of which we have any history.

Mr. BOOHER. The gentleman ought to read sacred history before he says it was turned back to the people. It was a rabble and not the people of Galilee who believed in His teachings. [Applause.]

Mr. SLOAN. The majority of the people of Galilee did not believe in His teachings.

Mr. BOOHER. The majority believed in Him, but the rabble who got Him in the Garden of Gethsemane did not believe in Him, and they were the fellows, they were the rabble, that had Him. If it had been left to the people of Galilee, Christ would never have been crucified. But suppose my friend is right, was it not a judge that turned the Savior over to the rabble? It was not the recall, it was the cowardice of a judge.

Who condemned Charlotte Corday to the guillotine? Was it the people? Oh, no; it was the judge of a court. Who sent Robert Emmet to the gallows? A court. Who sent the witches in Massachusetts to the stake? Was it the people? Oh, no; it was a judge every time. Who sent hundreds, aye thousands, to the guillotine during the French Revolution? Judges, of course.

Let me tell you that I believe the liberties of this country are safer in the hands of the people wherever they may be found and wherever they may be, safer in the hands of the people who believe in the Constitution and laws of this country, than they are in any organization, whether judicial or any other, that the people themselves have created. [Applause.] Do you believe it? I believe in a judiciary. My friends on this side of the Chamber are constantly addressing me as "Judge." I do not know why they do it. I never was a judge of anything on earth except a horse race, and I was said to be a very good one. [Laughter and applause.] I love and respect the courts. I have helped elect many a man to the supreme bench of the State of Missouri. There never has been one placed there, either with my vote or without it, that I would help to remove. While the majority of the supreme court of the State of Missouri to-day are Republicans I have the utmost confidence in their fairness, their ability, and their integrity. [Applause.] The people of my State would not vote to-day to recall a single one of those judges. We may not always agree with the decisions they render, but we have the utmost confidence in their ability, in their sincerity, and in their honesty of purpose.

My friend from Missouri [Mr. DYER] yesterday said that Missouri had been a Republican State for the last 12 years. Well, there has been a rocking of the old Democratic ship, and I am mighty sorry for it; but I want to say to my friend that when the first signs appeared in the heavens that Missouri was rocking the people began to desert her, and instead of increasing in population, in the strides she had taken before she commenced rocking, she has been decreasing in population, so that in the last 10 years the grand old State increased only 6 per cent.

Mr. SLOAN. Oh, that is just race suicide down there.

Mr. BOOHER. No, no. We do not practice it out there. The small increase in the State has been principally in the county

of St. Louis and in the city of St. Louis. All the great agricultural counties throughout the State have been losing in population. I do not say it is because she shows signs of leaving her political moorings, but if I were to apply the same reasoning as you apply I would say it was because she showed signs of becoming Republican, because you claim that the blessings of prosperity everywhere throughout this broad land of ours is because the Republican Party is in power.

Mr. DYER. I would like to ask the gentleman if the decrease in the population is not, in his opinion, because they have been sending so many missionaries out to other States and other countries, particularly New Mexico and Arizona, there to establish a civilization?

Mr. BOOHER. Oh, yes; the people are seeking homes where land is cheaper.

Mr. RUSSELL. I would like to ask my friend from Missouri if he does not remember the fact that the best part of the State of Missouri, the district that I represent, increased 45,000 in population in the last 10 years?

Mr. BOOHER. Yes; so far as the increase of population is concerned, I think that is true, and that was because they expected my friend to come to Congress; they wanted him here. But, Mr. Chairman, I want to say that I represent six counties that comprise the best agricultural country on the face of the earth. I am not overstating it when I say to you that that portion of the grand old State of Missouri, known as the "Platte purchase," has within her borders six counties, the wealthiest agricultural country on the face of this earth. You may build a wall around those six counties and to-day they could supply themselves with everything that is necessary for their comfort and convenience. It is an agricultural country that I wish every Republican in this Chamber could see. Why, you would not live in Maine or Michigan or anywhere else except northwestern Missouri if you could see that country just once.

Mr. HAMILTON of Michigan. I judge from the gentleman's description that it is very much like Michigan.

Mr. BOOHER. Yes; very much like Michigan; but very much better.

Mr. SLOAN. The gentleman remarked that there is a drift to the city, and I think he represents the district which contains the city of St. Joseph. Has there been a very large drift from the country to St. Joseph during the last two or three decades?

Mr. BOOHER. I am glad my friend asked me that question. If my friend had been in Congress at the last session he would know how earnestly I strove to have a nonpolitical census of this country taken; how earnestly I asked that the census enumerators be appointed irrespective of party affiliations; and how I met the unanimous opposition of that side of the Chamber.

In the census of 1900 I am here to say the census rolls of the city of St. Joseph were outrageously padded. The taking of that census was done by Republican enumerators and supervised by a Republican supervisor, and they padded the census 25,000 names, and when the census was taken this time, instead of equaling the census of 1900 with a census of 103,000, there was, in round numbers, about 89,000. I do not know whether the census this time was an honest one or not, but I do know the one of 1900 was an outrageous, infamous proceeding, engineered and conducted by Republicans, and if the last census shows St. Joseph has lost population, let me say to my friend from Nebraska that, as a matter of fact, St. Joseph since 1900 has increased 20,000 in population, although the census shows she lost as I have stated.

Mr. SIMS. Will the gentleman allow me a question?

Mr. BOOHER. Certainly.

Mr. SIMS. In view of the magnificent agricultural character of the gentleman's district, I want to know if they are very much alarmed over the prospect of Canadian reciprocity ruining them?

Mr. BOOHER. I have had a great many letters from the farmers and business men of my district. Now, I want to say, first, that in my district is the fourth largest cattle market in the world. The first is Chicago, then Kansas City, Omaha, and St. Joseph. Out of the numerous letters I have received in relation to Canadian reciprocity there are but two that express any doubt as to the benefit our people will receive from Canadian reciprocity. The people of Missouri do not believe that 7,500,000 Canadians can produce anything that can injuriously affect the production of 92,000,000 Americans. [Applause on the Democratic side.]

The distinguished ex-Speaker of this House remarked on yesterday that I had voted to admit New Mexico in the last Congress. I did. I am going to vote to admit New Mexico now, and if you gentlemen succeed in defeating the majority report I will vote for the minority report without the dotting of an "i" or the crossing of a "t."

Now, what is the objection to the Arizona constitution? The recall of the judges. They say the President objects to it. I have not seen any official objection having been made. What do you know about what the President's objection is? I wish the President of the United States would show the same courage that the gentleman from South Carolina [Mr. LEGARE] showed and the two gentlemen from California [Mr. KAHN and Mr. KNOWLAND], so that we might know from a public expression from him exactly what his objections are to the admission of Arizona as a State of the Union. Why, some gentlemen upon the other side have said that we can not trust the people; but do you forget this is a Government of the people, for the people, and by the people; and if that is true what difference does it make to you and me what the people of Arizona want so long as it comes within the definition of a republican form of government? What kind of a Government have we here? Let me read a few of the expressions of some of the men who formed this Government. But before I read that I want to say to you again I absolutely believe in the people of this country. I have worked with the people of this country; I have worked with them in the harvest fields; I have worked with them upon the highways; I have worked with them driving stock across the prairies before the railroads came into the part of the country where I lived, and I learned to love and respect the American people, and that love and respect has never left me. [Applause on the Democratic side.] I believe the American people can be trusted, and whenever they want a thing, however much I may disagree with them, I want to say to my good friend from Michigan [Mr. HAMILTON], I believe in letting them have it; and if it is wrong trust the people; they will remedy it and they will do right every time. But they say the judge may become unpopular and the people remove him. Some gentlemen say that President Cleveland would have been removed as President. There is no foundation for the statement. There never was a time when 25 per cent of the people of this country would have signed a petition to remove President Cleveland or to have removed President Lincoln or Washington or Roosevelt or anybody else. However much the people may disagree in their ideas of government the great body of the American people believe that every man has a right to his own opinions and has the right to express them.

I wish to God there were more men in office in this country to-day who had the nerve and courage of Grover Cleveland, so that the American people might know what their views were on great national questions. [Applause on the Democratic side.]

Mr. MOORE of Pennsylvania. Mr. Chairman——

The CHAIRMAN. Will the gentleman from Missouri yield to the gentleman from Pennsylvania?

Mr. BOOHER. I will.

Mr. MOORE of Pennsylvania. The gentleman has taken up the cause of the people very interestingly, and I agree with everything, I think, that he has said, so far as the people are concerned; but since we hear so much about the people in this Chamber and the people are constantly referred to as distinguished from somebody else, I am going to ask the gentleman if he will now define the term "people," in order that we may know, if he pleases to tell us, the difference between the people and that other portion of the community which does not seem to be embodied in the term?

Mr. BOOHER. Well, the word "people" is a very elastic one. The gentleman might apply to it any definition he pleases. I use it in its broadest sense. But I am very sorry to say that the American people have not been represented on that side of the Chamber for 16 years. [Applause on the Democratic side.]

Mr. MOORE of Pennsylvania. The gentleman pays a very high compliment to those people with whom he has been in converse for so many years, with whom he has traveled over the plains and on the farm, and I would ask the gentleman whether he distinguishes that class of people from the other great masses of people who live in urban centers, who work in the mills, who delve, and thrive, and prosper, and succeed, and help build up this country, just as does the man upon the farm and the man upon the plain? Is there any desire to distinguish as between these two classes?

Mr. BOOHER. There is no distinction between American citizens wherever you find them. The American citizen always loves his country; he always loves his flag; he is always in sympathy with the Government of his people and will follow the flag to death if need be. He has been wrongfully taught in the gentleman's part of the country. He has been taught to believe that the people are only those who represent some one great interest or industry in this country, and they send gentlemen to Congress with that idea.

Mr. MOORE of Pennsylvania. The gentleman would not care to throw out of his political economy that great body of people who take the products of the farm and make the

farm profitable for the farmer by utilizing and consuming the products he has to sell?

Mr. BOOHER. Oh, no.

Mr. MOORE of Pennsylvania. Then, may I ask the gentleman if he concedes there is some virtue in the man who does not live upon the farm, but who, in the city, takes the farmer's products, and when he refers to "the people," will he also include the man in the city who is doing his share toward the common welfare and prosperity?

Mr. BOOHER. I certainly include that great body of the American people in the word "people." It is a very broad term. I am willing to trust the people, whether they live in the city, laboring in manufacturing industries, or whether they labor on the farm or in the counting room or any other place.

Mr. MOORE of Pennsylvania. Then we all have a right to the term "people"?

Mr. BOOHER. Certainly; we all have a right to it; and I embrace in that distinction all the people in this country, because I believe they are patriotic and we can trust them. Does the gentleman remember the days from 1861 to 1865?

Mr. MOORE of Pennsylvania. I personally can not remember them.

A MEMBER. The gentleman was in the infantry then.

Mr. BOOHER. I have a brother lying in the cemetery at Hampton Roads. I remember the days of 1861 to 1865. I remember that in the section of the country where I lived the people sprung to the defense of the Union, every one of them. [Applause.] I remember another section of my country where, with an equal degree of patriotism, the people rose en masse and supported what they believed to be right. [Applause.] They fought it out, and they all belong to the great body of the American people now, and we need have no fear of them.

Mr. MOORE of Pennsylvania. There is no difference between those people to-day. We are all under one flag, if the gentleman will permit, and we are all working together, I hope, for the common welfare.

Mr. BOOHER. I hope so. Yes; we are all working together for the common welfare, and every man who is imbued with the proper American spirit is in favor of admitting Arizona and New Mexico into this Union at once, whether he occupies a seat in the White House or in the Congress of the United States. [Applause.]

Mr. SLOAN. Will the gentleman yield for a question?

Mr. BOOHER. Yes.

Mr. SLOAN. You have stated that that side of the House did not represent the people, or were not the people now, as they had been transferred to the other side of the House. You said that the people had been transferred to that side of the House.

Mr. BOOHER. I said that the trusts and combinations had been represented on that side of the House for the last 16 years, and the people were now represented by this side.

Mr. SLOAN. Six hundred thousand more of the American electorate voted against that side of this House last year than voted for it.

Mr. BOOHER. The gentleman has his figures mixed, the same as the gentleman from Ohio. [Laughter.]

Mr. SLOAN. I say that 600,000 more among the American electorate voted against that side of this House than voted for it last fall.

Mr. BOOHER. I do not know where the gentleman gets his figures, but I do know that the majority is on this side of the House, and we propose to legislate whether our legislation suits you gentlemen or not. [Applause on the Democratic side.]

Mr. SLOAN. You have a plurality on that side of the House, but not a majority.

Mr. BOOHER. No; because you count along with yourselves the Socialists and the Prohibitionists. [Laughter and applause.] You may take all the rest who voted against the Democracy and then you have but a bare majority of the 92,000,000 of our people. Count all who voted against your party at the election and there would be a majority of more than a million against you.

Now, Mr. Chairman, I said I was going to read something from the fathers who founded the Government, and then gentlemen can go out and say the people can not be trusted if they want to. Here is what John Witherspoon had to say about this Government of ours:

> Congress, popularly speaking, is the representative of the great body of the people of the United States.

We are the representatives, the agents, of the people of the United States. We are not their masters. There is not a man in this House that is the master of the situation in his own district. When he goes home and comes up for reelection two years from now, the people will judge whether he has been faithful or not. If he has not been faithful, the votes of the people will relegate him to the rear, and his place here will be filled by somebody who will meet the views of the people on these questions; that is the recall I favor. Let me read a little further. Here is what Mr. Charles Pinckney, of South Carolina, says, and I want to call Mr. LEGARE'S attention to this:

> There is no reaching out for power.

This is from Charles Pinckney, one of the signers of the Declaration of Independence. He did not think the people were reaching out for power. He said:

> Our Government should be made suitable to the wishes of the people, and we are perhaps the only people in the world who have sense enough to appoint delegates to establish a general government.

How establish a general government? The people elect delegates. The American people, Pinckney thought in 1796, were the only people on earth who had sense enough to elect delegates to establish a government, and now we, the representatives of that same people, undertake to say what a people shall put in their constitution—the Alexander Hamilton idea of the rights of the people.

Mr. SIMS. What State was Pinckney from?

Mr. BOOHER. From South Carolina. Now, I have heard a great deal said about Judge Marshall. It has been asserted that Judge Marshall would have been recalled, and gentlemen draw upon their imaginations for all sorts of arguments. This is the greatest place on earth—at least, the greatest place I ever was in—for people to draw upon their imaginations for illustration to support an argument. [Laughter.]

Mr. ALEXANDER. Will the gentleman yield?

The CHAIRMAN. Does the gentleman yield to his colleague from Missouri?

Mr. BOOHER. Yes.

Mr. ALEXANDER. Will the gentleman permit a statement? I am not in favor of life tenure of office for judges. I think much of the sentiment against the judiciary has grown up out of the arbitrary conduct of certain Federal judges more than any conduct of judges of the several States. Is it not true that the present sentiment in favor of the recall of judges grows out of this abuse of power, and that the people, in an effort to relieve themselves, have gone to the other extreme now? Does not the gentleman believe that it has been under the guidance of men who are undoubtedly patriotic that they have gone to this other extreme? For instance, take California, where I understand the State politics as well as the judiciary for the last quarter of a century have been dominated by the Southern Pacific Railroad. And in the last campaign in that State the issue was made on the influence the Southern Pacific Railroad had in politics of that State and controlling the judiciary, and the question of the initiative, referendum, and recall was placed before the people. The present Senator from that State, a progressive, was elected on that issue, and the present governor was elected on that issue, which was simply a protest against this abuse. But because that is true, does the gentleman think for the people of Arizona it is wise to adopt the recall as applying to the judiciary as a remedy? In other words, does the gentleman not think it ought to go to them from this Congress that while we recognize the right of the people to form their constitution and determine how the judges may be elected and how they may be impeached or recalled, yet it is the opinion of this Congress that they ought to place that limitation as an amendment to the constitution?

I expect to vote for the amended resolution, but I want it understood that I do so firmly believing that that provision in their constitution is unwise and that the people upon reconsideration will reject it.

Mr. BOOHER. It was the unanimous opinion of the Committee on the Territories that this proposition of recall of judges should be again submitted to the people of Arizona, that they might vote on it separate and apart from the rest of the constitution, trusting to the patriotism and the wisdom of the people of Arizona to decide it right and to decide it as they believe right; and, gentlemen of this committee, I want to say to you that I have all the confidence in the world in the descendants of the great Missourians who settled these Territories that they will decide it right. [Applause.]

There is no question about it. I believe you can rest in perfect confidence in submitting it to them. I want to say again, so that it will not be forgotten, that I would not vote for a recall proposition; but my individual ideas on this question ought not to control me in this great matter. The great question ought to be with me and with you, Republicans and Democrats, Does the constitution of Arizona in any way conflict with the principles of the Declaration of Independence and the Constitution of the United States? [Applause.] Is it in harmony with the enabling act? If it is, what right have we to

say to the people of that Territory, "You must" and "You shall not"?

Mr. ALEXANDER. Will the gentleman yield?

Mr. BOOHER. Yes.

Mr. ALEXANDER. Does not the Declaration of Independence recognize that the people can overturn the Government if it is not in harmony with their interests and does not safeguard their liberties?

Mr. BOOHER. Yes. I want to read something more. Something has been said by Judge Marshall. There is no man in American history to-day less understood than Judge Marshall. Whenever anybody wants to prove anything they refer to Judge Marshall, and it does not make any difference whether it is in their favor or against them they make the bold assertion that Judge Marshall said so-and-so when he never said it. [Laughter.]

Judge Marshall held that this was a government of the people. In the case of McCulloch against the State of Maryland, decided in 1819, Judge Marshall, in delivering the opinion of the court, said:

> The Government of the Union, then, whatever may be its influence on the facts of this case, is emphatically and truly a government of the people.

"Emphatically and truly a government of the people." What right have we got to say what the constitution of Arizona shall be? Are we the people of Arizona? The woman that is the mother of my children was the daughter of a soldier that marched and fought all the way from Independence to Santa Fe. What were they fighting for? To give New Mexico and Arizona the same rights that you in California, in Illinois, in Tennessee, in Georgia, and in other States in this Union have. They were entitled to it, and they are entitled to it now. The people of a Territory ought to be permitted to decide for themselves what they want to write in their constitution. Now, here is another Supreme Court decision. In the case of Martin against Hunter's lessee, decided in 1816, the Supreme Court of the United States said:

> The Constitution of the United States was ordained and established—

Now listen—

> not by the States in their sovereign capacity, but emphatically, as the preamble of the Constitution declares, by the people of the United States.

No court established it; no court ordained it; no organization that the people formed; but the people themselves, in their sovereign capacity, ordained and established this Government of ours, and they have just as much capacity to-day to say what shall be the form of government in New Mexico and Arizona as they had in 1786, and they are just as competent.

Now, here is something that James Madison said:

> The sovereignty of the people of the United States was acknowledged by the Declaration of Independence, which declares that governments are instituted among men, deriving their just powers from the consent of the governed, and that whenever any form of government becomes destructive of certain inalienable rights it is the right of the people to alter or to abolish it and to institute a new government, laying its foundations in such principles and organizing its powers in such form as to them shall seem most likely to effect their safety and their happiness.

It is the people of the community always that are to form the fundamental law of a State to which these powers are intrusted. It is the people, and no matter upon which side of this aisle we may sit, you and I can afford to trust the great body of the American people at any time. As I said before they make mistakes, but if you give them the opportunity they right every mistake which they make sooner than any organization they ever created will right the mistake it makes.

Thomas Jefferson said:

> By the authority of the sovereign power of the United States all powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the Sates respectively or to the people.

Now, you can not have a State until the people of the Territory have adopted an organic law, and if they adopt a law that complies with the forms of the Constitution of the United States, let me appeal to the membership of this House again, what right have you and I to say that they shall not be admitted into this Union when their constitution complies with every requisite of the enabling act? I wish some gentleman would point out to me where it does not.

As a member of the Committee on the Territories I stand here to say to you that if any gentleman upon either side of this Chamber will point out to me a single instance in which the organic law of either one of these Territories does not comply with the Constitution of the United States and the enabling act I will ask to have this bill referred back to the committee, so that we may submit it to the people of the Territories. I want a fair deal in this matter, and I want the people of Arizona and New Mexico to be treated fairly.

My public career has been very short. Do you know that I have been attempting to break into Congress ever since the Fiftieth Congress? I did break into the Fiftieth Congress, and I think I hold the record of being the shortest-term Congressman that ever sat in this House. From the Fiftieth to the Sixtieth Congress I devoted all my time and energy to breaking into this House again; but I was told by my friends in my own party that the trouble with me was that I was too independent, that I always said what I thought, and that it was not always good politics to do so. I am going to say what I think to-day. It may not agree with some of my party, but I speak my thoughts, and I am going to stand by them before this House and before the American people. I have heard a good deal said about President Lincoln being the author of a certain sentiment, but nothing is further from the fact. Now, I am going to tell you who was the author of it. I want to call your attention to it, so that you may know just who was the author of that grand sentiment, and it is a grand sentiment. Now listen. You will find this in Volume III, page 321, of Daniel Webster's works, and I want my Republican friends to listen, because if there is any people on earth who need education along this line it is the Republican side of this Chamber. [Laughter.] Daniel Webster said in the Senate of the United States:

> It is, sir, the people's Constitution, the people's Government; made for the people, made by the people, and answerable to the people. The people of the United States have declared that this Constitution shall be the supreme law.

Who? A court? Oh, no; the people of the United States have declared that it shall be the supreme law! Now, listen. We are not the masters of the people.

> We are all the agents of the same supreme power—the people. The General Government and the State governments derive their authority from the same source.

We are the agents of the same supreme power—the people. Ah, the power of the people is supreme!

> The National Government possesses those powers which it can be shown the people have conferred upon it and no more, and all the rest belong to the State governments or to the people themselves.

Mr. Chairman, I commend those sentiments to the other side of this Chamber. I know it is like throwing pearls before swine [laughter], but perhaps they may think better of it. I want you to think over that proposition—this is a government of the people, by the people.

We have heard so much about the judiciary and that there is no fear that the judiciary shall ever usurp any of the rights or endanger the liberties of the people that I want you to pardon me while I read an extract from a message sent to the Sixty-first Congress by the President of the United States, and I want the reporters to print this in italics in the RECORD. It was in 1910. It was after this House and the Senate had refused to write into the interstate-commerce law the word "reasonable," which the Supreme Court lately did write into it. But, then, I must not criticize the Supreme Court. But I am permitted to say that I agree with Judge Harlan in his dissenting opinion in the Standard Oil case, am I not? [Applause on the Democratic side.] It is not unparliamentary to do that. I am going to state it anyhow, that I absolutely dissent in toto from the opinion of the Supreme Court. I make no claim to being a great lawyer, but I have got just as much right to my opinion and just as much pride in my opinion as the Chief Justice of the United States; and when this Congress, the House and the Senate, composing the legislative branch of this Government, refuse to write into the interstate-commerce act the word "reasonable," I say it was a usurpation of power by the Supreme Court of the United States to write that word in there—a thing more dangerous than anything the American people have ever done [applause on the Democratic side], and I am going to prove it by President Taft himself.

Mr. FERRIS. But he is for it.

Mr. BOOHER. Yes; he is now, but he was not when he sent that message to Congress.

Mr. AUSTIN. I would like to ask whether the gentleman is in favor of a recall of the three Democratic members of that court who joined with the others in that decision?

Mr. BOOHER. No; but I trust to their good sense, their wisdom, their Americanism and patriotism to right the wrong just as soon as they get an opportunity to do it. Does the gentleman?

Mr. AUSTIN. But I think they decided right.

Mr. BOOHER. Then you are satisfied?

Mr. AUSTIN. I stand by the five Republicans and three Democrats.

Mr. BOOHER. Yet less than a year ago you on that side voted, under a leadership of the gentleman from Illinois [Mr. MANN], not to write it into the law, and yet you are ready to crawfish, and say because a court decided it should go there

that it was right. I say if it was right, you ought to have voted for it and put it into the law, and you had not the courage of your convictions to do so. [Applause on the Democratic side.]

Now, let me read to you what President Taft said about it. I do not know whether he is good authority on that side of the Chamber or not. [Laughter.] I am satisfied he is not with the insurgents, and as for the standpatters, God bless them, where are they anyhow? [Laughter.] Why, you may take a fish net 500 yards long and run it around that side of this Chamber and fish for standpatters, and I doubt whether you will catch more than the gentleman from New York [Mr. PAYNE], the gentleman from Pennsylvania [Mr. DALZELL], and my old and esteemed friend—and I do not say it in any disrespect—the gentleman from Illinois [Mr. CANNON]. You might snare them, but the rest of you would go through the meshes, every one of you. [Laughter.] Listen to President Taft in his message of January 7, 1910:

Many people conducting great businesses have cherished a hope and a belief that in some way or other a line may be drawn between "good trusts" and "bad trusts," and that it is possible by amendment to the antitrust law to make a distinction under which good combinations may be permitted to organize, suppress competition, control prices, and do it all legally, if only they do not abuse the power by taking too great profit out of the business. They point with force to certain notorious trusts as having grown into power through criminal methods, by the use of illegal rebates and plain cheating, and by various acts utterly violative of business honesty or moralty, and urge the establishment of some legal line of separation by which "criminal trusts" of this kind can be punished, and they, on the other hand, be permitted under the law to carry on their business. Now, the public, and especially the business public, ought to rid themselves of the idea that such a distinction is practicable or can be introduced into the statute. Certainly under the present antitrust law no such distinction exists. It has been proposed, however, that the word "reasonable" should be made a part of the statute, and then that it should be left to the court to say what is a reasonable restraint of trade, what is a reasonable suppression of competition, what is a reasonable monopoly. I venture to think that this is to put into the hands of the court a power impossible to exercise on any consistent principle which will insure the uniformity of decision essential to just judgment. It is to thrust upon the courts a burden that they have no precedents to enable them to carry, and to give them a power approaching the arbitrary, the abuse of which might involve our whole judicial system in disaster.

The court assumed the power that the President said was a dangerous one—"a power approaching the arbitrary, the abuse of which might involve our whole judicial system in disaster.

How can the position of the President be reconciled with the decision of the court? If Congress did right in refusing to write "reasonable" into the law, then the court must have erred when they assumed the power to write it into the law. I sincerely hope that some gentleman during this debate will point out where the power of the court to write the law ends and the right of Congress to write the law and have it declared as written begins.

Mr. AUSTIN. I object to the gentleman referring to the gentleman from Illinois as his "old friend."

Mr. BOOHER. While I do not agree with the gentleman from Illinois politically, I am satisfied, so far as personal relations are concerned, that the gentleman from Illinois, the ex-Speaker, has nothing against me because I am a Democrat. I am the same kind of a Democrat as he is a Republican. I will stand up and fight for 364 days in the year, but if you win out in the election I will say that AUSTIN, of Tennessee, is a better man than I am, because the people chose him. And having made the choice, who shall say them nay?

Mr. AUSTIN. The objection I make is that the gentleman referred to Mr. CANNON as his "old" friend, when, in fact, he is one of the youngest——

Mr. BOOHER. Well, I will withdraw that and say my "esteemed" friend from Illinois.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BOOHER. And I have not gotten half through. May I have an hour more? [Applause.]

Mr. FLOOD of Virginia. I yield an hour to the gentleman. [Applause on the Democratic side.]

Mr. BOOHER. The substance of what the President said was this: He congratulated the Congress of the United States that they had not written into the Sherman antitrust law the word "reasonable," because he said it was a dangerous power to give to any court and they might abuse it in the future. The very day after the decision was promulgated the stocks of the Standard Oil Co. went up, did they not? They were not hurt a bit; oh, no. They got, in the language of a certain newspaper, all they expected, and then some. That is true as you live. Now, speaking about Arizona, I will read you from the hearings to show the difference between the people of Arizona and New Mexico. I will do this for the benefit of my Republican friends. We had 210 pages of hearings before the Committee on Territories, and when I say they were strenuous I think my Republican friends will agree with that expression. Two hundred and nine and a half of those pages were devoted to New Mexico, and of all the bright men I ever saw, of all the bright men who were imbued with the idea of accomplishing a certain purpose, I never saw eight men more in earnest than those eight men from New Mexico. We had there the representatives of corporations; we had there men who were opposed to corporations; we had Democrats and we had Republicans; and I want to say to my friend from Pennsylvania we had the insurgents and——

Mr. DYER. What does the gentleman mean by insurgents; what does he understand them to be?

Mr. BOOHER. He is a man, a Republican, who believes in progressive principles as contradistinguished from my friend from St. Louis, who believes in the principle of standing still and that all of the good in the country comes from the Republican Party. [Applause on the Democratic side.] Let me tell you what the people of Arizona said when they came before that committee.

I am going to read it to you. Listen to it, so you can see how manly and American they were. They did not ask for anything that was not right, gentlemen; I want you to remember that. They only asked for an opportunity to get into this Union, and they were ready to submit to anything which might be asked, so you did not say "You must do it." They rebelled, as all Americans do, at the word "must." My fellow citizens, they were in the same condition as if a friend of mine came to me and requested me to do a certain thing and I would say, "I will take into consideration all your suggestions, and if I believe you are right, I will do as you request." And that is what the people of Arizona say to Congress.

Now, Mr. O'Neill, a very creditable and a very intelligent gentleman, made this statement:

Mr. O'NEILL. We have prepared a constitution in Arizona that gives us a republican form of government. If you want to change any line of it, as long as you submit it to the will of the people of Arizona, we are willing, but we will not surrender a principle or yield for a moment the right to Congress or anybody to tell us what we have got to do in order to come into the Union of the States. That is our position.

Mr. LEGARE. Would you be willing to have submitted simultaneously with the election of officers and admission into the Union the right of your people to vote once more on the recall of the judiciary?

Mr. O'NEILL. Yes, sir. You can submit anything, because we believe in the people. That is what our constitution declares for. We are willing for you to pass on the constitution as it stands at present or to submit each and every item in that constitution separately to the people, to be voted on by them. We do not deny your right to make it a condition precedent to our admission.

Mr. LEGARE. I agree with you.

Mr. O'NEILL. That is the position of the Arizona people.

Mr. HARDY. In other words, to submit at the next election any desired amendments?

Mr. O'NEILL. Yes, sir; as long as the people are free to act on them as they see fit. It can be amended either by the act of the legislature or by the people of Arizona. They have the initiative and referendum. They can initiate an amendment if they see fit.

That is my position. Do you not agree with it, my friend from Tennessee? Do you not believe, so long as it is constitutional, that we have not any right to say to them what they must and must not do? I will trust to the patriotism of my old friend, Mark Smith, who formerly represented Arizona in this House, to advise the people on this matter. I will trust to the great body of the people of Arizona, whether they are Democrats or Republicans, to do what is right.

Does that side of the Chamber believe in the people? If you do not, who do you believe in? I believe in the American people and I believe in the people of Arizona.

I have read all of the hearings that were held on the Arizona constitution. Did you ever know a people that were more manly? Did you ever hear of a people knocking at the door of a great Congress for admission and to be given the right of every American citizen more manly in their position? They tell us that we can submit anything we please to them and they will consider it; that they will think about it. They said, "We want to know what you think about these things, and when you have informed us, we will consider it, and, if we are not giving away our rights or what we think is just, we will yield to you." I do not know any better method the people of Arizona could pursue to show their willingness to submit this matter again to the people for their decision.

Now, I want to go to New Mexico. New Mexico is a great proposition and a remarkable one. When I speak of New Mexico I am not going to tell any facts that I have learned outside of the committee room. I will make no statement that is not borne out absolutely by the witnesses who appeared before that committee. And I want to say now on the threshold that every one of them is an honorable man. One of the witnesses who appeared there was an ex-Delegate to Congress from that Territory, Mr. Fergusson, whom we all know. He was a Democrat. There were other Democrats there; there were Republicans there; the insurgents were there; but let me tell you, I believe them all to be honest, sincere men, and they all

agreed upon the one proposition that New Mexico had been wronged in the enabling act. And I am going to point it out to you, and when I do I believe that my colleagues from Missouri on that side of the Chamber will vote with us to submit to the people of New Mexico an amendment making it easier for them to amend the constitution. No one objects to it if it did not delay the admission of the Territory as a State.

Now, something was said by my friend from Ohio [Mr. WILLIS] about corporations. Judge Fall, a gentleman I never met until he appeared before the committee—a man for whose ability and sincerity of purpose I have the highest regard, who is a Republican, time and time again stated that the constitution of New Mexico was not such a constitution as the people of New Mexico desired, but it was the best they could get, and that he had no objection on earth to the Committee on the Territories submitting an amendment to the people so long as it did not delay the admission of that Territory into the Union as a State, and with that sentiment every gentleman agreed. Why, gentlemen, my friend from Ohio [Mr. WILLIS] said that something was stated about New Mexico being under corporation control. Not only was it admitted before the committee that it was under corporation control, but this was the statement of one of the gentlemen to whom I have called your attention. He said:

It is not only corporation written, but it is corporation ridden.

Let me call your attention to just one word or two of these hearings on that subject:

Mr. FALL. There is some reason for mentioning corporation control of New Mexico, and there is absolute reason for my statement to Mr. Fergusson that the desire of those who were sincerely desirous of ridding New Mexico of such corporation influence—that their desire was to enact a corporation-commission law which would take the railroad corporations entirely out of the control of the legislature. As I said to him, that was our desire. It was sincerely so, because we do know, as a matter of fact, that New Mexico Legislatures have been controlled by corporation influence in the past, just exactly as some of the legislatures of some of the other States have been.

Mr. HARDY. Are you not fixing this so that future legislatures can not amend your corporation provision without an amendment to the constitution?

Mr. FALL. Yes, sir. The future legislatures can not change this except to provide additional machinery and additional power necessary to carry out the powers vested in this commission and the people of the Territory.

The fifth paragraph of section 2 of the enabling act I want to call your attention to. I think it is worth while. I do not want to misstate facts. I have been taught by experience in courts that it is best to stick to the facts, because if you do not the judge will. The committee tried to get the facts in relation to the conditions existing in New Mexico from the gentlemen who appeared before it. Here is a question asked of Judge Fall, the leading Republican in that Territory, and no doubt one of the gentlemen who will represent that new State in the Senate of the United States if it should elect Republican Senators. The chairman asked him this question in reference to paragraph 5 of section 2:

The CHAIRMAN. What do you think of the provision in the enabling act which prohibits anyone from being a member of the legislature or holding any office if he does not speak the English language?

Mr. FALL. I think it was an outrage upon the people who had come in here upon the absolute assurance that they should never be deprived of that right. When they took the oath of allegiance that right was absolutely guaranteed to them under the hand of the President of the United States.

Mr. BOOHER. Do you know where this provision originated?

Mr. FALL. Yes, sir; but I do not know whether I ought to divulge any parliamentary secrets. Senator Beveridge originated this provision.

STATEMENT BY MR. M'GILL.

There are very many things that ought to be considered in the creation of a new State. They can not all be adjusted at once. We do not ask it. There are some things that should be changed. Pardon me if I go back a little. I want to say here that if it is within the power of this Congress, and I believe it is, and in their wisdom to change the provision in the enabling act by which a man is prevented from holding office or being a member of the legislature unless he can speak the English language, I think in the interest of humanity and fair dealing, in the interest of right and justice, that that proposition should be changed, so that any man who is otherwise a qualified elector may be qualified to fill any office to which his people may elect him.

You take a man from a foreign country who does not speak a word of English and when he comes to the State of New York, or any other State of this Union, the question of his language is not a qualification to hold office. Why should it be with us? The people you are dealing with are not foreigners, but people who were born and raised there, good people, and many of those people's fathers and grandfathers were born and reared right on the ground on which they live to-day. There are good citizens who can not speak the English language sufficiently well to hold office under the terms of this constitution. Why should that stigma be placed upon men who are not foreigners, but American citizens, and who are as loyal to the flag of the United States as any people that walk this earth? Why say to them: "You can vote, you can serve on a jury, you can pay your taxes, and when the flag is in danger you can take your musket (which they will do and go to its defense as quickly as any men on earth), yet because you speak the language of your father and your grandfather, you can not go to the legislature, neither can you hold any State office." It is not fair. It is not right. I have no interest in those people except as a citizen of that country. I know them, and I will say to you that under the circumstances and surroundings that those people have been raised in, you will find nowhere a better or a nobler or more loyal people than the people commonly called Mexicans in New Mexico.

Mr. BOOHER. That prohibition applies only to State officers and members of the legislature?

Mr. MCGILL. Yes, sir.

Mr. BOOHER. Do you believe it would be binding on the legislature after once elected; would not they be the judges of the qualifications of their own members?

Mr. BOOHER. I am asking for your opinion, if you care to express it.

Mr. MCGILL. I have not looked into that proposition, but it has been held by some lawyers that the legislature would be the judge of the qualifications of its own representatives.

Mr. BOOHER. Are these Spanish-speaking people who would be affected by this prohibition objecting to that disqualification in the constitution?

Mr. MCGILL. Yes, sir; very strongly.

Let me add that when Santa Fe surrendered to Gen. Kearny, as I said before, he issued a proclamation in which he said that he was authorized to receive the people of New Mexico into the Union as a Territory, and that they would be soon admitted into the union of States with all the rights of the other States of the Union. We said it again in the treaty of Guadalupe Hidalgo. We promised them that same thing, and we promised it to them time and time again. No matter who is responsible for the delay—I do not care who—we ought to keep our treaty agreements and our promises to these people. My fellow Missourians, we ought to endeavor to stand together and help remove from the people of that Territory the unjust discriminations which have been made against them.

I say the provision in the enabling act which undertook to define the rights of the American citizens to hold office in New Mexico was unconstitutional, and that the people are not bound by it. Only because, as Mr. Fall said in his testimony, it was put in the constitution because the enabling act compelled them to put it in.

Now, what do you think about that—telling those people who shall and who shall not be qualified to hold an office in that State? Let me read to you another thing that Judge Fall said, and I am going to ask, after a while, permission to publish in the RECORD four or five pages of the testimony of Judge Fall, giving the history of that Territory. I wish I had done that before this discussion began, because if I had I do not believe there is a man within the sound of my voice in this Chamber, if he would take the time to study this question, if he would read those pages, who would not be prompted to help remove from those people the odium that we attached to them by putting that clause in the enabling act and making it a condition precedent to their admission. You not only got those Territories by the valor and bravery of Missouri troops, but we gave Texas $10,000,000 for a quitclaim to that portion of New Mexico and Colorado that was in controversy at the time. In the Gadsden treaty again we promised that we would admit these Territories into the Union on an equal footing with all the other States of this Union. You will find on page 51 of the hearing the particulars about that. We ought to keep our word, and I hope this Congress will do it.

Now let us go to page 55. Here is an interesting statement. I know my friends on that side of the Chamber love Tammany Hall. But Tammany Hall in its palmiest days could not hold a tallow candle to the condition existing in New Mexico, according to Republican authority.

They have got the worst condition of affairs down there that ever was inflicted upon the people anywhere upon the face of the earth. And notwithstanding this constitution imposes all these burdens and hardships upon them, they say, "Give it to us, rather than what we have got." Now listen to what a Republican says. During the hearing before the Committee on the Territories, when Judge Fall was being heard, the gentleman from New York [Mr. CONNELL] asked this question:

Mr. CONNELL. In the search you made of the constitutions of the various States, did you find any case in which it was provided that no person should hold office in that State unless he spoke a certain language?

Mr. FALL. None.

Mr. CONNELL. Then New Mexico will stand alone among the States of the Union with that provision.

Mr. FALL. Yes, sir; absolutely. It was what we regarded as an insult to the intelligence of our people. They do sometimes elect a man to the legislature who needs an interpreter, but the Spanish people are very diffident, and even when they understand the English language, some speak it brokenly. We laugh at them, but they do not laugh at us if we make mistakes in attempting to speak Spanish. The consequence is that unless a man feels that he has a thorough acquaintance with the English language, he will not speak it at all.

Mr. CONNELL. Are the people content with that provision? Are they satisfied for it to remain that way?

Mr. FALL. No, sir; they are absolutely dissatisfied with it. They take it because they had to under this protest I read to you, which was placed in the constitution itself.

Mr. OLMSTED. Will the gentleman refer me——

Mr. BOOHER. You will find that on page 55 of the hearings.

Mr. OLMSTED. I merely wanted to ask the gentleman to refer me to the provision of the constitution.

Mr. BOOHER. In a moment I will do so. But let me read further:

Mr. BOOHER. You mean that they are willing to accept anything in order to get State government.

Mr. FALL. The fact is the Territory has been governed from Washington.

Mr. BOOHER. Has it not been a good government?

Now, listen, you people who are afraid of Tammany Hall. Listen to what your own brother said about it:

If you happened to have a constituent who was bothering you in your district and you could not place him elsewhere, you would send him out to New Mexico.

That is going a long way, is it not? I do not know whether my smiling friend from Illinois [Mr. MANN] will agree to that or not, but that was the testimony before that committee.

If you happened to have a constituent that you wanted to get rid of, he was given an appointment and sent to New Mexico to prey upon the people. This does not apply to Democrats.

Mr. FALL. There have been more politics to the square inch in New Mexico in the past few years than Tammany Hall has ever known.

And that is exactly the condition down there. Gentlemen, if in your wisdom you decide that you want to disfranchise the Spanish-speaking people of New Mexico, whose ancestors were there 300 years before the American soldiers set foot on that soil; if you conclude you want to disfranchise them and refuse to strike that provision out of this enabling act, you have the power to do it, and the people of New Mexico, in order to get a State government, will accept your decision.

Mr. MANN. Will the gentleman yield for a question?

Mr. BOOHER. Certainly.

Mr. MANN. The resolution of the majority, as I understand, proposes to amend the enabling act in this respect.

Mr. BOOHER. Yes.

Mr. MANN. It is not proposed to amend the constitution of New Mexico.

Mr. BOOHER. We can not amend that. We can submit it to them.

Mr. MANN. You are proposing to submit to them another proposition. You are not offering to submit that to them.

Mr. BOOHER. Yes; that is embodied in the majority report of the committee, to enable them to more easily amend their constitution. You see, they followed up the enabling act and put that same disqualification in their constitution, because, as Judge Fall said, they believed they were bound by the enabling act.

Mr. MANN. Does the gentleman from Missouri think there is any provision of that sort in the enabling act that will have any weight so as to prevent the people of New Mexico from amending their constitution after they are admitted if they choose to?

Mr. BOOHER. No, sir.

Mr. MANN. What effect, then, will it have to amend the enabling act after they are admitted under their constitution?

Mr. BOOHER. Here is the proposition exactly: The people of New Mexico believe that that was a condition precedent to their admission, and they placed the same disqualification in the constitution. The provision for the amendment of the constitution is such that the people of the Territory do not believe they can amend it in the next 99 years. The president of the constitutional convention, when their labors were ended and they were about to adjourn, arose in his place and made this remark:

We have given them a constitution that they can not change in 99 years.

Mr. MANN. I do not see what that has to do with this question. The gentleman proposes now to amend the enabling act by a provision which will have no validity after the State is admitted under its constitution, and proposes to admit the State with the provision that is so objectionable in the constitution.

Mr. BOOHER. The gentleman from Illinois does not go far enough. Our proposition is to submit to the people of New Mexico a proposition making it possible for them to amend their constitution, which they do not now believe they can do, and we propose to amend the enabling act by striking out the disqualifying provision.

Mr. MANN. Does the gentleman from Missouri have any doubt that the provision in the enabling act dies when the State is admitted into the Union?

Mr. BOOHER. No; but gentlemen who appeared before the committee did not entertain the same views. It would have been all right if the constitutional convention had not written into the constitution the same prohibition. The people of New Mexico do not think they can amend the constitution unless we amend the enabling act.

Mr. MANN. Well, if the people of New Mexico will read the speech that I am going to make here they will not have any doubt about it.

Mr. BOOHER. I know that the speeches of the gentleman from Illinois are always illuminating. All the gentlemen who appeared before the committee agreed to submit this amendment if it would not delay the admission of the Territory as a State. And I may say, without violating any rules of the House, that the committee unanimously agreed to it.

I now read from the One hundred and seventy-eighth United States Reports, page 570:

It is obviously essential to the independence of the States, and to their peace and tranquillity, that their power to prescribe the qualifications of their own officers, the tenure of their offices, the manner of their election, and the grounds on which, the tribunals before which, and the mode in which such elections may be contested should be exclusive and free from external interference, except so far as plainly provided by the Constitution of the United States. (Taylor & Marshal v. Beckham, 178 U. S., 570.)

Each State has the power to prescribe the qualifications of its officers and the manner in which they shall be chosen. (Missouri v. Andriano, 138 U. S., 496.)

The court decided that in no event could the Congress of the United States fix and determine the qualifications of an officer in any State in this Union. Yet that is what we did under the enabling act. I do not believe that anybody in this House knew anything about it; I believe it slipped through, as many things do in the hurry and rush of the closing business of Congress, without a careful investigation by the Committee on Territories. I do not believe for a moment, if that provision of the enabling act had been called to the attention of the committee, it would have received the support of a single member. We have it in our power to remedy it, and why not do it?

Let me again read the fifth paragraph of the enabling act:

Fifth. That the said State shall never enact any law restricting or abridging the right of suffrage on account of race, color, or previous condition of servitude, and that ability to read, write, speak, and understand the English language sufficiently well to conduct the office without the aid of an interpreter shall be a necessary qualification for all State officers and members of the State legislature.

Yet from the time New Mexico has been a Territory there have been in the legislature of that Territory men who could not read or speak the English language, and I believe the evidence shows that there were three men in the convention that framed this constitution who could not speak the English language. At the same time the evidence is that they were among the ablest and best men in that convention. Yet here we undertake to say that these men should not have the right to hold an office in that State! Are you in favor of that, my Republican friends? Do you not think we ought to submit to the people of that Territory the question of whether or not they want to continue that disqualification? Do you not believe we ought to make it so that these people could get rid of that?

I see my friend from Ohio [Mr. WILLIS] in the Chamber now, and I note on yesterday that he said something about the control of the legislature, and I want to refer to it while he is here. I believe he wanted to be exactly right in his statement of facts in the matter; but when I say to you that there is no gerrymander in any State in this Union that can compare in iniquity and outrage with the gerrymander of the State of New Mexico, I think I am wholly within the truth. Do you know that seven counties in that great State, if it becomes a State, will absolutely control the destinies of the State, and every one of the seven is absolutely controlled by the corporations?

Mr. ANDREWS. Will the gentleman yield?

Mr. BOOHER. Certainly.

Mr. ANDREWS. The gentleman states that those counties are absolutely controlled by the corporations.

Mr. BOOHER. Yes.

Mr. ANDREWS. I say that the gentleman is very much mistaken.

Mr. BOOHER. I know the gentleman would not stand by my statement, but I am speaking, as I said at the outset, not from what I learned outside, but I am speaking absolutely from what was divulged by the witnesses before the Committee on Territories, and if it was not true, my good friend from New Mexico ought to have risen in his place and denied it.

Mr. ANDREWS. When my time comes I will give that subject good attention so that the gentleman will understand it.

Mr. BOOHER. I hope so. I certainly do not want to make a misstatement, but I am speaking of the testimony before the committee. I do not know what my friend has under his belt, I am not able to tell that, but I do know what was divulged in the committee room, and I am simply speaking of that. Now, let us get down to it and see whether these counties are corporation controlled. I do not know about the facts and I want to acquit myself now of being a witness. I am controlled by what I learned before the committee, and if the witnesses did not tell

the truth, I must charge it up to the Republicans, because I am relying entirely on the testimony of Republicans. If you will turn to page 74 of the hearings you will find this from Judge Fall:

There is some reason for mentioning corporation control of New Mexico, and there is absolute reason for my statement to Mr. Fergusson that the desire of those who were sincerely desirous of ridding New Mexico of such corporation influence—that their desire was to enact a corporation commission law which would take the railroad corporations entirely out of the control of the legislature.

My friend from Ohio [Mr. WILLIS] has forgotten that testimony. They did it, they spiked their guns, and they not only spiked them, but they drove it in so that you could not drill it out in a lifetime. Did you ever try to drill out an old cannon that was spiked with a rat-tail file? If you have, you know how it is, how hard it is. You can compare that with this constitution. They can not drill it out; they absolutely take the control of the railroad corporations away from the New Mexico Legislature, and that is one of the reasons why these people come here and ask you to submit a proposition that they might amend their constitution more easily. Then he goes on further and says:

As I said to him, that was our desire. It was sincerely so, because we do know, as a matter of fact, that New Mexico Legislatures have been controlled by corporation influence in the past, just exactly as some of the legislatures of some of the other States have been.

Mr. HARDY. Is that Judge Fall that you are reading from?

Mr. BOOHER. Yes.

Mr. OLMSTED. Is that why you want to put it in the control of the legislature?

Mr. BOOHER. No. Does the gentleman want me to tell why?

Mr. OLMSTED. Yes.

Mr. BOOHER. Because I would rather trust it to a legislature of 100 men than to a railroad commission of 3. Would the gentleman? I believe in the rights of the people. I believe in the right of the people to control their own affairs in their own way. The members of the legislature are elected for two years. If they sell the people out they have to settle in two years. If the railroad commission sells them out they are secure for six years. I am in favor of the people every time. He goes on further on the next page——

Mr. OLMSTED. Who selects the railroad commissioners?

Mr. BOOHER. The people, and, I am sorry to say, a majority of them are Republicans. If you read these hearings, my friends, you will find that these witnesses, without a word of difference, stated that the Territory was absolutely under the control of corporations, and that it would take a political revolution to give them relief without an easier method for amending the present constitution.

The president of the convention was the attorney of the Santa Fe Railroad and the attorney of every railroad in the Territory of New Mexico. Now you know why they got a corporation-written constitution. Are not you with me willing to let these people have an opportunity to amend, so they can get from under these corporations in that country? I think you would if you would read these hearings and consider them properly. Now, this same man, Judge Fall, said—but before I read that I want to say that my friend, the former chairman of the Committee on the Territories, brought into the Sixtieth Congress a report, signed unanimously by Democrats and Republicans, asking for the repeal of a certain law passed by the Legislature of the Territory of New Mexico that was so outrageous that the committee, over the signature of my friend HAMILTON, reported that it was an infamous law. He said it was an infamous law, and you and I and every other patriot in this House voted to repeal it, and it was repealed unanimously under the power we had under the act creating the Territory. Here is what Mr. Fall said about that:

The Congress of the United States, under the organic act, under the power reserved to the Congress to disapprove of any act of the New Mexico Legislature, disapproved of that act, and it was denounced as the most vicious piece of legislation that was ever seen or read by any Congressman, I believe, in the United States Congress. I voted for that law.

Why, it was so infamous that the Republican chairman of the Committee on the Territories brought into this House a report that it was a vicious and infamous law, and it was unanimously stricken from the laws of the Territory. Read the testimony of Judge McGill, one of the ablest men of that Territory. I will not take the time to read it, but I want you to read it, and I think you gentlemen will agree with me that those people ought to have some relief from the power of these corporations under which they have been for the last 15 years. [Applause on the Democratic side.] Now, I want to call attention to another clause of the constitution of the Territory of New Mexico. I am going to take the time to read section 7, and I call the prayerful attention of my friend from Illinois [Mr. MANN] to this. I know how he stood here in the last Congress, working as chairman of the Committee on Interstate and Foreign Commerce for a fair and just railroad law for the people of the United States. I know he has not forgotten it. I know he is willing that the people of New Mexico shall be fairly treated by the corporations as he was that the people of the United States should be fairly treated, because he and I voted the same way——

Mr. MANN. On what?

Mr. BOOHER. That the word "reasonable" should not be written into the law.

Mr. MANN. The gentleman was not in Congress until many years after that law was passed.

Mr. BOOHER. No; we had it up in the last Congress——

Mr. MANN. Neither the gentleman nor I were in Congress until many years after that law was passed.

Mr. BOOHER. Do you remember the message President Taft sent to Congress when we refused to write the word "reasonable" in? That is the last session, and you were here. Now, the trouble with my friend is he has the most wonderful information of any man in this House, but it is not always reliable. That is the trouble; he forgets, like the balance of us. [Laughter on the Democratic side.]

Mr. MANN. It is reliable on this occasion.

Mr. BOOHER. No; it is not. I beg my friend's pardon.

Mr. MANN. The gentleman is talking about a law passed in 1890.

Mr. BOOHER. I am talking about an amendment to that law that was reported last Congress from the Committee on Interstate and Foreign Commerce.

Mr. MANN. The gentleman is usually correct, but in this instance he is mistaken. No such amendment was ever presented to the Committee on Interstate and Foreign Commerce; no such amendment was ever reported from the Committee on Interstate and Foreign Commerce; and no such amendment was ever presented or reported from any committee of this House since 1890, when the Sherman law was passed.

Mr. BOOHER. Then I will ask the gentleman what President Taft meant in his message when he congratulated us because we did not write the word "reasonable" in the law of 1910? And then I would like to ask my friend another question, Does he approve of the decision of the Supreme Court that writes the word in?

Mr. MANN. I have read the decision. Have you?

Mr. BOOHER. Yes, sir; thoroughly.

Mr. MANN. Has the gentleman read the decision through?

Mr. BOOHER. Thoroughly.

Mr. MANN. So have I. I approve of it.

Mr. OLMSTED. Has the gentleman read Judge Harlan's dissenting opinion?

Mr. BOOHER. Yes; I have. I have read the extracts that were in the paper, and that is all you gentlemen have read.

Mr. MANN. The gentleman is mistaken. I have read the opinion through. That is more than the gentleman has done, and I suspected it.

Mr. BOOHER. I do not believe the people indorse the decision of the Supreme Court of the United States. I do not believe the court has the right to write into the law the word "reasonable" when the Congress of the United States refused to put it there. I know that the decision of the Supreme Court of the United States which writes the word "reasonable" into the law simply destroys its effect and puts in the power of the courts to say what is and what is not a reasonable or unreasonable restraint of trade; it is simply saying, in effect, that there are good trusts and combinations and bad trusts and combinations in restraint of trade, and the power to decide that question is with the court. I do not want any court, however great it may be, to write into the laws of this Government a proposition that Congress refuses to write in the law.

Mr. HARDY. Judge Harlan says they refused it two or three times.

Mr. BOOHER. There is no question about it. There were decisions of the Supreme Court of the United States delivered five or six years ago in which they refused to consider the word "reasonable" in connection with a matter of interstate commerce; and when the Standard Oil Co., that somebody describes as an octopus—whatever that is—that sainted corporation, comes in, they write the word "reasonable" in the law.

I do not know whether it is right or not. I have my opinion, and I have just as much pride in it as anybody else has in their opinion.

Now, let us get down to this corporation. I am going to read this right straight through, and I want my friend from Illinois to listen to it, because he fought and helped us, and under his leadership I voted with him every time, because I believed he was right. I voted for the physical valuation of railroads.

He did. We were all for it. We passed it, but the Senate took it out. I want my friend to listen to this:

SEC. 7. The commission shall have power and be charged with the duty of fixing, determining, supervising, regulating, and controlling all charges and rates of railway, express, telegraph, telephone, sleeping-car, and other transportation and transmission companies and common carriers within the State; to require railway companies to provide and maintain adequate depots, stock pens, station buildings, agents and facilities for the accommodation of passengers, and for receiving and delivering freight and express; and to provide and maintain necessary crossings, culverts, and sidings upon and alongside of their roadbeds, whenever in the judgment of the commission the public interests demand, and as may be reasonable and just. The commission shall also have power and be charged with the duty to make and enforce reasonable and just rules requiring the supplying of cars and equipment for the use of shippers and passengers, and to require all intrastate railways, transportation companies or common carriers, to provide such reasonable safety appliances in connection with all equipment as may be necessary and proper for the safety of its employees and the public, and as are now or may be required by the Federal laws, rules, and regulations governing interstate commerce. The commission shall have power to change or alter such rates, to change, alter, or amend its orders, rules, regulations, or determinations, and to enforce the same in the manner prescribed herein: *Provided*, That in the matter of fixing rates of telephone and telegraph companies, due consideration shall be given to the earnings, investment, and expenditure as a whole within the State. The commission shall have power to subpœna witnesses and enforce their attendance before the commission, through any district court or the supreme court of the State, and through such court to punish for contempt; and it shall have power, upon a hearing, to determine and decide any question given to it herein, and in case of failure or refusal of any *person, company*, or corporation to comply with any order within the time limit therein, unless an order of removal shall have been taken from such order by the company or corporation to the supreme court of this State, it shall immediately become the duty of the commission to remove such order, with the evidence adduced upon the hearing, with the documents in the case, to the supreme court of this State. Any company, corporation, or common carrier which does not comply with the order of the commission within the time limited therefor may file with the commission a petition to remove such cause to the supreme court, and in the event of such removal by the company, corporation, or common carrier, or other party to such hearing, the supreme court may, upon application, in its discretion or of its own motion, require or authorize additional evidence to be taken in such cause; but in the event of removal by the commission, upon failure of the company, corporation, or common carrier, no additional evidence shall be allowed. The supreme court, for the consideration of such causes arising hereunder, shall be in session at all times, and shall give precedence to such causes. Any party to such hearing before the commission shall have the same right to remove the order entered therein to the supreme court of the State, as given under the provisions hereof to the company or corporation against which such order is directed.

Now I want to call your special attention to this:

The commission shall have power to change or alter such rates, to change, alter, or amend its orders, rules, regulations, or determinations, and to enforce the same in the manner prescribed herein: *Provided*, That in the matter of fixing rates of telephone and telegraph companies due consideration shall be given to the earnings, investment, and expenditure as a whole within the State.

Do you know why they exempted railroad corporations? Why did they not make the same rule apply to the railroad corporations? The answer is clear. The convention was dominated by the railroads, and they simply cut the throats of the people. They were willing that these commissioners, when they came to decide what was a reasonable rate between the telegraph and telephone companies and the people, should take into consideration all those facts enumerated, but when they came to the determination of matters relating to the railroad corporations the commissioners were not vested with power to determine anything. I would like the gentleman from Illinois to explain it in his speech.

Mr. MANN. I could explain it if I should take the gentleman's time. It is easy.

Mr. OLMSTED. Will the gentleman yield?

The CHAIRMAN. Does the gentleman from Missouri yield to the gentleman from Pennsylvania?

Mr. BOOHER. Yes.

Mr. OLMSTED. I simply want to call the attention of the gentleman to section 1 of that article—article 11—which says:

The commission shall have power and be charged with the duty of fixing, determining, supervising, regulating, and controlling all charges and rates of railway, express, telegraph, telephone, sleeping car, and other transportation and transmission companies and common carriers within the State.

And so forth.

Mr. BOOHER. Can my friend tell me why, when they provide as to what they should do with regard to telegraph and telephone companies, they should leave the railroads out? There is no physical valuation of railroads provided for there at all. There is no power to enforce it.

I stand here and say as a lawyer that there is no power in that section of the constitution of New Mexico to enforce its provisions. There is absolutely no power. The people are handicapped and bound hand and foot; thrown under the wheels of the railroad corporations of the future State of New Mexico. And we are simply asking, my fellow Members of Congress, that you confer upon the people of that Territory the right to amend the constitution. The people have some rights in that matter, and I hope this House will take them into consideration and give the people relief.

Now, I am going to consider another phase of the question, which I had hoped would not be brought into the discussion.

My friend from Ohio, my young and good-looking friend, the member of the Committee on Territories—and I have the utmost respect for him—when the gentleman from Kentucky [Mr. POWERS] yesterday asked him something about the population of the senatorial districts in that State, if I remember aright, said there was not a single district in that State where the population was three times the ratio of representation. Now, the gentleman evidently answered that question on the spur of the moment, without giving it a moment's consideration. I say to you that there are districts in the new State of New Mexico where the population is more than three times the ratio for representatives in the State senate, and, strange as it may be, whenever one of these districts appears it is overwhelmingly Republican.

Now, let us see. Here is the first district, for instance——

Mr. KENNEDY. I should like to ask the gentleman a question.

Mr. BOOHER. Certainly.

Mr. KENNEDY. I am largely in sympathy with the sentiment he has expressed in his talk. Before he leaves this corporate-commission proposition, I understand the gentleman's committee has reported in favor of the admission of the State under this constitution.

Mr. BOOHER. Yes.

Mr. KENNEDY. I wondered if the gentleman in his argument had treated that provision fairly. Does he not realize that the only way the legislature can regulate these matters is by a commission?

Mr. BOOHER. I am glad my friend has asked me that question. If I had time I would refer to the hearings, but the gentleman from Texas [Mr. HARDY] asked Judge Fall if the constitution was not so written that it would be impossible for the people of that Territory to change the law in regard to railroads and the railroad commission, and he said yes, absolutely. I am continually referring to Mr. Fall, because he is a Republican, and I think gave the committee correct information.

Mr. KENNEDY. I am not questioning that. I defer to the gentleman on that point; but conceding all the gentleman has said on that point, is not the gentleman's criticism of this commission clause in the constitution rather unfair? In other words, can the Legislature of New Mexico or any other legislature regulate the railroads and these corporation affairs in any other way than through a commission?

Mr. BOOHER. No; but let me call the gentleman's attention to the fact that in this connection they have undertaken to do it in the constitution, in the organic law, and have deprived the legislature of any right to interfere with it without an amendment to the constitution.

Mr. KENNEDY. Just forget about that for a moment. Is it not also true that in this provision giving this commisssion, which is elected by the people, the right to regulate these rates or to frame these regulations, and giving the opportunity of automatic appeal to the supreme court of the State, you have in that way adopted the most progressive way and the best way, under the decisions of the Supreme Court of the United States, to compel absolute compliance with the orders of that commission and the will of the people?

Mr. BOOHER. I have heard that idea advanced. I have listened to it and heard the argument, but if the gentleman will read this article carefully he will see that there is no provision in the article on corporations authorizing any order, whether made by the railroad commission or the supreme court, to be carried into effect, and an appeal from the order of the supreme court must necessarily act as a supersedeas. You have a provision in the law saying it goes into effect, but it does not state the order shall take effect if an appeal is taken, as the law of nearly every other State does.

Mr. KENNEDY. The gentleman is aware that the Supreme Court of the United States in the case of Prentiss against Atlantic Seacoast Line, which went up, I believe, from the State of Virginia, decided that the action of the Supreme Court was still legislation and that the Federal court could not enjoin those acts until after the Supreme Court had passed finally upon those questions.

Mr. BOOHER. When they have passed finally upon it, as they would, if my friend has read that article thoroughly, he will see that when there is no appeal taken the commission must send the record to the Supreme Court; and when they send it there a decision is made by the Supreme Court upon the record; but if an appeal is taken from the decision of the commission, then the court has the right to hear evidence anew; and let me say to the gentleman that that commission can not

subpœna a witness to appear before it to testify. They can not force a witness to appear before them to testify unless they have an order of a court—not an order from the judge of a court to bring a witness before them, but the subpœna must issue on the order of a court.

Mr. KENNEDY. The State of Oklahoma has substantially the same provision.

Mr. BOOHER. I am very sorry if they have.

Mr. KENNEDY. And the Supreme Court of the United States, in the case of which I speak—the Prentiss case—has strongly intimated that it is the quickest, the most progressive, and the best way for the people to deal with these corporation rates.

Mr. BOOHER. Well, I am not familiar with the case the gentleman cites, but I am willing to concede that he states the facts as they are, but that does not alter my opinion about it. When you sit down and read this provision thoroughly and study it, you can not help coming to the conclusion yourself, exactly as these people stated before the committee, the constitution was corporation ridden and corporation written.

Now, my friend from Ohio said, in answer to a question by the gentleman from Kentucky [Mr. POWERS], that there was no district in the State of New Mexico that had more than three times the ratio fixed by the convention for a State senator. As I said before, the gentleman was surprised by the question. He did not know that it was loaded. So I concluded that I would find out about it, and I spent a good part of a hot night working it out, and I find there are districts in New Mexico that, if my good friend and colleague [Mr. BARTHOLDT] were here, would make him have a fit. He would forget that there was ever a gerrymander in Missouri. It is the most outrageous thing that I ever heard of in my life, and I would not say a word about it if my friend from Ohio had not brought it before the House. There are 7 counties in New Mexico with a population of 77,000 that elect 12 members to the State senate. The ratio for State senator in New Mexico is 13,500. The first district is San Miguel, with a population of 22,930. The second district is San Miguel and Mora, with a population of 35,541. Why did you put San Miguel onto Mora? Because Mora is a doubtful county, and if you put San Miguel on, with 1,600 Republican majority, you have got them where you want them.

Mr. ANDREWS. That is what they intended to do.

Mr. BOOHER. San Miguel is an overwhelmingly Republican county, but that is not all San Miguel gets. They were so afraid that some county would get away from them that they put San Miguel with Guadalupe, and they have a population of 33,857, an overwhelming Republican majority, so that in three districts there is not any more chance of a Democrat or an opposition to the regular corporation-ridden candidate than there is for a snowball in Hades. [Laughter.] The fourth district, Rio Arriba, has a population of 16,624, overwhelmingly Republican, and the sixth district has a population of 25,203—that is, Rio Arriba and Sandoval—strongly Republican.

Now, I am not finding any fault with this. They have exercised their right, but I do not want any Member on that side of the House to pay any attention to Dr. BARTHOLDT when he talks about gerrymandering. This beats them all and gives them nine points in the game.

Now, the fourth district, Rio Arriba County, has a population of 16,624; the fifth district, Bernalillo, San Juan, and Sandoval, a population of 40,689; the sixth district, Rio Arriba and Sandoval, population 25,203; the seventh district, Bernalillo, 23,609. Where is the gentleman from Kentucky?

Mr. ANDREWS. Bernalillo has over 23,000 population.

Mr. BOOHER. But I am showing you how many times Bernalillo counts; it counts three times, making three Republican districts.

Mr. ANDREWS. I wish it was four.

Mr. BOOHER. I do not blame the gentleman for calling it a dandy, for that is the name to apply to it.

The eighth district, Colfax, has a population of 16,460. That is Republican, of course. Colfax has only 3,000 more than the ratio. Let us see what they do with Colfax. They want to make sure that nothing was going to get away, and so they make Colfax and Union a district of 24,939 population. Colfax can elect two senators. You know sometimes Colfax kicks out and might be dangerous, but you prevent it and put it where it can not manifest any signs of danger at all.

Mr. AUSTIN. We wanted to make the election of our genial friend here absolutely certain in the United States Senate.

Mr. BOOHER. If that is what you were after, I am sure you did it. Now, let us go on. Let us take the tenth, Santa Fe, 14,470, Republican. Then there is Taos County, population 12,008, Republican, one senator. Next, Valencia, the twelfth district, 13,320, Republican. You have not found a Democrat yet.

Mr. ANDREWS. It is a Republican county.

Mr. BOOHER. Democratic senators are as scarce as hen's teeth. You can not find them easily, and yet my good friend from Ohio [Mr. WILLIS] said we had 11 senators. Oh, how strange it is, how very very strange that the truth will bear so much stretching. I do not want to say anything else.

Mr. ANDREWS. How many Democrats have you got?

Mr. BOOHER. Six, according to your statement. I am taking it from the testimony. You have 17. That is according to the statement you made before the committee. I am judging from your own testimony, and I think it was right. Let us go on. There are some magnificent things that appear here. Let us go on to the thirteenth, with a population of 37,023. Now, listen. It is made up of the counties of Sierra, Grant, Luna, and Socorro. Oh, they fixed that, so that there was not any question. Shades of Barthold! Thirty-seven thousand having a representative with four counties to make it, in order to make it absolutely sure.

The CHAIRMAN. The time of the gentleman has expired.

Mr. AUSTIN. Mr. Chairman, I ask unanimous consent that the time of the gentleman be extended for half an hour.

The CHAIRMAN. The control of the time is with the gentleman from Virginia [Mr. FLOOD].

Mr. AUSTIN. Mr. Chairman, the gentleman from Missouri does not occupy the time of the House very often, and I think it is nothing but right that we should give him unlimited time for this debate, and I appeal to the gentleman from Virginia to yield him more time.

Mr. FLOOD of Virginia. Mr. Chairman, there is no use of the gentleman appealing to me. I was going to yield the time, but if he asks unanimous consent and it is granted, then the time does not come out of my time, and I would prefer that.

Mr. AUSTIN. I ask unanimous consent that the time be extended for half an hour.

The CHAIRMAN. The Chair does not think that can be done under the rules. The agreement was that the time should be controlled by the gentleman from Virginia and the gentleman from Pennsylvania. That was a unanimous-consent order of the House, and the Chair does not think that a unanimous-consent order of the committee can change the unanimous-consent order of the House.

Mr. FLOOD of Virginia. I yield the time to the gentleman from Missouri.

Mr. BOOHER. I thank the gentleman from Virginia and also the gentleman from Tennessee. Socorro forms a part of a district with Sierra, Grant, and Luna.

Mr. ANDREWS. That is the thirteenth.

Mr. BOOHER. Socorro is the fourteenth. Now, Socorro County, with a population of 14,761, forms a district by itself, overwhelmingly Republican. They were not through with poor old Socorro County yet, so they took Socorro and made it a part of the fifteenth district, with a population of 39,771, three times the ratio for a district, and that district is made up of the counties of Torrance, Otero, Lincoln, and Socorro. Socorro therefore absolutely elects three representatives in the State senate, with but 3,000 population more than the ratio necessary to elect one.

Mr. FLOOD of Virginia. I would call the gentleman's attention to the fact that he is mistaken about Socorro. It has only about 14,000 people, and has only about 1,200 more than the population necessary to elect one senator, though it elects three.

Mr. BOOHER. I am obliged to the chairman for the correction. It has only 1,200 more. But let us go on down. We have not struck any Democratic districts yet. I am not complaining. They have a right to do it, and if you could see the map of the districting of New Mexico for State senators I am satisfied that you would at once admit that it was the greatest work of art ever presented to the American people. It should be called to the attention of the Fine Arts Commission. Then we take the county of McKinley, with 12,963, and they gave that one senator. McKinley is a Republican county. It has less than the ratio, but they give it a Senator. Then they go on down. We have not struck a Democratic district yet, and we have 17 of them called over.

Now we get to the eighteenth, Otero and Lincoln. Both of these have been in districts before; they put them together, to make a Republican district. Have not we done mighty well? Now we are getting to a lot of Democratic districts, and here is where "the author of my policies" gets in. The good people down in that Territory named a county Roosevelt, and it is overwhelmingly Democratic—one senator; population, 12,064. Chaves County, population 16,850, 3,000 more than the ratio, is 1,200 Democratic.

Mr. ANDREWS. It is not 1,200.

Mr. BOOHER. The gentleman stated before the committee it was. It is in the testimony, and I am going to publish the

counties and majorities as given to the committee and admitted to be right by my friend from New Mexico [Mr. ANDREWS]. Why pursue it further; there are 17 Republican senators, 6 Democrats, and 1 doubtful. A gerrymander is an outrage anywhere, I do not care where it occurs. I say that the people of this country have a right to have a fair and honest apportionment of the people of this country. A fair, honest apportionment of the people of this country would have made this House Democratic for the last 10 years. Take the maps printed in the CONGRESSIONAL RECORD. They talk about a Democratic gerrymander. Some men here ought to be mighty thankful that it is arranged as it is, because they could not get into this House if there was anything near like a close majority in the district they represent.

The gentleman from Ohio [Mr. WILLIS] stated that he took his figures for the majorities he gave from the last congressional election. He will permit me to call his attention to the statement before the committee that the majorities could not be based on that vote, for the reason that the election turned principally on the personnel of the candidates rather than on political questions. It was conceded by all familiar with the Territory that there was a Republican majority of 5,000 in the Territory. The convention that framed the constitution was composed of 71 Republicans and 29 Democrats—a very comfortable working majority.

Another evidence of fairness of the convention in districting the State can be seen in the arrangement of the judicial districts. Two out of the eight districts are given to the Democrats, one with a population of 18,000 and the other with a population of 58,000; and in the latter district the judge in going to some of the counties must cross the mountains, go through a part of Texas, and travel 200 miles.

Oh, Republicanism, how many wrongs and outrages have been perpetrated in thy name!

Statement of Mr. Jones, of New Mexico:

Mr. JONES. I know of one district where that was not apparently taken into consideration, the district composed of Taos, Colfax, Union, and Quay Counties. Taos is west of the mountains and has no railroad connection whatever with the rest of the district, and to get to Taos by the usual route you have to travel by way of Santa Fe, a distance of about 200 miles. In order to get from Raton over into Union County you have had to go until very recently through the southern part of Colorado to Clayton, the county seat of Union County. In order to get to the county seat of Quay County, in that district, from Clayton, you have to go into the State of Texas.

I have occupied a great deal more time than I anticipated, but I want to say to you, in all earnestness and sincerity, I feel deeply upon this subject. I feel as though the honor of the State of Missouri is at stake in this question. I feel as though every Missourian, no matter upon which side of this Chamber he sits, is bound, as he loves his State, to vote for the majority report of this committee. Do you know that when Doniphan and his regiment started from Leavenworth on their march across the plains of Kansas, Nebraska, and New Mexico, they bore a flag given to them by the good women of Missouri, and the motto emblazoned upon that flag was, "The love of country is the love of God."

It was under that flag that these Missourians captured Arizona and New Mexico, and it was under that flag that these Missourians promised the people of Arizona and New Mexico that they should be admitted into this Union as soon as possible with all the rights and privileges of the people of any other State in the Union. Now, as Missourians we are bound to carry out the compact, signed and sealed by Missourians, to give those people that kind of a State government. Are you ready to keep the promises given by such men as Willard P. Hall? Are you willing to keep the promises made by Gilpin? Are you ready to keep the promises made by Sterling Price? Are you willing to keep the promises made by Francis P. Blair? If you are, you have but one thing to do and that is to vote for the adoption of the majority report of the Committee on Territories.

Why, a Missourian, Francis P. Blair, was appointed the first United States attorney for the Territory of New Mexico. He and Willard P. Hall and A. W. Doniphan wrote the first code of laws for that Territory, and many of the laws are in existence there to-day. Willard P. Hall had a unique experience in that war. He enlisted as a private in the First Missouri Volunteers. Before he enlisted, A. W. Doniphan, who afterwards was colonel of the regiment, and himself were candidates for the Democratic nomination for Congress in the primaries. Hall, a stripling of a boy 25 years of age, defeated Doniphan for the nomination. He enlisted as a private, went to Santa Fe, went down to Matamoros, 3,500 miles across sandy deserts and alkali plains, came home and represented his district in Congress, having been elected by 3,000 majority out of a vote of 10,000 while he was away in the Army. He afterwards was war governor of the State of Missouri.

Francis P. Blair, a Missourian, the first United States attorney for the Territory of New Mexico—you all know his history. What Missourian is not proud of it? A major general in the Union Army, then a United States Senator from the State of Missouri. Every Missourian loved him, every Missourian reveres his memory. He wore the blue. There was Sterling Price, whom all Missourians loved and honored.

No soldier of the North or South in the time of battle, whatever the fortunes of war might have been, ever had reason to find fault with his treatment when he fell into the hands of Gen. Sterling Price. He wore the uniform of a major general in the Confederate Army. Gen. James Craig, who represented his district in Congress, the district I have now the honor to represent, was a lieutenant in that army of Missourians. He came home. He wore the blue. He was a brigadier general in the Civil War. And I might go through this entire list and call the roll. I could tell you of Maj. Gilpin, who enlisted as a private, who was afterwards elected major of that regiment, and who was the only man, it is said, in Jackson County, Mo., who voted for Abraham Lincoln in 1860. He became the first Territorial governor of the new Territory of Colorado. I might call your attention to Napoleon B. Giddings, who was a private through that long, weary march of 3,500 miles. He was the first Representative in this House of the Territory of Nebraska.

And so they were all heroes; they were all great men. They appeal to us to-day to fulfill their promises and keep their word that they made to the people of New Mexico when they promised them admission into this Union with all the rights of the other States. They did not attach to their promise the qualification that a man must read and speak the English language in order to hold an office in a home that had been his 300 years before our soldiers put their feet on the soil of that country. And it is an outrage for the American Congress to say to-day that because my parents educated me in the language of my forefathers I can not hold an office in the community where I have lived all my life and where all the testimony shows me to be an upright, honest, and intelligent citizen.

I tell you, I am opposed to disfranchisement. I do not care where it comes from. I lived under it once, and I know all about it. I know all about its outrages. I know how men feel when they are stripped of the right to hold an office when a majority of the people ask them to hold it, and that is what we have done in this enabling act for New Mexico. Are you willing to stand for it? Are you? Then stand for it, but I appeal again to my colleagues from Missouri to stand with me back of that illustrious group of heroes that marched with Doniphan. You can not read the roster of that regiment without reading the names of heroes who made this Nation great, not only in that war but in the great war between the States. They were upon both sides. In the State I hail from we had many men upon both sides. Missouri furnished 110,000 men to the Union Army and furnished 100,000 men to the Confederate Army. To-day those men live in perfect accord and harmony. They join hands on every Memorial Day. In my town they march side by side under the same flag, keeping step to the beat of the same drum, to the graves in the cemetery, and they decorate the graves of the soldier of the North and of the South alike. [Applause.]

I make this appeal to Missourians. Let us keep the faith that our fathers pledged. Let us keep the word they gave, and when we realize and reflect that the flag that floated over the first mounted regiment of Missouri volunteers in the Mexican War bore the inscription, "Love of country is love of God," let us march under that banner and give those people what they are entitled to; let us give them free admission to this Union, unhampered by any such conditions as are sought to be imposed upon them by the enabling act. [Prolonged applause.]

APPENDIX.

APPORTIONMENT.

Until changed by law as hereinafter provided, the legislative districts of the State shall be constituted as follows:

SENATORIAL DISTRICTS.

Population, census 1910.

First. The county of San Miguel, one senator, 22,930.

Second. The counties of San Miguel and Mora, one senator, to be a resident of Mora County and to be elected by the electors of Mora and San Miguel Counties, 35,554.

Third. The counties of Guadalupe and San Miguel, one senator, 33,857.

Fourth. The county of Rio Arriba, one senator, 16,627.

Fifth. The counties of Bernalillo, San Juan, and Sandoval, one senator, 40,689.

Sixth. The counties of Rio Arriba and Sandoval, one senator, 25,203.

Seventh. The county of Bernalillo, one senator, 23,609.

Eighth. The county of Colfax, one senator, 16,640.
Ninth. The counties of Union and Colfax, one senator, to be a resident of Union County, and to be elected by the qualified electors of Union and Colfax Counties, 27,864.
Tenth. The county of Santa Fe, one senator, 14,770.
Eleventh. The county of Taos, one senator, 12,008.
Twelfth. The county of Valencia, one senator, 13,320.
Thirteenth. The counties of Sierra, Grant, Luna, and Socorro, one senator, 37,023.
Fourteenth. The county of Socorro, one senator, 14,761.
Fifteenth. The counties of Torrance, Otero, Lincoln, and Socorro, one senator, 25,110.
Sixteenth. The county of Dona Ana, one senator, 12,893.
Seventeenth. The county of McKinley, one senator, 12,963.
Eighteenth. The counties of Otero and Lincoln, one senator, 14,891.
Nineteenth. The county of Chaves, one senator, 16,850.
Twentieth. The county of Eddy, one senator, 12,400.
Twenty-first. The county of Roosevelt, one senator, 12,064.
Twenty-second. The county of Quay, one senator, 14,912.
Twenty-third. The county of Curry, one senator, 14,443.
Twenty-fourth. The county of Grant, one senator, 14,812.

REPRESENTATIVE DISTRICTS.

First. The county of Valencia, two members.
Second. The county of Socorro, two members.
Third. The county of Bernalillo, three members.
Fourth. The county of Santa Fe, two members.
Fifth. The county of Rio Arriba, two members.
Sixth. The county of San Miguel, three members.
Seventh. The county of Mora, two members.
Eighth. The county of Colfax, two members.
Ninth. The county of Taos, two members.
Tenth. The county of Sandoval, one member.
Eleventh. The county of Union, two members.
Twelfth. The county of Torrance, one member.
Thirteenth. The county of Guadalupe, one member.
Fourteenth. The county of McKinley, two members.
Fifteenth. The county of Dona Ana, two members.
Sixteenth. The county of Lincoln, one member.
Seventeenth. The county of Otero, one member.
Eighteenth. The county of Chaves, three members.
Nineteenth. The county of Eddy, two members.
Twentieth. The county of Roosevelt, one member.
Twenty-first. The county of Luna, one member.
Twenty-second. The county of Grant, two members.
Twenty-third. The county of Sierra, one member.
Twenty-fourth. The county of San Juan, one member.
Twenty-fifth. The county of Quay, two members.
Twenty-sixth. The county of Curry, one member.
Twenty-seventh. The counties of Rio Arriba and Sandoval, one member.
Twenty-eighth. The counties of Torrance, Santa Fe, and Guadalupe, one member.

Counties.	Population.	Republican majority.	Democratic majority.
San Miguel	22,930	1,462	.....
Mora	12,611	233	.....
Guadalupe	10,927	206	.....
Rio Arriba	16,624	457	.....
Bernalillo	23,606	1,691	.....
San Juan	8,504	.....	161
Sandoval	8,579	1,032	.....
Colfax	16,460	213	.....
Union	11,404	388	.....
Santa Fe	14,770	319	.....
Taos	12,008	360	.....
Valencia	13,320	1,336	.....
Sierra	3,536	.....	40
Grant	14,813	.....	543
Luna	3,913	.....	246
Socorro	14,761	519	.....
Torrance	10,119	72	.....
Otero	7,069	.....	90
Lincoln	7,822	.....	43
Chaves	16,850	.....	625
Eddy	12,400	.....	793
Roosevelt	12,064	.....	1,122
Quay	14,912	.....	512
Dona Ana	12,893	349	.....
McKinley	12,963	139	.....
Curry	14,443	.....	[1] 600
Total	327,753	.....	.....

[1] Estimated.

ADDRESS OF GEN. KEARNY TO THE PEOPLE OF NEW MEXICO AUGUST 19, 1846.

New Mexicans, we have come amongst you to take possession of New Mexico, which we do in the name of the Government of the people of the United States. We have come with peaceable intentions and kind feelings toward you all. We come as friends, to better your condition and make you a part of the Republic of the United States. We mean not to murder you or rob you of your property. Your families shall be free from molestation, your women secure from violence. My soldiers will take nothing from you but what they pay for. In taking possession of New Mexico we do not mean to take away your religion from you. Religion and government have no connection in our country. There all religions are equal; one has no preference over another; the Catholic and Protestant are esteemed alike.

Every man has a right to serve God according to his heart. When a man dies he must render to his God an account of his acts here on earth, whether they be good or bad. In our Government all men are equal. We esteem the most peaceable man the best man. I advise you to attend to your domestic pursuits, cultivate industry, be peaceable and obedient to the laws. Do not resort to violent means to correct abuses. I do hereby proclaim that, being in possession of Santa Fe, I am therefore virtually in possession of all New Mexico. Armijo is no longer your governor. His power is departed. But he will return and be as one of you. When he shall return you are not to molest him. You are no longer Mexican subjects; you are now become American citizens, subject only to the laws of the United States. A change of government has taken place in New Mexico, and you no longer owe allegiance to the Mexican Government. I do hereby proclaim my intention to establish in this department a civil government on a republican basis, similar to those of our own States. It is my intention, also, to continue in office those by whom you have been governed, except the governor and such other persons as I shall appoint to office by virtue of the authority vested in me. I am your governor; henceforward look to me for protection.

PROCLAMATION TO THE INHABITANTS OF NEW MEXICO BY BRIG. GEN. S. W. KEARNY, COMMANDING THE ARMY OF THE UNITED STATES IN THE SAME, AUGUST 26, 1846.

As by the act of the Republic of Mexico a state of war exists between that Government and the United States, and as the undersigned at the head of his troops on the 18th instant took possession of Santa Fe, the capital of the Department of New Mexico, he now announces his intention to hold the department, with its original boundaries (on both sides of the Del Norte), as a part of the United States and under the name of the Territory of New Mexico.

The undersigned has come to New Mexico with a strong military force, and an equally strong one is following close in his rear. He has more troops than necessary to put down any opposition that can possibly be brought against him, and therefore it would be folly and madness for any dissatisfied or discontented persons to think of resisting him.

The undersigned has instructions from his Government to respect the religious institutions of New Mexico, to protect the property of the church, to cause the worship of those belonging to it to be undisturbed and their religious rights in the amplest manner preserved to them; also to protect the person and property of all quiet and peaceable inhabitants within its boundaries against their enemies, the Eutaws, Navajos, and others. And while he assures all that it will be his pleasure as well as his duty to comply with those instructions, he calls upon them to exert themselves in preserving order, in promoting concord, and in maintaining the authority and efficiency of the laws, and to require of those who have left their homes and taken up arms against the troops of the United States to return forthwith to them, or else they will be considered as enemies and traitors, subjecting their persons to punishment and their property to seizure and confiscation for the benefit of the public treasury. It is the wish and intention of the United States to provide for New Mexico a free government, with the least possible delay, similar to those in the United States, and the people of New Mexico will then be called on to exercise the rights of freemen in electing their own representatives to the Territorial legislature; but until this can be done the laws hitherto in existence will be continued until changed or modified by competent authority, and those persons holding office will continue in the same for the present, provided they will consider themselves good citizens and willing to take the oath of allegiance to the United States.

TREATY OF GUADALUPE HIDALGO, CONCLUDED FEBRUARY 2, 1848—ARTICLE 9.

The Mexicans who, in the territories aforesaid, shall not preserve the character of citizens of the Mexican Republic conformably with what is stipulated in the preceding article, shall be incorporated into the Union of the United States and be admitted, at the proper time (to be judged of by Congress of the United States), to the enjoyment of all the rights of citizens of the United States according to the principles of the Constitution, and, in the meantime, shall be maintained and protected in the free enjoyment of their liberty and property and secured in the free exercise of their religion, without restriction. (S. Doc. 37, p. 519.)

PROTOCOL, MAY 26, 1848.

The American Government, by suppressing the ninth article of the treaty of Guadalupe Hidalgo and substituting the third article of the treaty of Louisiana, did not intend to diminish in any way what was agreed upon by the aforesaid article 9 in favor of the inhabitants of the territories ceded by Mexico. Its understanding is that all of that agreement is contained in the third article of treaty of Louisiana. In consequence, all the privileges and guaranties, civil, political, and religious, which would have been possessed by the inhabitants of the ceded territories if the ninth article of the treaty had been retained will be enjoyed by them, without any difference, under the article which has been substituted. (S. Doc. 37, p. 526.)

LOUISIANA TREATY, APRIL 30, 1803—ARTICLE 3.

The inhabitants in the ceded territory shall be incorporated in the Union of the United States and admitted, as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages, and immunities of the citizens of the United States; and in the meantime they shall be maintained and protected in the free enjoyment of their liberty, property, and the religion which they profess. (S. Doc. 37, p. 258.)

STATEMENT OF JUDGE A. B. FALL, OF THREE RIVERS, N. MEX.

Mr. FALL. Mr. Chairman and gentlemen of the committee, I am not going to read all of this matter, nor am I going to ask to have it printed.

Mr. Chairman, it seems to me from the questions that have been asked by some members of this committee that it would probably be best now to call the attention of the committee to some of the conditions that have caused the framing of this constitution in the way it has been framed. I presume that we all know that there never has been a constitution adopted in any State of the Union, nor by the Union itself, that has not been subjected to criticism and opposition. I think that all of us remember the very strenuous opposition that developed to the adoption of the Federal Constitution. A great many of its provisions did not suit a great many of the people. I think I recall that Mr. Patrick Henry fought Mr. Madison in the Virginia constitutional ratification convention over the provisions of the Federal Constitution. But I can readily understand that members of this committee do not realize the conditions existing in our Territory, because these conditions are different from those existing in any of the other States in the Union. These are conditions peculiar to the Territory, and they brought about the framing of certain of the articles and sections in this constitution. There is prevalent throughout the country an entirely mistaken idea about New Mexico and the New Mexicans, particularly about those whom we designate as native citizens. There is even a mistaken idea about the name of the Territory. I presume it possible that if you gentlemen thought about it at all

you would conclude that New Mexico was named for old Mexico, but the fact is that New Mexico was named 100 years before old Mexico was named.

Old Mexico was the Province of "New Spain" 100 years after New Mexico was known as New Mexico. New Mexico was governed directly by the King of Spain, and its governors were appointed by the viceroy. The southern boundary of the Province of New Mexico extended to nearly 400 miles south of Juarez, opposite El Paso, Tex., it included the States of Colorado and California, and extended on the north to the Frozen Sea, as shown on the map of the Duke of Burgundy. New Mexico was "discovered" by Coronado in 1541, and was settled by Oñate in 1595. In marching toward New Mexico he discovered the settlement of Santa Barbara, near what is the present mining camp of Parral. He found the country inhabited by Indians who belonged to the same tribe as the Aztecs in Mexico City. They were dressed in cotton cloth. He wrote back that he had discovered a "New Mexico" (referring to Mexico City), and he was appointed or authorized by the viceroy to proceed to explore New Mexico. For 100 years New Mexico was cut off from old Mexico by 400 miles of desert. New Mexico took no part in the Mexican revolution, because, as I have explained, these people were cut off from old Mexico. They formed a community of their own, and in some respects theirs was the most remarkable communal form of government this country has ever known. The settlements were made along the Rio Grande River from the Colorado line to the Texas border. Grants were made by the Spanish Government to the communities, and royal commissioners were sent up there to divide the land into severalties amongst the colonists. The irrigation ditches which were constructed were constructed in common and have been owned in common for over 300 years. They have an entirely different water system from that which you have in Colorado and other States of the Union; that is, in so far as the Rio Grande section is concerned.

Mr. MARTIN. My town is located along one of those grants.

Mr. FALL. Yes, sir. Recently we have adopted the Colorado and other systems of irrigation where they can be enforced in the Territory; that is, in the new settlements of the Pecos Valley, the San Juan country, and other localities. The condition of these people was very different from anything that ever obtained in old Mexico. These settlers in New Mexico, instead of being peons and slaves subject to some great family, were independent colonists and independent landowners. They constituted an entirely different class of settlers from those in old Mexico. That has been their condition for 300 years and is the same to-day. When they came into the United States they brought with them not only their laws as to waters and their communal form of government, but they brought the law of acquest property and many other civil laws, forms, and customs. Under the law of acquest community property the wife is the partner of the husband and is entitled to one-half of the entire estate. Now, that does not suit some of our people. Some who have come into the Territory more recently do not understand the old irrigation system, and the consequence is that whenever they see something come up about it in the constitution and the legislature they do not understand it. While that is an old custom here, they do not want anything of the kind. Well, as a matter of fact, it is the only system which would work out properly in the communities where these people live and where they constitute over one-half of the population. With the American settlers, who have acquired property from and live among them, they constitute over one-half of the entire population of the Territory. Now, these people were never connected, except as indicated, with old Mexico.

When Gen. Pike went into New Mexico in 1806, and the Santa Fe trail was afterwards opened, the people of New Mexico—and I can give you the names of some of the families—sent their children to school, not in old Mexico, but they sent their children to Missouri to be educated. They sent their children into the United States to be educated. The Lunas, the Chavezes, the Armijos, Oteros, Pereas, Romeros, and others were very prominent families in New Mexico, and sent their children to school in St. Louis. Their girls were educated at Notre Dame and in other places in the United States. After the establishment of the Santa Fe trail, New Mexico was in the line of the great freighting operations between Independence, Mo., and old Mexico. There were 300 miles of desert between New Mexico and settlements in old Mexico, and 100 miles in the southern part of New Mexico, known as the Jornado del Muerto (Journey of Death), and these people in New Mexico were the go-betweens between the citizens of the United States and settlements of New Mexico and the people of the northern States of old Mexico.

As I have indicated, these people were familiar with American institutions, and the children of those who were able to bear the expense were educated, as I have stated, in the United States. They knew by far more of American institutions of government then than they know to-day or have ever known of the institutions of old Mexico. Following the opening of the Santa Fe trail and the system of freighting of which I have spoken came the Mexican War, and Gen. Kearny, with Doniphan and his volunteers, crossed the country on his way from Independence, Mo., or Fort Leavenworth, into Mexico.

The people of New Mexico welcomed the Americans. They welcomed Gen. Kearny when he came into Santa Fe, because he came with a letter from the Secretary of War in one hand and his commission from the President of the United States in the other, saying to the people of New Mexico that they had come there to absolve them from their allegiance to old Mexico and to welcome them as citizens of the United States, and that they should establish a State government such as the other States in the Union had. After that the Territorial government was formed, such as we have had now for 60 years. Gen. Kearny issued his proclamation to the people of New Mexico inviting them to come in and take the oath of allegiance to the United States. He said, "We are not going to hurt you; we are going to protect you; we will welcome you as American citizens, with all the rights of American citizens; come into the United States, take the oath of allegiance." The proclamation went on to say that "just as soon as possible we are going to establish for you a legislature, and you will pass your own laws, enact your own legislation, and be a self-governing State. As soon as it is possible to do so, we are going to establish for you a State government under this authority from the Secretary of War." The secretary of the Territory, or Province, of New Mexico took the oath of allegiance to the United States and was appointed lieutenant governor of the Territory by Gen. Kearny under his authority from the Secretary of War. I want to explain this to you in order to show that these people are not in any sense Mexicans.

The CHAIRMAN. What do you think of the provision in the enabling act which prohibits anyone from being a member of the legislature or holding any office if he does not speak the English language?

Mr. FALL. I think it was an outrage upon the people who had come in here upon the absolute assurance that they should never be deprived of that right. When they took the oath of allegiance that right was absolutely guaranteed to them under the hand of the President of the United States.

Mr. BOOHER. Do you know where this provision originated?

Mr. FALL. Yes, sir; but I do not know whether I ought to divulge any parliamentary secrets. Senator Beveridge originated this provision.

When the treaty of Guadalupe Hidalgo was made with Mexico, the only modification made as to the promise of Gen. Kearny of immediate statehood was that New Mexico should be admitted to statehood so soon as Congress might decree. That was 60 years ago.

Mr. HARDY. Did that apply to New Mexico and Arizona also?

Mr. FALL. Yes, sir; at that time Arizona was a part of New Mexico. It was that portion of New Mexico which was inhabited very largely by the Apache Indians, and was known in the old Mexican records as the "Apacharia," or Apache County. Arizona was first settled by the Jesuits, and New Mexico was settled by and entirely under the control of the Franciscan friars. The first settlement in Arizona was at a silver mine in the "Apacharia," or Apache country.

Mr. HARDY. Was that prior to the settlement around Santa Fe?

Mr. FALL. Arizona was settled in 1737, and the Franciscan government in the Territory of New Mexico was established in 1595, and Santa Fe was settled in 1620 or just prior to that time.

While the Congressman has called my attention to it, I want to say that I heard a remark made by one of my friends from Arizona the other day to the effect that so far as he was concerned he did not like the Mexican vote and would have them disfranchised. He did not mean by the Mexican vote such as we have in New Mexico. He has reference to the old Mexican peons working in the mines. There were very few Mexican settlers in Arizona except those who have come in in the last few years, following the development of the mining industries in Arizona. There are two old Mexican families in Arizona—the Sanmiegos and the Aguirres—and there are no better or more honorable families of the corresponding class living anywhere in this country.

When the Gadsden purchase was made and the flag was raised under the treaty of Gadsden, the same provision was made guaranteeing the right of Mexicans as citizens of the United States, and again when the organic act establishing the government of New Mexico was enacted by the United States Congress; it was also in the compact with the State of Texas. Texas claimed all that portion of New Mexico lying east of the Rio Grande River and up into Colorado. They established a government at Santa Fe; they created it in New Mexico in two or three different counties, but when they undertook to take possession, the acting governor of New Mexico, Donaliano Vigil, refused to recognize the authority of the State of Texas and called on the President for protection. Col. Monroe was sent out there, and the President sent a message to Congress calling attention to the very grave difficulties that might arise and saying that some arrangement must be made with Texas. In pursuance of that message of the President of the United States, Texas was paid $10,000,000 for a quitclaim to that portion of New Mexico and Colorado which was involved. In that compact with Texas again the rights of the people who occupied that strip were guaranteed, and at the same time the organic act, which has been our fundamental law down to this time, contained the same provision. It was provided by the Congress of the United States that every one of these Mexicans had the right to vote and hold office.

I have referred to these matters for this purpose: You will see if you undertake to take away from them the right to vote, it will create great dissatisfaction, and the right of suffrage must be absolutely guaranteed to them in the constitution or they will prefer to remain where they have been for 60 years, under the Congress. They would prefer to remain under the power of Congress than to have these rights taken away from them by any constitutional provision. Therefore, it was necessary for us to assure them that they would be protected in these rights, in which you have protected them in the treaties I have referred to before we could persuade them that it would be better to come into the Union. My friend, Gov. Curry, has referred to the fact that they sent troops to the Civil War and to the Spanish-American War. The records show that New Mexico furnished more volunteers for the Union cause in the Civil War than was furnished by any other State or Territory west of the Mississippi River in proportion to its population. At the same time, the southern part of New Mexico, and where they sympathized with the southern cause, furnished a large proportion to the southern army. In the Spanish-American War the records of the War Department show that New Mexico furnished more than her quota of soldiers called for by the President of the United States. They have been patriotic American citizens; they are American citizens in the best sense of that term. They appreciate our Government, and not one of them would go down into old Mexico if he were offered in exchange for his American citizenship one of the princely cattle ranches of that Republic. I can speak and understand the Spanish language, and have mixed with the people for a great many years, and no more loyal or devoted people ever lived.

I want to say to you that there are no more trustworthy people anywhere, and no people ever had more respect for the constituted authorities of civil life than does the native population of New Mexico. In an election, if a native Mexican gives you his word that he will vote for you, he will certainly vote for you. I will admit that I am very fond of the Mexican people. Now, then, we know these conditions. There were 32 of these people—representatives of the best families in New Mexico, as intelligent, broad-minded, and patriotic American citizens as can be found in any State of the Union—in that constitutional convention. Thirty-two of them were in the constitutional convention.

Mr. LANGHAM. Mr. Chairman, I yield one hour to the gentleman from Iowa [Mr. PICKETT].

The CHAIRMAN. The gentleman from Iowa [Mr. PICKETT] is recognized for an hour.

[Mr. PICKETT addressed the committee. See Appendix.]

By unanimous consent, Mr. BOOHER was given leave to extend his remarks in the RECORD.

Mr. LANGHAM. Mr. Chairman, the gentleman from Virginia [Mr. FLOOD] has some one on his side to yield to at this time, and after that it is agreed that some time will be consumed on this side.

Mr. HOUSTON. Mr. Chairman, in the temporary absence of the chairman of the committee, Mr. FLOOD, from the Hall, I take the liberty of yielding one-half hour to the gentleman from New York [Mr. CONNELL].

Mr. CONNELL. Mr. Chairman, I make no excuse for asking to be heard in this House because I am a new Member. It is because I believe that there is a principle involved in the question of the new Member of Congress that I insist upon being heard. If there be truth in the observation that "God must have loved the common people, because He made so many of them," it may follow by the same logic that the American people have a tender leaning toward new Members of Congress, seeing that they occasionally make so many of them in one batch, as they so recently did. [Laughter and applause.]

Again, as wisdom sometimes falls from the lips of babes, it may happen that the new Member, in his childlike and picturesque innocence of congressional experience, may say something which ought to be said, but which, when he thinks he has grown wise and politically cunning, as I have heard even Congressmen have been known to do, he might never say. [Laughter.] The new Member comes straight from the people, blown in on the breath of the cyclone, right from where the thing started, and, no matter how he looks or how he talks, he deserves a hearing, and that before he waxes too wise to venture in where fledglings merrily and all unsuspectingly plunge. [Applause.]

No greater question than the one already up in this discussion has figured in statehood debates in this House, namely, the status of the people in our Government.

In attacking the recall in this debate gentlemen have lifted the matter to a higher sphere than has been reached before in the discussion of statehood in our time. I am convinced, Mr. Chairman, that, so far as the recall is concerned, I voice the present thought of the vast majority of those who sent me here when I oppose it as applied to members of the judiciary or to any other public servant in New York State; but when opposition to the recall involves a denial of the intelligence and patriotism of the American people sufficient to warrant confidence in them to exercise that power to the safety and honor of the courts, I protest against the doctrine plainly defined in that argument. Recall or no recall, the courts are safe in the care of the people as are the destinies of the Republic. If this be not true, then who shall mark the limit beyond which the people shall not go in government, and who shall curtail their power?

The gentlemen picture the judge against whom the recall has been invoked by 25 per cent of the voters as consigned to oblivion and disgrace. Pray, what would the 75 per cent of the people to whom the judge would resubmit himself be doing in the meantime?

Suppose, sir, that by any conception of conditions it were possible to-day for the Standard Oil Company to apply the law of recall to the Judges of the Supreme Court of the United States. Surely it would not be the rabble that would be behind such a recall; but should that powerful organization, with all its millions and all the ramifications of its far-reaching power, array itself behind such a movement, do the gentlemen believe that the American people would not rally around that court and give such an approval to the judges as to dazzle the world by the emphasis of their democracy and the splendor of their power? [Prolonged applause.] And if those who are dissatisfied with the Standard Oil decision should invoke the recall, aimed at the court, do the gentlemen imagine that the result would be different? [Applause.]

Yes; Mr. Chairman, recall or no recall, the courts are safe in the care and confidence of the American people. Only the other day a man stood upon the pinnacle of the most amazing popularity ever attained by any son of a republic in history, certainly our history. Men wondered how great his influence and his hold upon popular fancy and admiration would become. He dominated conventions and hurled from party honors the man filling the second highest place in the Government of our country. He applied his masterful political courage and genius to his party and its management, consigned every opponent to oblivion, and still seemed safe in his exalted place. Then he crossed the sea and directed England how to manage Egypt, and it is a wonder he did not tell her what to do with the pyramids or the mummies that are left there. When he had a few moments to spare he stopped at Rome and actually undertook there to reverse the diplomatic traditions of centuries. Then he went to Africa, and men wondered if this man would bring the birds of the air and the beasts of the jungle under his sway.

Back over the ocean he came, and never did Cæsar at the head of his legions receive such a reception as this man received in the first city of the western world. On and on he went until the dream of new nationalism developed and people began to quote what Bryan said in a speech some years ago with a little paraphrasing:

> "Awake, Oh Ancient Lawgiver; awake! Break forth from thine unknown sepulcher and speed thee back to cloud-capped Sinai. Commune once more with the God of our fathers. Proclaim again the law written on tables of stone."
>
> For behold, there has risen in the twentieth century a man who is going about with a dispensation that shows that he has rediscovered the Ten Commandments and is fast getting away with them as his own.

[Laughter and applause.]

You, gentlemen, with your fine-spun Hamiltonianism, who fear to trust the people with one more instrumentality of government, listen to this.

In the new nationalism this hero of war and of peace intimated that if the Supreme Court of the United States did not support certain policies which were identified with his administration some way would be found to get judges who would sustain them. And then what happened? One of those characteristic revolutions in American politics took place which tell the story of the fidelity of the people and their devotion to the judiciary. From that moment his popularity began to fail, and it went down, down, until to-day there sits your erstwhile hero as powerless to make or unmake judges or direct the destinies of this Republic as was Napoleon to realize his dream as he stood listening to the melancholy sobbing of the sea around St. Helena. [Applause on the Democratic side.]

What conception of rule is that which proclaims the people a mob because they demand more power in the government under which they live? The gentlemen tell us that Lincoln would have been recalled had there been a possibility of it in his day. Pray, from what measure of the patriotism of the country does this proceed? [Applause.] No; Lincoln would not have been recalled, to his disadvantage, any more than he was defeated in the middle of the war, when passion was at its height and the great armies were contending upon many a field of death.

I protest against the meager measure of confidence placed in the American people by the gentlemen who have so industriously searched the writings of Alexander Hamilton for material in this debate. [Applause on the Democratic side.]

Why was Lincoln not defeated? Because the American people were behind him; because he represented American institutions and human liberty, and the American people will never either recall, put out of office, or humiliate a public servant who stands for these things. [Applause.] Yes; and Washington would have been recalled, say the gentlemen, had there been such a possibility in his day; and they might have added that, without doubt, Aaron Burr would have headed the petition; but there stands the fame and splendor of Washington, forever to remain, and who will say that 25 per cent of his countrymen could, if they would, have made it otherwise had they 10,000 recalls? [Applause.]

I am sure, Mr. Chairman, that the patriotic gentlemen who are now so fearful that the hot-heads of Lincoln's day would have destroyed that great man would, had they been in public life in that eventful era, voted to prevent the hot-heads of their party from recalling, or, worse, impeaching Andrew Johnson, thus saving the Presidency from obloquy and the Government from disgrace. [Applause on the Democratic side.]

I am opposed to the recall because I believe the American people are to be trusted to take care of their Government with the machinery they already have, but God forbid that I should oppose the recall or any other proposition of government because I either doubted or feared the capacity and intelligence of the people to save their institutions from the mob and the demagogue. [Applause on the Democratic side.]

I warn the gentleman on the other side of this Chamber that this is not a good time in which to try to play a game of politics which has for its purpose the deception of the American electorate. If you undertake to hide behind the mask of patriotic defense of the judiciary, which needs no defense, while you strike at the heart of the Union in the hope of gaining party advantage, the people will understand and to them we shall appeal.

In this day of Democratic awakening exquisite sophistry will not obscure desperate partisanship.

Others may understand the purpose of your course in this debate as they will, but to me it is as clear as the fact that interests that would shout for the flag while they use law for the purposes of plunder are passing from places of power in this country.

To me your course means this monstrous thing: To let New Mexico into the Union automatically, because you believe that from that new State will come two Senators of your party. Keep Arizona out of the Union, not because its constitution is

unrepublican or at all repugnant to the spirit of the Nation, but because you fear that two Senators from that new State may be not of your party. But if, by any view of the joint resolution before the House, it should appear to your scheme that there would be added to the Senate two Democratic Senators and two Republican Senators, with the probability that in the swelling tide of Democracy in due time all four Senators might be out of sympathy with standpatism, thus removing forever from the path of American progress the last citadel of privilege, you would then, if possible, keep both of these proposed new States out of the Union. [Applause on the Democratic side.]

And when the people of this land come to grasp the full significance of such politics, woe betide the party caught in the act.

Refusing to admit a State into the Union because it might upset the political plans of party is but one step removed from laying down the doctrine that States may be put out of the Union in order to save party from the wrath of an aroused people.

On this issue I would have my party appeal to the American people, who never yet have failed to tear down party standards, as they did in the last election, not so much because they love party government less, but because they love country more. [Applause on the Democratic side.]

If, in the name of your party, you shall keep either or both of these States out of the Union in the hope of partisan advantage, all the mock alarm, all your high-browed Hamiltonianism, expressed here in twaddle about the people being likely to destroy the judiciary, will not save that party nor protect you from the fate which inevitably overtakes those who would circumvent democracy when freemen are bent upon applying it to their government and their country. [Prolonged applause.]

REDEEM A NATION'S PROMISE NOW.

More than 60 years ago, Mr. Chairman, Gen. Stephen W. Kearny, holding a commission from the United States, issued a proclamation to the people of New Mexico, in which he said:

> We are not going to hurt you; we are going to protect you; we will welcome you as American citizens, with all the rights of American citizens. Come into the United States; take the oath of allegiance.

Then the proclamation added:

> Just as soon as possible we are going to establish for you a legislature, and you will pass your own laws, enact your own legislation, and be a self-governing State. As soon as it is possible to do so we are going to establish for you a State government under this authority from the Secretary of War.

That promise, given when war clouds overhung the Nation—the Mexican War—should have been redeemed long ago. I believe that, after many vicissitudes, through none of which this people ever showed a want of those qualities of which States are made, New Mexico is to be admitted to the Union by this Congress, and with her Arizona, in accordance with the provisions of the joint resolution now before this House.

While the aspirations of these States to be represented among the stars of the flag under which their people have won statehood spurs many times over have repeatedly been subjected to disappointment, it may turn out that at no time since Gen. Kearny pledged a Nation's word could either or both of these States have been admitted to the Union under conditions more conducive to statehood or amid environments of more promise to the happiness of those who are to live in the new States. [Applause.]

To have been welcomed into the Union by a House of Representatives which is to be identified in history by the program of high purpose and patriotic service which has been enacted by this House during the past few weeks must forever be an inspiration to the people who shall enjoy the blessings of citizenship in these States and who shall solve their governmental problems in their own way in the coming years of Democracy's expansion. [Applause on the Democratic side.]

THE PASSING OF A POLITICAL SCHOOL.

It is well for the States that are to be admitted to the Union as part of the program enacted here since April 4, 1911, a year of grace in which Democracy's voice came out of the wilderness and began to preach from the mountain heights the gospel of true government among the free. [Prolonged applause.]

From the beginning of their statehood let New Mexico and Arizona remember the spectacle of a once great party, a once despotic organization, literally staggering to its end through this session.

Should, for instance, the people of these new States come to grapple with the high cost of living, let them recall what happened to a party which drifted from the service of humanity into the slavery of greed and despotic party rule, only to pay the penalty at the bar of public opinion.

Let them remember, too, that at the time they were admitted to the Union, in one application of Democratic doctrine, embodied in justice and law, the Supreme Court of the United States, figuratively speaking, began to draw the teeth of monopoly and to bid it loose its clutch upon the throats of the people. [Applause.]

THE FORCE OF GOOD EXAMPLE.

We would, Mr. Chairman, have these new States apply to their public questions a broader and more elevating view than that which must cling to the records of this session as the view of a passing and repudiated school of government. The distinguished gentleman from Illinois [Mr. CANNON], whose long service in public life and whose courage in political adversity will never, I hope, receive an unkind word from me or from his country, sounded the full, strong note of the political school against which the old States will surely be armed in the future, and which the new States may remember with profit. In the speech of the gentleman from Illinois [Mr. CANNON] on reciprocity with Canada, we were told that the premier of Canada had urged the reciprocity pact on the ground that it would benefit the Canadian farmer. In the same speech we were told that the President of the United States had urged the adoption of the reciprocity treaty with Canada on the ground that it would help the American farmer. Right there the passing political school touched the limitation of its vision. Let future students of this speech, great in picturesque reminiscence and characteristic eloquence, ask which of the two, the premier of Canada or the President of the United States, did the gentleman from Illinois believe. This must be the natural question, since it is clear that nowhere in the horizon of the statesmanship for which this school stands is there any vision of the fact that both are right, and that the premier of Canada and the President of the United States are trying to bring closer together in the cementing relations of trade and neighborliness two great peoples, entitled to all the blessings intended for all whose fortunes are bound up with this land, and to whom government means vastly more than high tariff walls and exact and exacting trade schedules. [Prolonged applause.]

From this Congress the new States may take inspiration, and political philosophy, too. As their people peruse in the future the record of the Congress which admitted their States to the Union, I fancy I hear them giving thanks that they have risen to a higher conception of the United States Government than to preach the doctrine so ably elucidated on this floor by the gentleman from Wyoming [Mr. MONDELL], whose alarms arose from the story that there are certain tariff dodgers who drive sheep across the Canadian border, shear them in the United States, and drive the shorn creatures back again, in consequence of which dire proceeding the prosperity of 92,000,000 of people must vanish like a blossom in a tempest, and American institutions, from the dome of this Capitol to the Statue of Liberty and the customhouses, must inevitably come tumbling down as if in chaotic answer to Gabriel's trumpet. [Laughter and applause on the Democratic side.]

Let the new States take their amusement from this school of wolf-crying statesmanship, and their inspiration to development from the doctrine of confidence in the intelligence and patriotism of the people who are to bear the burdens, and therefore deserve the blessings, of statehood in this Union.

THE STANDPATTERS OF OTHER DAYS.

Some of the difficulties which these and other States have encountered in their ambitions to become States may be noted as bearing upon the educational, if not the political, situation of to-day with regard to these proposed new Commonwealths. New Mexico is no stranger, certainly, to opposition in her march to statehood.

In the Senate of the United States, March 23, 1848, Daniel Webster said:

> I am against all accession of territory to form new States. We admitted Texas—one State for the present—but, sir, if you refer to the resolution providing for the annexation of Texas, you will find a provision that it shall be in the power of Congress hereafter to make four new States out of Texan territory. Present and prospectively, five new States, with 10 Senators, may come into the Union out of Texas. Undoubtedly, if we take, as the President recommends, New Mexico and California, there must then be four new Senators. We shall then have provided, in these Territories out of the United States, enough to send 14 Senators into this Chamber.
>
> But then, sir, suppose Texas to remain a unit and but one State for the present, still we shall have six Senators, then, for less than 300,000 people.

That the vision of the greatest minds of that day should have been limited regarding the possibilities of the Republic may be explained only by understanding the question of slave territory, which then engaged the statesmanship of the time, and to settle which the greatest civil war in history was to come. Still, while we are admitting States to the Union in our own day, and having perhaps reached the last to be

admitted in a century, we may well contemplate history as it sets forth the very duty before this House. Listen to Webster speaking of New Mexico:

As to New Mexico, its population is not likely to increase. It is a settled country, the people living along in the bottom of the valley on the sides of a little stream, a garter only on one side, and the other filled by coarse landholders and miserable peons. It can sustain, not only under this cultivation, but under any cultivation that our American race will ever submit to, no more people than are there now. There will then be two Senators for 60,000 inhabitants in New Mexico to the end of our lives, to the end of the lives of our children. * * * Forty-nine fiftieths, at least, of the whole of New Mexico are barren waste—a desert plain or mountain with no wood or timber. Little fagots for lighting a fire are carried 30 or 40 miles on mules.

And how is it with California? We propose to take California from the forty-second degree of north latitude down to the thirty-second. We propose to take 10 degrees along the coast of the Pacific. Scattered along the coast for that great distance are settlements and villages and ports, and in the rear is all wilderness and Indian country.

I have never heard of anything, I can not conceive of anything more ridiculous in itself, more absurd and more affrontive to all sober judgment, than the cry that we are getting indemnity by the acquisition of New Mexico and California. I hold they are not worth a dollar, and we pay for them vast sums of money.

And what if the voice of Webster pleading for standpatism in statehood had been potent then? Answer, New Mexico, with the results of your industry in peace and your devotion to duty in war, with your 100,000 school children, representing homes in which race suicide is regarded as untrue to civilization and morality as it is destructive of happiness and the State.

Answer, California, with your City of the Golden Gate rising above the desolation of the earthquake and making forever glorious the Pacific slope.

Answer, Arizona, with your accumulated merits, your independence and manifold equipments for statehood in the Union. [Applause on the Democratic side.]

Well may we in this body, in which the majority expresses the protest of the American people against standpatism in another, but no less menacing form, recall from history the admission of other States. There were those who would have "stood pat" on the original thirteen States. There were those whose standpatism had to be ignored by Jefferson in the greatest service ever rendered any country by any statesman—the acquisition of Louisiana. The States that were to be carved from that Territory rose ghostlike in the minds of the stand-pat statesmen of that day.

I will not say that it was the voice of Massachusetts, for that State repudiated the voice and despised the sentiment from that day to this; but listen to Josiah Quincy, of the same State which gave Webster to fame.

January 14, 1811, an eventful century ago, Quincy said, and then committed to writing this sentiment regarding the proposed admission of Louisiana as a State to the Union:

If this bill passes, it is my deliberate opinion that it is virtually a dissolution of this Union, that it will free the States from their moral obligation, and as it will be the right of all, so it will be the duty of some definitely to prepare for a separation, amicably if they can, violently if they must.

In spite of this prediction the bill passed the House by a vote of 77 to 36, and was signed by President Madison, the Speaker in the meantime having ruled the remarks of Quincy out of order.

Pitiful and petulant, sordid and unpatriotic as was this attitude of opposition to the admission of Louisiana, it constituted a standpatism of that day, not a whit more distrustful of the ability of the American people to govern than is the standpatism of to-day of the rights of the people to enjoy equal opportunity in the struggle incident to life in a rapidly developing country. Josiah Quincy's prediction was not altogether unlike the "smokeless chimney, desolate hearthstone, sheep shearing, and ruined industries" alarm of to-day.

Late but lucky New Mexico and Arizona, to be welcomed into statehood in the effulgent morning of a new youth for Democracy in this Republic. [Applause.]

A STATE SHOULD MAKE ITS OWN CONSTITUTION.

Mr. Chairman, the obstacles in the way of the admission of New Mexico and Arizona at this time are and have been trivial in comparison to those which other Territories had to overcome in order to get into the Union. I shall not enter into a discussion of the constitutions which, under the enabling acts, these States have made. This joint resolution voices the hope and affords the opportunity for further expression of the people's will in the proposed States upon features which, upon second thought, may seem to them to be more republican in form as recommended by this resolution than they may have seemed at the time of adoption. To provide in a State constitution that before any citizen of the State can hold high public office who does not speak a certain language may or may not have seemed to the authors of the enabling act, in accordance with which such a provision appears in the constitution of New Mexico, to be republican in form and meaning.

So far as I could gather from the hearings on this constitution before the Committee on the Territories, and published to the country, it was the general desire to be admitted to the Union and not the details of the constitution which had most to do with influencing the vote on the adoption of the constitution. This change and the further opening of the opportunities of the State for all the people of every language are to be voted upon as one of the conditions of the admission to the Union of New Mexico. The right to vote for or against the proposed changes remains with the people of the State without prejudice as to admission.

The obstacle in the way of the speedy admission of Arizona is that of the indecision in the mind of the President of the United States with regard to the sanction of the recall as applied to members of the judiciary. While I recognize room for difference as to the question here involved, personally I believe that there is another question of far more importance to the life of this Nation than any of these; it is bound up in this situation, and that is the right of every State to its own constitution, made and to be lived under by the people of the State without interference so long as such constitution does not conflict with the Constitution of the United States.

If I lived in Arizona, feeling as I do now regarding the recall, I should vote against its application to judges.

If I lived in New Mexico, I would vote and, if necessary, fight for a constitution which left open to all worthy citizens the right to sit in the legislature or in any other seat of honor and responsibility in the State. [Applause.]

But, sir, if living in New Mexico, Arizona, or New York, I felt that the right of the people of the State to have their own constitution was being violated or that the people of the State were being restricted in the liberties to which they are entitled under the Federal Constitution and the Declaration of Independence, I would say, "Never accept of any advantage, even that of statehood in the Union, under conditions that would weaken us as a State or humiliate us as a people." [Prolonged applause.]

And, sir, did I not know that the changes proposed by this joint resolution in no way interfere with the progress of these people to statehood, but rather give fresh opportunity to emphasize their will and to answer with their votes as to what they thought of their critics and of their principles, I would not vote for those changes here or elsewhere.

THE INITIATIVE AND REFERENDUM.

Neither shall I discuss, Mr. Chairman, the merits or demerits of the initiative and referendum. I have no difficulty, however, in accounting for the demand on the part of the people of various States, including the Republicans of New Jersey, for the application of that instrumentality of government in their affairs. Speaking on the evening of May 1 of this year, at a gathering in Princeton, N. J., and in the presence of a distinguished advocate of the initiative and referendum, Gov. Woodrow Wilson, of New Jersey, whose power for good furnishes an illustrious example of the mission of the scholar in politics, and whose fighting qualities fire the Democratic heart to the passion of combat for reform [applause], a member of the Cabinet of the President of the United States said in a speech which the press carried as an attack upon Gov. Wilson's ideas of government:

There is much clamorous advocacy of measures to limit the powers of those charged with the administration of our highly complicated Government and to increase the direct intervention of the public in the conduct of its operations.

Sure enough. Upon what right do the people clamor for more direct power in government? It is the old question of Hamiltonianism, which never fails to be heard when the people, driven to casting from their shoulders unjust burdens, rise up to drive plutocracy from power and to open wider the doors of government for those who believe that the people are not without capacity to govern. [Prolonged applause.]

If the "clamor" for the initiative and referendum has done nothing else at this time, it has served to bring out the aristocratic doctrine of Hamilton, that it may be measured by the proportions of the Democracy now sweeping over the country, just as it was measured and judged in its conflict with Thomas Jefferson in the early morning of that trust in the people which is the soul of the party represented by this majestic majority which is to give its approval to New Mexico and Arizona, together with admission to the Union. [Applause.]

This Cabinet member, Attorney General Wickersham, of my own State of New York, went on to tell how it happened that, in the midst of great prosperity, things occurred. Let me quote his words, as given to the press.

The Attorney General spoke of the recent colossal commercial development on centralized lines:

It is no wonder—

He said—

that materialism became rampant and that the golden calf was erected for worship in the market places. But the vision of truth and justice has never wholly failed before the eyes of the American people. In the period of their greatest material progress they paused to consider whether their institutions were securing justice between man and man. The laws of State and Nation alike, during this period of great industrial progress, had been molded to facilitate the conduct of business on a colossal scale. There was nothing more natural. They met the needs of the hour.

Thus plausibly and eloquently, as becomes the school of which this is typical political philosophy, the speaker led up to what, I submit, is at once the answer to the question, Why are the people clamoring for additional powers in government? This is what the Attorney General said in his splendid way:

Here and there occasional peaks of garnered riches rose high above the plain, and, like the robber barons of the Rhine land, great masters of capital sat enthroned upon them. But their very height lifted them up where all men could see and begin to question how they came there.

Yes, indeed, this questioning of "how they came there" is that which we read, like a guide sign, on the highway along the road of Democracy's progress. It is the voice of the people asking if the time has not arrived for throwing around Democracy still stronger safeguards, that it may not perish in the battle with greed and privilege, twin enemies of republics. So that Hamiltonianism, in its most eloquent advocacy of itself, justifies the very clamor of which it complains. [Applause on the Democratic side.]

Let me repeat, lucky New Mexico, lucky Arizona, to be admitted to the Union by a Congress in which the school of government that would limit the people's participation in their affairs to the needs and convenience of the favored few has been reduced to a minority whose opposition is futile and whose doctrines are literally swept away by the tide of popular protest. [Applause on the Democratic side.]

I have said, Mr. Chairman, that I would not enter upon a discussion of the initiative and referendum, but as the question raised by the constitutions of proposed new States is whether or not such constitutions are republican in form and not in conflict with the Declaration of Independence, I desire to insert in my remarks a statement sent to the New York World, a brilliant and powerful opponent of the initiative and referendum, by a distinguished Senator from Oklahoma, Senator OWEN, in whose State the law is now in effect:

SENATOR OWEN'S STATEMENT.

Is the initiative and referendum constitutional? Mr. Fred A. Baker, of Detroit, thinks it is not. The only possible ground for this absurd contention is the plea that the constitutional provision (Art. IV, sec. 4) that "the United States shall guarantee to every State in this Union a republican form of government" is inconsistent with the initiative and referendum; that is to say, that the initiative and referendum is not "republican" in form.

The guaranty of a republican form was agreed upon in the constitutional convention as a protection against a monarchy or an oligarchy.

"The term 'republican' has been applied to political organizations representing the most adverse principles.

"During the years 1781–92, under the leadership of Jefferson, the exponents of decentralization in the National Government called themselves Republicans and later became the Democratic Party. The term 'republican' was most conspicuously used as applied to the party organized in 1854–1856, which elected Lincoln in 1860."

Lincoln himself, the leader of that party, upon the field of Gettysburg raised to Heaven a mighty prayer, which has been heard around the world, for the preservation of a government "of the people, by the people, and for the people." Lincoln emphatically believed in the initiative and referendum, and so expressed himself.

The terms "Democrat" and "Republican" are synonymous, the Jefferson party having assumed the official name "Democratic-Republican," and later being called Republicans and finally becoming the Democratic Party.

The terms "Democratic" and "Republican" both mean, in fact, the rule of the people.

The guaranty of a republican form was inserted in the Constitution on the motion of Gov. Randolph, of Virginia. Mr. Madison moved an amendment as follows, and it was adopted:

"The republican constitutions and the existing laws of each State to be guaranteed by the United States." (Elliott's Debates, p. 543.)

Gov. Randolph explained why he was for the amendment, and said: "A republican government must be the basis of our National Union, and no State in it ought to have it in its power to change it into a monarchy." In letter No. 43, Hamilton, Madison, and Jay explained in the Federalist that this was "republican," defending this expression and saying: "The superintending government ought to possess authority to defend the system against aristocratic or monarchial innovations."

Letter No. 39 is of like purport.

Mr. Justice Story, in his Constitution, section 1815, explains that this term "republican" was used in contrast with "aristocratic" or "monarchial."

Mr. Justice Cooley, in Constitutional Limitations, explains the purpose of the guaranty of republican form to protect the Union against "aristocratic and monarchial innovations."

In Hopkins *v.* Duluth (81 Minn., 189) the court said: "We apprehend that a little reflection must satisfy anyone that the advantages of providing local self-government by the voters directly interested through a referendum is abstractly as well as concretely more republican in form than through representatives of the people in the legislature."

The Supreme Court of the United States (Luther *v.* Borden, 7 How., 421) declared that the republican character of a State, when recognized by the proper constitutional authority, is binding on every other department of the Government, and it can not be questioned in a judicial tribunal.

Fourteen of the States have actually adopted the initiative and referendum by a popular vote or act of the legislature.

It was, however, a recognized doctrine of the original States, the constitutions themselves being adopted by the referendum, the initiative being exercised in the right of instruction in the town meetings of New England and the county conventions of the South.

The right of recall was also recognized by the Continental Congress (Art. V), in which the States expressly reserved the right to recall their delegates to Congress at will.

The Congress of the United States admitted Oklahoma with the initiative and referendum and as a State "republican in form," and Congress has recognized Oregon, Maine, Montana, South Dakota, Missouri, Arkansas, and Oklahoma; and notwithstanding that these States have the initiative and referendum as constitutional provisions, their representatives are not questioned in Congress. Congress recognizes these States as republican in form, and this recognition is binding upon every other department of the Government, under the decisions of the Supreme Court of the United States. (Texas *v.* White, 7 Wall., 700; Taylor *v.* Beckham, 178 U. S., 546.)

The rule of the people and their right to rule is recognized in all the constitutions. (See the bill of rights of North Carolina, Virginia, Maryland, Pennsylvania, New York, Connecticut, Rhode Island, New Hampshire, Vermont, New Jersey, Delaware, South Carolina, and Georgia.)

The evidence is overwhelming, and the contention of Mr. Baker is so unsound as to not require any further answer, although further evidence is abundant.

ROBERT L. OWEN.

WASHINGTON, *April 11.*

THE AMENDMENT OF STATE CONSTITUTIONS.

The question as to the method and possibility of amending the constitution submitted by New Mexico was chiefly involved in the hearings before the Committee on the Territories, and as a consequence of the discussions a change in article 19 of the constitution has been suggested in the joint resolution before the House. I asked the gentlemen who had been instrumental in framing this constitution in what respects it differed from the constitutions of other States in the Union in the possibilities of amendment. On this point, Mr. Chairman, I desire to introduce some facts prepared by the Hon. A. B. Fall, of New Mexico, and given to me at my request as showing what various State constitutions provide on this point.

Mr. Chairman, in introducing comparisons of the constitutions of the various States as to how the people may amend them I say in connection with it that I listened to the speech of my eloquent and learned colleague on the committee on the other side of the House [Mr. WILLIS] yesterday; and while I do not remember all he said about constitutions, I do know that he found that in some States it took two sessions of the legislature and a majority vote to amend the constitution. In other States it took less; in other States it took more. In some States they did this and in other States they did that; and so, around the whole Union, it developed that the people of the States were actually living under constitutions made by themselves just as they wanted them. [Applause on the Democratic side.] That was far more significant and a far greater contribution to this discussion than all the legal hairsplitting and adroit technicalities which I suspect are somewhere being woven into one of those subtle and flimsy excuses for a dying political party to keep up its strength in the Government. [Applause on the Democratic side.]

AMENDMENTS TO CONSTITUTION.

ALABAMA.

Three-fifths of one house originate. Three-fifths of other concurring, election ordered, and vote of a majority of qualified electors voting carries.

ARKANSAS.

Either branch of legislature may propose an amendment. If agreed to by majority elected to each house submitted, and must be adopted by a majority of the voters voting at a general election for senators and representatives. No more than three amendments shall be submitted at one time.

CALIFORNIA.

Proposed by two-thirds of all members elected to each house. Approved by majority of voters voting thereon.

COLORADO.

Proposed by two-thirds of members elected to each house. Adopted by a majority vote of those voting thereon, but only one amendment to be proposed at any one session of the legislature.

CONNECTICUT.

Proposed by majority of the house of representatives, continued to the next general assembly, and if approved by two-thirds of each house at such next session, then submitted for approval by majority voting thereupon at the town meetings held for such purpose.

DELAWARE.

Proposed by two-thirds of the members elected to each house, then published and referred to next general assembly to be adopted by two-thirds of votes of members elected to each house.

FLORIDA.

Proposed by three-fifths of all members elected to each house. Adopted by a majority vote.

GEORGIA.

Proposed by two-thirds of members elected to each house. Adopted by majority vote.

IDAHO.

Proposed by two-thirds of each house. Submitted at general election. Adopted by majority of electors (not those voting "thereon").

ILLINOIS.

Proposed by two-thirds of members elected to each house. Submitted at general election. Adopted by majority of electors voting at said general election (not those voting "thereon").

INDIANA.

Proposed by majority elected to each house; goes to general assembly chosen at next general election. If approved by a majority of second assembly, submitted to a vote of the State electors, and must be ratified by a majority of such electors (not voting "thereon").

IOWA.

Proposed by majority of members elected to each house. Referred to the next legislature to be elected; if agreed to by majority of such second general assembly, submitted to voters and adopted by majority.

KANSAS.

Proposed by two-thirds of members elected to each house. Submitted at general election. Adopted by majority.

KENTUCKY (1890).

Proposed by three-fifths of members elected to each house; submitted at next general election. Adopted by majority. Not more than two amendments submitted at any one time.

LOUISIANA.

Proposed by two-thirds of members elected to each house. Submitted at regular election. Adopted by majority.

MAINE.

Proposed by two-thirds of both houses. Submitted at regular annual meetings in the towns and plantations. Adopted by majority.

MARYLAND.

Proposed by three-fifths of all members elected to each house. Submitted at general election. Adopted by majority.

MASSACHUSETTS.

Proposed by majority of senators and two-thirds of members of house. Submitted to the next elected legislature (general court), and if agreed to by majority of senators and two-thirds of members of the house, then submitted to the people and adopted by majority.

MICHIGAN.

Proposed by two-thirds of members elected to each house. Submitted at general election. Adopted by majority.

MINNESOTA.

Proposed by a majority of both houses. Submitted at general election; adopted by majority of electors voting at said election (not "thereon").

MISSISSIPPI.

Proposed by two-thirds of each house. Adopted by majority of qualified electors at said election.

MISSOURI.

Proposed by majority elected to each House. Submitted general election. Adopted if majority of qualified electors of State voting said amendment vote in favor thereof.

MONTANA.

Proposed by two-thirds members elected to each house. Submitted general election. Adopted by majority. Not more than three amendments shall be submitted at any one time.

NEBRASKA.

Proposed by three-fifths members elected each house. Submitted regular election. Adopted by majority electors voting said election (not "thereon").

NEVADA.

Proposed by majority members elected each house. Submitted to next legislature thereafter elected, and if approved submitted to people. Adopted by majority.

NEW HAMPSHIRE.

Proposed by general court under constitution 1784, and by selectmen and assessors in town meetings under constitution of 1902, but no alterations are even to be made except when approved by two-thirds of the voters.

NEW JERSEY.

Proposed by majority member elected to each house. Referred to the legislature next to be chosen, and if agreed to by majority, submitted to the voters. Adopted by majority, but no amendments submitted oftener than once in five years.

NEW YORK.

Proposed by majority members elected each house. Referred to legislature next to be elected, and if agreed to by majority elected to each house, submitted to voters. Adopted by majority.

NORTH CAROLINA.

Proposed by three-fifths each house. Submitted general election. Adopted by majority votes cast (at such election).

NORTH DAKOTA.

Proposed by majority elected to each house. Referred to next legislature to be elected; if agreed to, submitted to voters. Adopted by a majority.

OHIO.

Proposed by three-fifths of members elected to each house. Submitted at regular election. Adopted by vote of majority of electors voting at said election (not "thereon").

OKLAHOMA (ARTICLE 24.)

Proposed by majority of all members elected to each of the two houses; submitted at next regular general election (unless by two-thirds vote of each house, when it may be submitted at special election). Adopted by a majority of all electors voting at said election, voting in favor of the amendment. ("If a majority of all the electors voting at such election shall vote in favor of any amendment, etc.")

OREGON.

Proposed by majority members elected to each house. Submitted to voters at general election (unless special election ordered by legislature). Adopted by majority.

PENNSYLVANIA.

Proposed by majority of members elected each house. Submitted to legislature next chosen. Adopted by majority. No amendments submitted oftener than once in five years.

RHODE ISLAND.

Proposed by majority elected to each house; referred to next elected legislature. Adopted by three-fifths electors voting at town and ward meetings.

SOUTH CAROLINA.

Proposed by two-thirds members elected to each house. Submitted to general election, and if adopted by majority voters, referred back to next legislature, and if ratified by a majority of each house, stands adopted.

SOUTH DAKOTA.

Proposed by majority elected to each house. Submitted to general election. Adopted by majority.

TENNESSEE.

Proposed by majority elected to each house. Referred to general assembly next to be chosen; if approved by two-thirds of members elected to each house, submitted to voters. Adopted by a majority of all the citizens voting for representatives voting in favor. No amendments to be submitted oftener than once in six years.

TEXAS.

Proposed by two-thirds of members elected to each house. Adopted by majority.

UTAH.

Proposed by two-thirds of members elected to each house. Submitted to general election. Adopted by majority.

VERMONT.

Proposed once in 10 years by two-thirds of senate and majority of house. Referred to general assembly next to be chosen, and if approved by majority of such next assembly, submitted to voters. Adopted by majority.

VIRGINIA.

Proposed by majority elected each house. Referred to assembly next to be chosen if agreed to by majority elected each house. Submitted to voters. Adopted by majority.

WASHINGTON.

Proposed by two-thirds members elected each house. Submitted general election. Adopted by majority.

WEST VIRGINIA.

Proposed by two-thirds members elected. Submitted general election. Adopted by majority.

WISCONSIN.

Proposed by majority elected each house. Referred to legislature next to be chosen, and, if agreed to by majority all members elected each house, submitted to voters. Adopted by majority.

WYOMING.

Proposed by two-thirds members each house. Submitted general election. Adopted by majority electors (not "voting thereon").

A NATION'S DUTY.

Party platforms have repeatedly declared for the admission of these States to the Union. Let us redeem our pledges and admit them now. For all time let it be said of these States that they were born in the throes of a political revolution against greed in business and dishonor in politics. Admitted to the Union by this Congress, their birth will be found by the student of the future to have taken place while yet the pathetic cries of a once great party, born for the work of liberty but wrecked upon the shoals of covetousness, echoed through the Nation's Capitol. [Applause.]

If there be anything in the environment of birth, it will be well for the States born at the close of these debates.

This session is to be remembered in history as one in which a small group of standpatters, relics of a past and repudiated school of government and of political economy, united in a pitiful effort to thwart a majority, direct from the people, by dangling before patriotic visions the skeleton of a policy which students will forever know as the prolific "mother of trusts."

Mr. Chairman, somewhere it has been said "history makes itself; men only write it." The thought is too shallow, the conclusion too weak. As well might it be said that governments make themselves; men only frame them. In the admission of the two last States to the Union in our time we are making history, and may it be enduring to the strength and perpetuity of our country.

New Mexico and Arizona, this Democratic House of Representatives bids you welcome to the Union. Forevermore be represented among the stars of the most beautiful banner that ever waved between earth and sky. It is the banner whose united stars gleam as a beacon of hope to the oppressed of every land and under whose shadow liberty dwells and justice reigns. It is the banner for which the Father of his Country prayed that it might triumph over tyranny, through every danger withstand the enemies of the Republic, and vindicate the inalienable rights of mankind.

Come, New Mexico and Arizona, enter into the Union, for whose mission heroes have sanctified with their blood the battle fields of a Nation. Come, make still more invincible, still more

beautiful the American flag, the truest banner of freedom, the sweetest emblem of hope since the cross cast its redeeming shadow upon a lonely hill. [Prolonged applause.]

Mr. FLOOD of Virginia. Mr. Chairman, I now yield half an hour to the gentleman from Georgia [Mr. ADAMSON].

Mr. ADAMSON. Mr. Chairman, it would be ungracious to mar the sublime effect of such a grand oration as that to which we have just listened by feebler effort from a weaker man. That maiden speech by the gentleman from New York [Mr. CONNELL] has established his position as a statesman and orator, and the wonder to me is, after hearing his masterful discussion, that if he has been preaching the doctrine of Democracy with such truth and power in his State, his State could ever have gone Republican a single time. [Laughter and applause.] He and the other distinguished gentlemen who have been heard to-day have spoiled what little speech I thought I wanted to make by saying all that was good in it and a great deal more that I never could or would have said. To try to follow them would be tedious to my hearers. I could not add materially to what they have said; I would not answer it if I could, and no man could answer it if he would. [Laughter and applause.]

For a long time we have trifled with New Mexico and Arizona, making them promises and deceiving and disappointing their hopes. Through the majestic declaration of the will of the people this House is at last in a position to do its part in according them justice. If it has been decreed by partisanship that because it is imagined that New Mexico is Republican and that Arizona is Democratic, that New Mexico shall be admitted and Arizona rejected, argument and reasoning will be of no avail; but if the other branch of this Congress and the Executive see proper to act in that way about it for the sake of a few Members of Congress and a few electoral votes in the next election, I beg to assure them that the people of this whole Union will register a Democratic victory with such overwhelming unanimity as to render unnecessary to Democratic success in Congress and the White House the votes of either of these Territories. [Applause on the Democratic side.]

Mr. Chairman, I regard every argument and every objection which I have heard against this resolution as demurrable, and believe that any good lawyer, sworn and placed on that bench as a judge, would so hold. The pending resolution is not a Democratic proposition. The Democratic position is that both ought to be admitted if their constitutions provide for a republican form of government, and be left free to do as they please as to all local questions in detail. But this resolution is gotten up as a compromise. There was a difficulty between the President of the United States and the divergent Houses of Congress on the question, and the result is that this is gotten up as a compromise, which ought to be accepted by everybody to make peace in the premises.

The objections I have heard are demurrable for this reason: When 13 sovereign States, for unmistakable purposes, clearly declared in the preamble, formed a union and adopted a Constitution, they expected to grow; they expected the population to multiply and prosperity to increase their wealth and power, to carve out new States from themselves and from additional territory, and they made provision that Congress may admit new States, and the other provision applicable to new and old States, that a republican form of government should be guaranteed to every State. It is not expressly declared that Congress could not arbitrarily exercise the physical power to say, "Because the details of your constitution do not suit the particular personal or sectional notions of some Member of Congress we will not admit you"; but, by implication, it is clearly understood that if the constitution presented provides for government republican in form, it is the duty of Congress to admit that State.

Mr. Chairman, I do not hear much objection to the details of the New Mexico constitution. The chief one is that they try to imitate the Greek lawgiver of old, who had a compact that the law as he gave it should not be changed; but, Mr. Chairman, that itself is a nullity. The power of changing a constitution is inherent in any people, and the people of any State at any time, no matter what the language of their constitution is, can change it.

As to Arizona, I have heard gentlemen urge three objections. They do not like the initiative; they do not like the referendum; they do not like the recall. Mr. Chairman, it is not a sufficient objection that any of these gentlemen object to any of these details or any other detail for any reason. A great many of them come from States that say things and do things that I do not like, but I do not propose to move to expel them from the Union on that account. As long as their States maintain republican forms of government the detail is a matter for them, and the bedrock, the corner stone of our political system—the admiration of the world, the boon of mankind—is local self-government. Each community may do as it pleases so long as it conforms to the general system of representative government.

And what do these things mean? The lexicographer has not performed during this debate. The initiative is supposed, in its essence, to mean simply a suggestion and indication of what the people would like to have done. That is all. There is not a Member here who is not anxious to find out what the people on whom he depends for election want done. The referendum means that if a matter is agitated on which the people have not spoken and there is any doubt or dispute, then it should be referred to the people to find out what they want done about it. The last one of you keeps your ear to the ground more assiduously than the track dog every kept his nose to the scent of the game to find out what the views and notions of the people are. As to the recall, it means the power to call down a public servant, and call him out if he is not doing right, and it is applicable already in one form or another to every solitary elective office in the United States, Federal or local, from the President down to constable.

Mr. FIELDS. Will the gentleman yield?

Mr. ADAMSON. Yes; with pleasure.

Mr. FIELDS. Does not the gentleman think that the recall that the people exercised in the election of Representatives last fall added a good deal to the dislike which certain gentlemen on that side entertain to the principle of recall?

Mr. ADAMSON. I was just about to remark that I thought two years was perhaps a short enough period to exercise the power of recall on Congressmen. Under existing law periods vary in length for the different offices, and gentlemen on the other side are doubtless justifiable in opposing the idea at all, or at least making the period any shorter than two years, from the terrific experience they had last fall, which decimated their ranks to one-half and restored this House to the control of the people. [Applause on the Democratic side.] But that is not a circumstance to what they are going to suffer if they persist in disregarding the will of the people. If they insist upon the same mad career which caused the storm of last year, the people will rise in their might and resentment next year and recall the balance of them, and you will hardly find room in this entire House for the Democratic Congressmen who will be sent here to take the place of the unfaithful Representatives justly recalled. [Applause.]

Oh, the gentleman from Michigan, my eloquent brother HAMILTON, inveighed terrifically about the dangers of a terrified judiciary, afraid of the people, pandering to popular whim and caprice, trimming judicial sails to suit the popular wind, and denying justice to litigants through fear of recall. His picture did not appall me. In a great many States, my own included, the judges are all elective. The same troubles which he depicted about a miscarriage or suspension of justice incident to a change in incumbency applies with equal force to every case where the judiciary is elective. We have no trouble about it. We trust the people. They usually do right. Neither Arizona, when admitted, nor any other State of this Union, will ever permit a judge to be summarily recalled through popular caprice nor removed during the term for which elected without due notice and fair trial. I hope the Lord will long postpone the day when we will have in this country either Congressmen or judges who "forget the rock from which they were hewn" and imagine they are independent of the people whose servants they are. It is wholesome. The emphatic purpose of our Government, State and Federal, was to provide a check and curb upon its public servants in order that they would do the people's will.

The entire burden of my song is that it is none of our business what particular details the people of Arizona want in their State government, provided they present those features which are characteristic of a representative form of government. We ought to admit any such State in any such condition if it is justified by the population and power, and welcome it into the sisterhood of States on the same terms, with all the rights, powers, privileges, and immunities of an original State and say: "My sister, come in, grow, live, prosper as one of us, and do your duty and exercise your rights, powers, privileges, and immunities in this glorious Union." The trouble with us has been eloquently referred to by the last speaker, and it is that there were some people in this country wedded to the doctrines of monarchy and class and absolutism, and they fought and struggled to form and shape this Government upon that idea. They failed. Instead of submitting, as a patriotic and honest minority ought to have done, they went on from the very beginning of the Government and up to this hour endeavoring to conduct it on those principles which had been overruled and rejected in framing our Government.

They are in this House to-day advocating the pharisaical doctrine that has caused all trouble and bloodshed in this country—that you must look after other people's morals and other people's concerns and neglect your own. The true doctrine is that you ought to keep your own yard clean, you ought to attend to your own business, and do your part in governing your country by managing your own local affairs, and thereby contribute your part honestly to the entire sum of the greatness, glory, and prosperity of this country. [Applause on the Democratic side.] A good, old, honest Republican Senator, if such an apparent anomaly in expression may be pardoned [laughter], asked me this morning if the Lord was on our side over here. I said, "Most assuredly; He has come around to us at last. He is helping us put through some good bills, and we will soon send them over to you, and then I do hope the Divinity will move over to your vicinity and move your hearts to do right and serve Him by executing the people's will. The pagan gods used to make mad those whom they wished to destroy. If He does not help you and move your hearts to put through at this time the beneficial and salutary measures which we are sending over to you, it may be that He is showing his great divine goodness and wisdom of dispensation by allowing you a little more time to do a little more harm and a little more evil and a little more violation of the people's will in order to justify your own doom and demonstrate the greatness, goodness, power, and justice of His dispensation when He moves the people to destroy you utterly in the next election." [Loud applause on the Democratic side.]

Mr. FLOOD of Virginia. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. GARRETT, Chairman of the Committee of the Whole House on the state of the Union, reported that the committee had had under consideration House joint resolution 14, the statehood resolution, and had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. HARDWICK, until June 1, on account of important business.

To Mr. MORRISON, for 15 days, on account of important business.

To Mr. BELL of Georgia, for 15 days, on account of important business.

To Mr. UTTER, for two weeks, on account of important business.

COMMITTEE APPOINTMENTS.

The SPEAKER. There has been some dispute as to whether the Joint Select Committee on Disposition of Useless Executive Papers could be elected by the House. An examination of the statutes clearly shows that the two members from the House are appointed by the Speaker and the two from the Senate are appointed by the Vice President. Therefore, to clear up any difficulty as to the legality of the proceeding, the Chair appoints Mr. TALBOTT of Maryland and Mr. MCCREARY of Pennsylvania as members of this joint committee on the part of the House. Is there objection? [After a pause.] The Chair hears none.

HOUR OF MEETING TO-MORROW.

Mr. FLOOD of Virginia. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet to-morrow morning at 11 o'clock.

The SPEAKER. The gentleman from Virginia asks unanimous consent that when the House adjourns to-day it adjourn to meet to-morrow at 11 o'clock. Is there objection?

There was no objection.

ADJOURNMENT.

Then, on motion of Mr. FLOOD of Virginia (at 5 o'clock and 27 minutes p. m.), the House, in accordance with the order agreed to, adjourned until to-morrow, Saturday, May 20, 1911, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Treasury, transmitting, in response to House resolution of May 9, 1911, information regarding the erection of a building for the Bureau of Engraving and Printing, Washington, D. C. (H. Doc. No. 59), was taken from the Speaker's table, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. SLAYDEN, from the Committee on the Library, to which was referred the bill (H. R. 9833) to accept and fund the bequest of Gertrude M. Hubbard, reported the same with amendment, accompanied by a report (No. 38), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

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

By Mr. SMITH of California: A bill (H. R. 10019) to appropriate $50,000 for the construction of a breakwater at Coronado, Cal.; to the Committee on Rivers and Harbors.

By Mr. SHERWOOD: A bill (H. R. 10020) granting a service pension to certain defined veterans of the Civil War; to the Committee on Invalid Pensions.

By Mr. PATTON of Pennsylvania: A bill (H. R. 10021) for the erection of a public building at Dubois, Pa.; to the Committee on Public Buildings and Grounds.

By Mr. PETERS: A bill (H. R. 10022) to amend an act entitled "An act to raise revenue for the Philippine Islands, and for other purposes," approved August 5, 1909; to the Committee on Ways and Means.

Also, a bill (H. R. 10023) for the transfer of a commissioned officer of the United States Navy Medical Corps or the United States Public Health and Marine-Hospital Service to the United States Army Medical Corps; to the Committee on Military Affairs.

By Mr. STANLEY: Resolution (H. Res. 173) authorizing the payment of the expenses of the select committee appointed in House resolution 171, under provisions of House resolution 148; to the Committee on Accounts.

By Mr. CANNON: Memorial from the General Assembly of Illinois concerning an amendment to the Constitution of the United States to grant Congress power to prevent and suppress monopolies by legislation; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of Ohio: A bill (H. R. 10024) granting an increase of pension to Jacob Teal; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10025) granting an increase of pension to Elexander Tittle; to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 10026) granting an increase of pension to Thomas B. Reed; to the Committee on Invalid Pensions.

By Mr. BYRNS of Tennessee: A bill (H. R. 10027) for the relief of the estate of Ellen Young; to the Committee on War Claims.

By Mr. CANNON: A bill (H. R. 10028) granting an increase of pension to William H. Wells; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10029) granting an increase of pension to Dallas S. Lewis; to the Committee on Invalid Pensions.

By Mr. COX of Ohio: A bill (H. R. 10030) granting a pension to Martha A. Mouse; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10031) granting a pension to Samuel Critchfield; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10032) granting a pension to Albert R. Huey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10033) granting a pension to Robert Saunders; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10034) granting a pension to Mary J. Langdon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10035) granting a pension to Ridley B. W. Baxter; to the Committee on Pensions.

Also, a bill (H. R. 10036) granting a pension to Charles A. Webber; to the Committee on Pensions.

Also, a bill (H. R. 10037) granting a pension to Louisa K. Schlagel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10038) granting a pension to William Golden; to the Committee on Pensions.

Also, a bill (H. R. 10039) granting a pension to Charles H. Bunge; to the Committee on Pensions.

Also, a bill (H. R. 10040) granting a pension to Sarah E. Bender; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10041) granting a pension to Orlando H. McKnight; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10042) granting a pension to John R. Stickelman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10043) granting a pension to D. M. Murray; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10044) granting a pension to James D. Reigh; to the Committee on Pensions.

Also, a bill (H. R. 10045) granting a pension to Joseph Debli; to the Committee on Pensions.

Also, a bill (H. R. 10046) granting a pension to James W. Kearns; to the Committee on Pensions.

Also, a bill (H. R. 10047) granting a pension to John F. Benson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10048) granting a pension to Daniel Leigh; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10049) granting a pension to G. Baxter; to the Committee on Pensions.

Also, a bill (H. R. 10050) granting a pension to Solomon Davidson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10051) granting an increase of pension to Joseph N. Dear; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10052) granting an increase of pension to John Ruehle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10053) granting an increase of pension to L. P. Huston; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10054) granting an increase of pension to William M. Snyder; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10055) granting an increase of pension to John R. Guest; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10056) granting an increase of pension to John Davis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10057) granting an increase of pension to Robert Duckson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10058) granting an increase of pension to Thomas H. Summers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10059) granting an increase of pension to John W. Howell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10060) granting an increase of pension to Henry D. Hunt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10061) granting an increase of pension to Jesse Nye; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10062) granting an increase of pension to Richard F. Logan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10063) granting an increase of pension to Michael Leusnick; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10064) granting an increase of pension to Briney Doran; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10065) granting an increase of pension to Mrs. Moses Klein; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10066) granting an increase of pension to Thompson Weir; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10067) granting an increase of pension to Jacob H. White; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10068) granting an increase of pension to William Sheldon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10069) granting an increase of pension to D. H. Moore; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10070) granting an increase of pension to Stella McLefresh; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10071) granting an increase of pension to George W. Davis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10072) granting an increase of pension to Orin Hill; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10073) granting an increase of pension to Joseph Funk; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10074) granting an increase of pension to W. J. Porter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10075) granting an increase of pension to Richard Du Bois; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10076) granting an increase of pension to F. M. Alexander; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10077) granting an increase of pension to Benjamin Stephens; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10078) granting an increase of pension to Henry Habedank; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10079) granting an increase of pension to Mathew S. Stewart; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10080) granting an increase of pension to Thomas N. Stanford; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10081) granting an increase of pension to Amos Shatzer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10082) granting an increase of pension to George W. Royce; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10083) granting an increase of pension to William F. Hoopert, alias Frederick C. Hupee; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10084) granting an increase of pension to Clarence M. Hull; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10085) granting an increase of pension to Edward Chapin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10086) granting an increase of pension to Julius Engler; to the Committee on Pensions.

Also, a bill (H. R. 10087) granting an increase of pension to Richard T. Davis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10088) granting an increase of pension to William J. Sliter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10089) granting an increase of pension to David Shiverdecker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10090) granting an increase of pension to Patrick O'Neil; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10091) granting an increase of pension to Silas Williams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10092) granting an increase of pension to Dillard Martin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10093) granting an increase of pension to Eli R. Westfall; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10094) granting an increase of pension to William Houseworth; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10095) granting an increase of pension to Jennie Bigelow; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10096) granting an increase of pension to George W. Long; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10097) grantinng an increase of pension to Robert H. Jackson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10098) granting an increase of pension to Charles H. Bryant; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10099) granting an increase of pension to B. Frank Paris; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10100) granting an increase of pension to Jacob T. Cave; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10101) granting an increase of pension to Henry M. De Hart; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10102) granting an increase of pension to James Friel; to the Committee on Invalid Pensions.

By Mr. DAUGHERTY: A bill (H. R. 10103) granting an increase of pension to Hattie D. Osborn; to the Committee on Invalid Pensions.

By Mr. FAIRCHILD: A bill (H. R. 10104) granting a pension to Elizabeth J. Marshall; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10105) granting an increase of pension to William C. Oakley; to the Committee on Invalid Pensions.

By Mr. FLOYD of Arkansas: A bill (H. R. 10106) granting a pension to John Starr; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10107) granting a pension to Ellen Scott; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10108) to correct the military record of John C. Fite; to the Committee on Military Affairs.

By Mr. HAMILTON of West Virginia: A bill (H. R. 10109) granting an increase of pension to Bartholemew Lott; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10110) granting an increase of pension to Elihu F. Eaton; to the Committee on Invalid Pensions.

By Mr. LITTLETON: A bill (H. R. 10111) to authorize the restoration of Edward P. Bigelow to the retired list of the Army and his appointment as a captain thereon; to the Committee on Military Affairs.

By Mr. MALBY: A bill (H. R. 10112) granting a pension to Thomas Bush; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10113) granting a pension to Jerome B. Gates; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10114) granting a pension to William P. West; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10115) granting an increase of pension to Ira G. Haven; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10116) granting an increase of pension to Cyrus E. Ferris; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10117) granting an increase of pension to Moses Blow; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10118) granting an increase of pension to Adrian V. S. Clute; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10119) granting an increase of pension to Wilson F. Ball; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10120) granting an increase of pension to Edmund Doran; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10121) granting an increase of pension to Gilford Matice; to the Committee on Invalid Pensions.

By Mr. MARTIN of Colorado: A bill (H. R. 10122) granting an increase of pension to Alonzo L. Baker; to the Committee on Invalid Pensions.

By Mr. MONDELL: A bill (H. R. 10123) granting a pension to William McCabe; to the Committee on Pensions.

By Mr. MOON of Tennessee: A bill (H. R. 10124) granting an increase of pension to John L. D. Walker; to the Committee on Invalid Pensions.

By Mr. O'SHAUNESSY: A bill (H. R. 10125) granting an increase of pension to John Degnan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10126) granting an increase of pension to William J. Knowles; to the Committee on Invalid Pensions.

By Mr. PEPPER: A bill (H. R. 10127) for the relief of Benjamin F. Dyer; to the Committee on Claims.

By Mr. PETERS: A bill (H. R. 10128) for the relief of John Hughes; to the Committee on Claims.

Also, a bill (H. R. 10129) granting an increase of pension to John N. Ellsworth, jr.; to the Committee on Invalid Pensions.

By Mr. RICHARDSON: A bill (H. R. 10130) for the relief of Martha P. Wright; to the Committee on Pensions.

By Mr. RUSSELL: A bill (H. R. 10131) granting a pension to Andrew Metz; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10132) granting an increase of pension to Friederich Mueller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10133) granting an increase of pension to Thomas E. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10134) granting an increase of pension to William T. Phegley; to the Committee on Invalid Pensions.

By Mr. SELLS: A bill (H. R. 10135) for the relief of George Williams; to the Committee on Military Affairs.

Also, a bill (H. R. 10136) for the relief of John Mitchell, alias Joseph Scully; to the Committee on Military Affairs.

Also, a bill (H. R. 10137) granting a pension to Walter Allen; to the Committee on Pensions.

Also, a bill (H. R. 10138) granting a pension to Calvin D. Sartin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10139) granting a pension to Shelby T. Shipley; to the Committee on Pensions.

Also, a bill (H. R. 10140) granting a pension to Riley W. Drinnen; to the Committee on Pensions.

Also, a bill (H. R. 10141) granting a pension to W. G. Meredith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10142) granting a pension to Elizabeth Henry; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10143) granting a pension to Charles Payne; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10144) granting a pension to A. C. Donnelly; to the Committee on Pensions.

Also, a bill (H. R. 10145) granting a pension to Elizabeth J. Scott; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10146) granting a pension to John R. Janes; to the Committee on Pensions.

Also, a bill (H. R. 10147) granting a pension to David C. Greer; to the Committee on Pensions.

Also, a bill (H. R. 10148) granting an increase of pension to Thomas W. Stone; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10149) granting an increase of pension to D. K. Rowe; to the Committee on Pensions.

Also, a bill (H. R. 10150) granting an increase of pension to John Baty; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10151) granting an increase of pension to John Hawkins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10152) granting an increase of pension to Franklin Lebo; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10153) granting an increase of pension to James B. Williams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10154) granting an increase of pension to James Goulden; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10155) granting an increase of pension to Charles W. H. Goff; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10156) granting an increase of pension to Phillip Dunn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10157) granting an increase of pension to John Carver; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10158) to correct the military record of William K. Bailey; to the Committee on Military Affairs.

Also, a bill (H. R. 10159) to correct the military record of William J. Henard; to the Committee on Military Affairs.

Also, a bill (H. R. 10160) to correct the military record of W. C. Setser; to the Committee on Military Affairs.

Also, a bill (H. R. 10161) to correct the military record of J. W. Nichols; to the Committee on Military Affairs.

Also, a bill (H. R. 10162) to carry into effect the findings of the Court of Claims in case of James H. and Benjamin Covington, heirs of Daniel Covington, deceased; to the Committee on War Claims.

By Mr. STONE: A bill (H. R. 10163) for the relief of Benjamin S. Ford; to the Committee on War Claims.

Also, a bill (H. R. 10164) granting a pension to Josephine Dodge; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10165) making an appropriation to execute the findings of the Court of Claims in the case of John O'Neill; to the Committee on Appropriations.

PETITIONS, ETC.

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

By Mr. AYRES: Petition of residents of New York City, in favor of parcels post; to the Committee on the Post Office and Post Roads.

By Mr. BYRNS of Tennessee: Papers to accompany bill for the relief of the estate of Ellen Young; to the Committee on War Claims.

By Mr. CANNON: Petition of A. L. Webster, Ed. McCusker, and sundry other citizens of Danville, Ill., praying for the enactment of legislation to reduce the duty on raw and refined sugar; to the Committee on Ways and Means.

Also, petition of H. W. Partel and three other citizens of Danville, Ill., praying for legislation to reduce the duty on raw and refined sugar; to the Committee on Ways and Means.

By Mr. COPLEY: Memorial of the Legislature of the State of Illinois, proposing the calling of a constitutional convention for the purpose of amending the Constitution of the United States, in order to grant Congress the power to prevent and suppress monopolies in the United States by appropriate legislation; to the Committee on the Judiciary.

By Mr. DALZELL: Petition of the Chamber of Commerce of Pittsburg, Pa., for amendment to corporation-tax law; to the Committee on Ways and Means.

By Mr. FORNES: Petition of Chamber of Commerce of Pittsburg, urging need of amendment to tax law for corporations and companies to make returns as of the close of their fiscal years instead of December 31, as at present provided; to the Committee on Revision of the Laws.

By Mr. FULLER: Petition of the Musicians' Protective Union No. 131, of Streator, Ill., favoring the Berger resolution; to the Committee on the Judiciary.

Also, petition of the Chamber of Commerce of Pittsburg, favoring an amendment to the corporation-tax law, permitting reports to be made at the end of the fiscal year; to the Committee on Ways and Means.

By Mr. HAMILL: Protest from Andrew Scott, Jersey City, N. J., against the ratification of the arbitration treaty with Great Britain; to the Committee on Foreign Relations.

Also, petition of sundry citizens of New Jersey, opposing ratification of the proposed arbitration treaty with Great Britain; to the Committee on Foreign Relations.

By Mr. HELM: Papers of J. T. Berry, of Madison County, Ky., to accompany H. R. 9922; to the Committee on War Claims.

By Mr. HUGHES of New Jersey: Petition of the John J. Brereton Camp, No. 1, Department State of New Jersey, United Spanish War Veterans, for the restoration of the canteen to United States Army posts; to the Committee on Military Affairs.

By Mr. MOON of Tennessee: Papers to accompany bill granting an increase of pension to John L. D. Walker; to the Committee on Invalid Pensions.

By Mr. McGILLICUDDY: Petition of Alex. Provanchu and 38 others, favoring the establishment of a national department of health; to the Committee on Ways and Means.

Also, petition of Robert J. Wiseman and 39 others, favoring the establishment of a national department of health; to the Committee on Ways and Means.

Also, petition of J. Gilman Noyes and 38 others, favoring the establishment of a national department of health; to the Committee on Ways and Means.

By Mr. O'SHAUNESSY: Petition of Hall & Lyon Co., protesting against passage of H. R. 8887, because it discriminates against retail druggists; to the Committee on Ways and Means.

By Mr. PATTON of Pennsylvania: Resolutions adopted by Washington Camp No. 382, Patriotic Order Sons of America, of Emporium, Pa., favoring the illiteracy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. RIORDAN: Petition asking for a reduction of the duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. ROUSE: Resolution of Spanish War veterans of Newport, Ky., for repeal of Army canteen system; to the Committee on Military Affairs.

By Mr. SLAYDEN: Petition of citizens of Talpa, Coleman County, Tex., praying for a reduction of the duties on raw and refined sugars; to the Committee on Ways and Means.

Also, petition of citizens of May, Brown County, Tex., praying for a reduction of the duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. WILSON of New York: Petition of United Anglers' League of New York, for establishment of a cod hatchery in vicinity of New York; to the Committee on the Merchant Marine and Fisheries.