Also, resolutions adopted by Massachusetts State Board of the Ancient Order of Hibernians of America, protesting against the adoption of the proposed peace treaty between the United States and certain foreign countries; to the Committee on Foreign Affairs.

Also, resolution adopted by the First Parish in Hingham, Mass., favoring the adoption of the proposed arbitration treaty between the United States and England; to the Committee on Foreign Affairs.

By Mr. HAMILTON of West Virginia: Petition of sundry druggists of Charleston, W. Va., protesting against House bill 8887; to the Committee on Ways and Means.

Also, resolutions adopted by the Socialists and labor sympathizers, protesting against kidnaping of J. J. McNamara; to the Committee on Labor.

By Mr. HEALD: Petitions of sundry citizens of the sixth, tenth, and twelfth wards of the city of Wilmington, Del., protesting against the proposed arbitration treaty with Great Britain; to the Committee on Foreign Affairs.

By Mr. HELM: Papers to accompany House bill 9619, granting a pension to John Middleton; to the Committee on Pensions.

By Mr. KAHN: Papers to accompany House bill 10727 for the relief of Glasgow C. Davis; to the Committee on Claims.

By Mr. LAFEAN: Petitions of W. H. Andrews, of Chanceford, Pa., and George W. Devilbiss, of Stewartstown, Pa., praying for the reduction of duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. McHENRY: Petition of Camp No. 364, Patriotic Order Sons of America, Danville, Pa., urging immediate action by Congress of illiteracy test; to the Committee on the Judiciary.

Also, petition of Camp No. 684, Patriotic Order Sons of America, Mifflinville, Pa., urging upon Congress the immediate enactment of the illiteracy test into law; to the Committee on the Judiciary.

By Mr. MOON of Tennessee: Papers to accompany House bill granting a pension to Sarah E. Mills, widow of Samuel W. Maroon; to the Committee on Invalid Pensions.

By Mr. OLDFIELD: Petitions of sundry citizens of Arkansas, asking for a reduction in the duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. RAKER: Resolutions by the Los Angeles (Cal.) Chamber of Commerce, urging the fortification of Los Angeles Harbor; to the Committee on Rivers and Harbors.

By Mr. SCULLY: Resolution adopted by National Association of Shellfish Commissioners at Baltimore, Md., April 19, 1911, urging conservation of marine and inland fisheries; to the Committee on the Merchant Marine and Fisheries.

Also, petition of citizens of New Jersey, protesting against the proposed new arbitration treaty with Great Britain; to the Committee on Foreign Affairs.

Also, petition of the Carded Woolen Manufacturers' Association, protesting against a specific duty on wool; to the Committee on Ways and Means.

By Mr. SLAYDEN: Petitions of citizens of Bexar and Brown Counties, Tex., praying for a reduction in the duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. J. M. C. SMITH: Papers to accompany House bill granting an increase of pension to Edward Cunningham; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Ohio: Petition of the Columbus Chamber of Commerce, of Columbus, Ohio, for an amendment to the corporation-tax law; to the Committee on Ways and Means.

By Mr. WHITE: Papers to accompany House bill 10631; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 10633; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 10630; to the Committee on Military Affairs.

Also, papers to accompany House bill 10632; to the Committee on Invalid Pensions.

By Mr. WILSON of New York: Petition of Central Labor Union of Brooklyn, N. Y., in favor of the House resolution introduced by Mr. BERGER, calling for an investigation of the kidnaping of the secretary-treasurer of the Structural Iron Workers' National Union; to the Committee on Labor.

Also, petition of United American and United Irish-American Societies of New York, protesting against proposed new arbitration treaty with Great Britain; to the Committee on Foreign Affairs.

SENATE.

MONDAY, *May 29, 1911.*

The Senate met at 2 o'clock p. m.

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

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

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed a joint resolution (H. J. Res. 75) reducing the number of Capitol police, in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented resolutions adopted by the National Machine Tool Builders' Association, in convention assembled, favoring the extension of the merchant marine service, which were referred to the Committee on Commerce.

He also presented a resolution adopted by the committee of law and legislation of the Chamber of Commerce of Washington, D. C., remonstrating against the passage of the so-called Johnston Sunday rest bill, which was ordered to lie on the table.

He also presented resolutions adopted by the East Washington Citizens' Association, favoring the consideration and recommendation of all appropriations for the District of Columbia by the District of Columbia Committees of the Senate and the House of Representatives, respectively, which were referred to the Committee on Rules.

He also presented memorials of sundry citizens of Danbury, Conn., remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

Mr. GALLINGER presented resolutions adopted by the East Washington Citizens' Association of the District of Columbia, favoring a change in the rules of the Senate so as to authorize the Committees on the District of Columbia of the Senate and House of Representatives, respectively, to consider and recommend all appropriations for the District of Columbia, which were referred to the Committee on Rules.

He also presented a petition of the committee on law and legislation of the Chamber of Commerce of Washington, D. C., praying for the establishment of an inebriate hospital in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. CULLOM presented a memorial of sundry citizens of Martinsville, Ill., remonstrating against the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

He also presented a memorial of the Lake County Druggists' Association of Illinois, and a memorial of the Rock Island County Retailers' Association of Illinois, remonstrating against the imposition of a stamp tax on proprietary medicines, which were referred to the Committee on Finance.

He also presented a petition of the Woman's Christian Temperance Union, of Boulder, Colo., and a petition of the Woman's Christian Temperance Union, of Salida, Colo., praying for the ratification of the proposed treaty of arbitration between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

He also presented memorials of sundry citizens of South Fork and New Brunswick, in the State of New Jersey; and of the Ancient Order of Hibernians, of Manchester, N. H., remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

Mr. SUTHERLAND. I present a joint memorial of the Legislature of the State of Utah, which I ask may be printed in the RECORD and referred to the Committee on Military Affairs.

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

STATE OF UTAH,
OFFICE OF THE SECRETARY OF STATE.

I, Charles S. Tingey, secretary of state of the State of Utah, do hereby certify that the following is a full, true, and correct copy of house joint memorial No. 2, petitioning the United States Government to improve a certain part of the Fort Douglas Military Reservation, as appears on file in my office.

In witness whereof I have hereunto set my hand and affixed the great seal of the State of Utah this 25th day of May, A. D. 1911.

[SEAL.] C. S. TINGEY, *Secretary of State.*
By H. L. CUMMINGS, *Deputy.*

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Memorial to the Congress of the United States of America, petitioning the United States Government to improve a certain part of the Fort Douglas Military Reservation.

To the honorable, the Senate and House of Representatives of the Congress of the United States:

Your memorialists, the governor and Legislature of the State of Utah, respectfully represent that

Whereas Fort Douglas Military Reservation, adjoining on the east the residence district of Salt Lake City, contains approximately 9,995 acres; and

Whereas approximately 200 acres of this tract, lying between the improved residence district of Salt Lake City and the barracks and parade ground, is at present unimproved and unsightly; and

Whereas the Government has ample water rights and facilities, through its regular equipment at Fort Douglas, to improve this tract; and

Whereas at slight expense this 200 acres could be made and maintained as one of the most beautiful and attractive parks in the West; and

Whereas the city of Salt Lake is making corresponding improvements in its property adjoining: Now, therefore, be it

Resolved, That the Legislature of the State of Utah does hereby respectfully urge and request that steps be taken immediately by the Government, through the War Department, to make the improvements suggested, and to maintain the unimproved portion of the Fort Douglas Military Reservation in the manner justified by the nature, location, and surroundings of this tract.

And your petitioners will ever pray.

HENRY GARDNER,
President of the Senate.
E. W. ROBINSON,
Speaker of the House.

Approved March 9, 1911.
[SEAL.] WILLIAM SPRY, *Governor.*
Attest:
C. S. TINGEY, *Secretary of State.*

Mr. BRISTOW presented a memorial of sundry citizens of Collyer, Kans., remonstrating against the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

He also presented sundry affidavits in support of the bill (S. 2180) granting a pension to Mildred Rhodes, which were referred to the Committee on Pensions.

Mr. NELSON presented memorials of Local Divisions Nos. 1 and 4, of Duluth; No. 7, of St. Paul; and No. 1, of Belle Plaine, all of the Ancient Order of Hibernians, in the State of Minnesota, remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

He also presented the memorials of the congregations of the Seventh-day Adventist churches of Staples, Pine City, St. Paul, Hewitt, and Bruno, all in the State of Minnesota, remonstrating against the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

Mr. BURNHAM presented a memorial of Local Grange No. 74, Patrons of Husbandry, of Deerfield, N. H., remonstrating against the proposed reciprocal trade agreement between the United States and Canada, which was referred to the Committee on Finance.

Mr. WORKS presented a petition of the Chamber of Commerce of Los Angeles, Cal., praying for the enactment of legislation providing for the development of the coal deposits and other resources of the Territory of Alaska, which was referred to the Committee on Public Lands.

Mr. CURTIS presented resolutions adopted by the Kansas Congregational Conference, held at Topeka, Kans., favoring the ratification of the proposed treaty of arbitration between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

Mr. SMOOT presented a joint memorial of the Legislature of the State of Utah, favoring the improvement of a certain part of the Fort Douglas Military Reservation, which was referred to the Committee on Military Affairs.

Mr. CHILTON presented memorials of sundry citizens of Piedmont, W. Va., remonstrating against the proposed reciprocal trade agreement between the United States and Canada, which were referred to the Committee on Finance.

Mr. OLIVER presented a memorial of Pomona Grange, No. 33, Patrons of Husbandry, of Clearfield County, Pa., remonstrating against the proposed reciprocal trade agreement between the United States and Canada, which was referred to the Committee on Finance.

He also presented a memorial of the Western Pennsylvania Retail Druggists' Association (Inc.), remonstrating against the imposition of a stamp tax on proprietary medicines, which was referred to the Committee on Finance.

He also presented a petition of Washington Camp, No. 611, Patriotic Order Sons of America, of Apollo, Pa., and a petition of Washington Camp, No. 364, Patriotic Order Sons of America, of Danville, Pa., praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

Mr. JOHNSON of Maine presented memorials of congregations of the Seventh-day Adventist churches of Shawmut, Skowhegan, and Richmond, in the State of Maine, remonstrating against the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

Mr. PERKINS presented memorials of the congregations of the Seventh-day Adventist churches of Oakland, Richmond, San Francisco, Tulare, Fresno, Woodland, Le Grande, Hughson, Orville, and Oakdale, all in the State of California, remonstrating against the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

He also presented a petition of the Chamber of Commerce of Los Angeles, Cal., praying for the enactment of legislation providing for the development of the coal deposits and other resources of the Territory of Alaska, which was referred to the Committee on Public Lands.

He also presented resolutions adopted by the Southern California Congregational Conference, held at Whittier, Cal., praying for the ratification of the proposed treaty of arbitration between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

He also presented a memorial of the Laborers' Protective Benevolent Association of San Francisco, Cal., remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

He also presented a memorial of Carpenters' Union, No. 1158, of Berkeley, Cal., remonstrating against the alleged abduction of John J. McNamara from Indianapolis, Ind., which was referred to the Committee on the Judiciary.

Mr. SMITH of Michigan presented a petition of the congregation of the First Presbyterian Church of Flint, Mich., praying for the ratification of the proposed treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

Mr. SHIVELY presented a petition of the Young Men's Bible Class of the First Presbyterian Church of Goshen, Ind., praying for the ratification of the proposed treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

He also presented memorials of Sherman Council, No. 7, Ancient Order of Hibernians, of Indianapolis, and of the Ancient Order of Hibernians of Miami, Delaware, and Lake Counties, all in the State of Indiana, and of the American Federation of Catholic Societies, remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

Mr. PAGE presented a memorial of the congregation of the Seventh-day Adventists' Church of Rutland, Vt., remonstrating against the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

Mr. O'GORMAN presented memorials of the International Union of Rammermen, Pavers, Flag Layers, Asphalt Workers, Bridge and Stone-Curb Setters; of Local Union No. 10, Amalgamated Ladies' Garment Cutters' Association, of New York City, N. Y.; of the International United Brotherhood of Leather Workers; and of the Central Federated Union of New York City, N. Y., remonstrating against the proposed reciprocal trade agreement between the United States and Canada, which were referred to the Committee on Finance.

He also presented memorials of the Religious Liberty Association of Washington, D. C.; of F. M. Brylawski, of Washington, D. C.; and of sundry citizens of Norwich, Jamestown, Rome, New York, Oswego, Buffalo, Fultonville, Schenectady, Salamanca, and Rochester, in the State of New York, remonstrating against the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

JOSEPH A. O'CONNOR.

Mr. JOHNSON of Maine, from the Committee on Naval Affairs, to which was referred the bill (S. 1237) for the promotion of Joseph A. O'Connor, carpenter in the United States Navy, to the rank of chief carpenter and place him on the retired list, reported it with amendments and submitted a report (No. 47) thereon.

HEARINGS BEFORE THE COMMITTEE ON INTERSTATE COMMERCE.

Mr. BRIGGS, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution 33, submitted by Mr. CLAPP on the 4th instant, reported it with an amendment in the nature of a substitute, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Committee on Interstate Commerce, or any subcommittee thereof, be authorized to send for persons and papers and to administer oaths and to employ a stenographer to report such hear-

ings as may be had in connection with any subject which may be pending before said committee, and to have the same printed for its use; that the committee may sit here or elsewhere during the sessions or recesses of the Senate, and that the expense thereof be paid out of the contingent fund of the Senate.

HEARINGS BEFORE THE COMMITTEE ON INDIAN AFFAIRS.

Mr. BRIGGS, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution 30, submitted by Mr. GAMBLE on the 4th instant, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Committee on Indian Affairs, or any subcommittee thereof, be authorized to send for persons and papers, to administer oaths, and to employ a stenographer to report such hearings as may be had in connection with any subject which may be pending before said committee; that the committee may sit during the sessions or recesses of the Senate; and that the expense thereof be paid out of the contingent fund of the Senate.

HEARINGS BEFORE THE COMMITTEE ON MANUFACTURES.

Mr. BRIGGS, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution 31, submitted by Mr. HEYBURN on the 4th instant, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Committee on Manufactures be, and they are hereby, authorized, in the consideration of bills referred to it, to sit, by subcommittee or otherwise, during the recesses or sessions of the Senate, at such times and places as they may deem advisable, to subpœna witnesses, to administer oaths, to have the hearings stenographically reported, and to employ such expert and other assistance as may be necessary, and to have such printing and binding done as may be necessary, the expense of such investigations to be paid from the contingent fund of the Senate.

CIVIL GOVERNMENT FOR ALASKA.

Mr. BRIGGS, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution 52, submitted by Mr. SMITH of Michigan on the 23d instant, reported it without amendment, and it was considered by unanimous consent and agreed to as follows:

Whereas certain bills are now pending before the Senate Committee on Territories providing for a civil government for Alaska, these measures having been proposed looking toward a thorough readjustment of the rules applicable to the government and control of that Territory: Therefore be it

Resolved, That the Committee on Territories be, and they are hereby, authorized and directed, by subcommittee or otherwise, to investigate the present needs and requirements of the people of Alaska, having especial reference to such legislation as may be necessary and desirable for the purpose of establishing a form of self-government or otherwise for said Territory; and be it further

Resolved, That said committee or any subcommittee are hereby authorized to sit, by subcommittee or otherwise, during the sessions or recess of the Senate at such time or places as they may deem advisable; and be it further

Resolved, That they shall be empowered to send for persons and papers, to administer oaths, and to employ such stenographic or other assistance as they may deem necessary for that purpose, the expense of such investigation or inquiry to be paid from the contingent fund of the Senate; and be it further

Resolved, That the committee is authorized to compile the Territorial laws applicable to Alaska, and order such printing and binding as may be necessary for its use.

STENOGRAPHER FOR COMMITTEE ON AGRICULTURE AND FORESTRY.

Mr. BRIGGS, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution 45, submitted by Mr. BURNHAM on the 22d instant, reported it without amendment, and it was considered by unanimous consent and agreed to as follows:

Resolved, That the Committee on Agriculture and Forestry, or any subcommittee thereof, be, and the same is hereby, authorized to employ a stenographer from time to time as may be necessary to report such hearings as may be had on bills or other matters pending before said committee, and to have printed such hearings and such other papers as may be deemed necessary in connection with subjects heretofore considered or to be considered by said committee during the Sixty-second Congress, and that the expense thereof be paid out of the contingent fund of the Senate, and that the said committee and all subcommittees thereof may sit during the sessions of the Senate.

BILLS AND JOINT RESOLUTION INTRODUCED.

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

By Mr. OLIVER:

A bill (S. 2554) providing for the adjudication of the claims of the Philadelphia & Reading Coal & Iron Co., of Philadelphia, Pa., by the Court of Claims; to the Committee on Claims.

A bill (S. 2555) granting an increase of pension to Philip Wining (with accompanying papers); to the Committee on Pensions.

By Mr. BOURNE:

A bill (S. 2556) to amend the enlarged homestead act of February 19, 1909, in so far as it applies to the State of Oregon; to the Committee on Public Lands.

A bill (S. 2557) granting a pension to Albert W. Kelley; to the Committee on Pensions.

By Mr. CHILTON:

A bill (S. 2558) making an appropriation of public money to install an elevator in the United States public building at Martinsburg, W. Va. (with accompanying papers); to the Committee on Public Buildings and Grounds.

By Mr. MARTIN of Virginia:

A bill (S. 2559) for the relief of L. L. Scherer; and

A bill (S. 2560) for the relief of the estate of James P. Yancey, deceased (with accompanying paper); to the Committee on Claims.

By Mr. CLARK of Wyoming:

A joint resolution (S. J. Res. 32) authorizing chief clerks in offices of surveyors general to approve and sign plats and field notes of public-land surveys; to the Committee on Public Lands.

THE ORANGE JUDD NORTHWEST FARMSTEAD.

Mr. BOURNE. I ask for an order to print 3,500 copies of Senate Document No. 32, Sixty-second Congress, first session, for the use of the Committee on Post Offices and Post Roads and the Post Office Department.

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

Mr. CULBERSON. What is the character of the publication?

The VICE PRESIDENT. The Secretary will state the title of the document.

The SECRETARY. The Orange Judd Northwest Farmstead.

Mr. CULBERSON. I remember the document. It is all right.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the order is entered.

The order was reduced to writing and agreed to, as follows:

Ordered, That 3,500 copies of Senate Document No. 32, Sixty-second Congress, first session, The Orange Judd Northwest Farmstead, be printed for the use of the Committee on Post Offices and Post Roads.

HOUSE JOINT RESOLUTION REFERRED.

H. J. Res. 75. A joint resolution reducing the number of Capitol police, was read twice by its title and referred to the Committee on Appropriations.

PROPOSED ADJOURNMENT OVER MEMORIAL DAY.

Mr. GALLINGER. Mr. President, I move that when the Senate adjourns to-day it be to meet on Wednesday next.

Mr. SMITH of Michigan. Mr. President, I do not like to object to a motion of this character, but——

The VICE PRESIDENT. It is not a debatable motion.

Mr. SMITH of Michigan. I understand that, but I was going to ask the Senator from New Hampshire if he could not withhold the motion until a little later in the afternoon.

Mr. GALLINGER. I have no objection to that, but I would suggest to the Senator that to-morrow is Memorial Day and the Senate has ordinarily adjourned on that day. I think it a very proper thing to do. A large number of Senators have suggested that they want to be away to-morrow. I will withhold the motion if the Senator desires it.

Mr. SMITH of Michigan. I wish it might be withheld for the present. I would not object to adjournment over Memorial Day, which is usually observed by this body as a compliment to the sacredness of the day, when all citizens pause to acknowledge our great debt of gratitude to the saviors of the Union, but the motion can be renewed later in the day.

If the Senate will indulge me, when a motion is made that we adjourn to a day certain in the morning, at the beginning of the morning hour, most Senators take it as the signal that there is to be no other business done, and the consequence is that we go along from day to day without accomplishing anything or getting anywhere.

Mr. GALLINGER. Mr. President, I withhold the motion. It is not a debatable motion.

The VICE PRESIDENT. The Senator from New Hampshire withholds the motion for the present.

Mr. GALLINGER. I will make it a little later on, if necessary.

THE CALENDAR.

The VICE PRESIDENT. The morning business is closed, and the calendar is in order, under Rule VIII.

The joint resolution (H. J. Res. 1) to correct errors in the enrollment of certain appropriation acts approved March 4, 1911, was announced as first in order on the calendar.

Mr. HEYBURN. I ask that the joint resolution may go over.

The VICE PRESIDENT. It will go over.

The bill (S. 20) directing the Secretary of War to convey the outstanding legal title of the United States to sublots Nos. 31, 32, and 33 of original lot No. 3, square No. 80, in the city of Washington, D. C., was announced as next in order.

Mr. HEYBURN. I ask that the bill may go over.

The VICE PRESIDENT. It will go over.

The bill (S. 23) to authorize the extension of Underwood Street NW. was announced as next in order.

Mr. GALLINGER. Let that go over, likewise, Mr. President.

The VICE PRESIDENT. The bill will go over.

The bill (S. 237) for the proper observance of Sunday as a day of rest in the District of Columbia was announced as next in order.

Mr. HEYBURN. Let that go over, Mr. President.

The VICE PRESIDENT. The bill will go over.

The bill (S. 291) providing for the retirement of petty officers and enlisted men of the United States Navy or Marine Corps, and for the efficiency of the enlisted personnel, was announced as next in order.

Mr. PERKINS. At the request of the senior Senator from Ohio [Mr. BURTON], I ask that the bill may go over without prejudice.

The VICE PRESIDENT. It will go over.

REPAIR OF THE "PORTSMOUTH."

The bill (S. 817) appropriating $25,000 for the repair of the wooden warship *Portsmouth* was considered as in Committee of the Whole.

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

Mr. PERKINS. I ask that the report of the Committee on Naval Affairs be printed in the RECORD.

There being no objection, the report (S. Rept. 40) submitted by Mr. PERKINS on the 24th instant was ordered to be printed in the RECORD as follows:

The Committee on Naval Affairs, to whom was referred the bill (S. 817) appropriating $25,000 for the repair of the wooden warship *Portsmouth*, having considered the same, report thereon with a recommendation that it pass.

Your committee has not been so fortunate as to secure the approval of this bill by the Secretary of the Navy, as the following letter will show:

DEPARTMENT OF THE NAVY,
Washington, April 21, 1911.

MY DEAR SENATOR: I have received, with request for the department's opinion thereon for the information of the Committee on Naval Affairs, a copy of a bill (S. 817) appropriating $25,000 for the repair of the wooden warship *Portsmouth*.

In response I have the honor to say that the department has been requested by the Treasury Department to lend the *Portsmouth* to that department for use as a quarantine vessel at Fortress Monroe to replace the old and unserviceable sloop of war *Jamestown* now used for that purpose. The Secretary of the Treasury has been informed that this request will be complied with, and steps are now taking to prepare the vessel for the trip to Hampton Roads for the purpose of turning her over to the quarantine authorities. The repairs necessary to this end will cost about $1,100.

The use of the *Portsmouth* for quarantine purposes will, it is believed, best serve the interests of the Government, and the enactment of legislation for extensive repairs to the vessel, such as might be necessary were she to be devoted to other uses, is not therefore recommended.

Faithfully, yours, G. V. L. MEYER.

Hon. GEORGE C. PERKINS,
Chairman Committee on Naval Affairs, United States Senate.

Your committee regrets that it does not take the view of the question which is held by the Navy Department, but believes that a vessel of the historic interest of the *Portsmouth* should be devoted to other uses than that suggested, and that the money it is proposed to spend for repairs will enable the Nation to preserve and maintain this noble vessel of the old Navy as a reminder of the predominating influence we once held upon the sea and as a visible incentive to all who fight under the flag to do their duty. We do not think that this honorable service of a noted fighting ship of the American Navy can be given by turning her into a hospital hulk for the use of a department of the Government for which she was not built and under whose direction she has never sailed. A brief recapitulation of the history of this old vessel will give, we think, the reason for the great public interest in her preservation and devotion to other uses than that proposed by the Navy Department. The following letter gives the principal points in her career:

NAVY DEPARTMENT,
LIBRARY AND NAVAL WAR RECORDS,
Washington, D. C., April 24, 1911.

MY DEAR SENATOR PERKINS: I have the honor to acknowledge your note of the 22d instant, and in reply send you the following brief history of the old *Portsmouth:*

U. S. S. *Portsmouth*, second of the name. Built at the navy yard, Portsmouth, N. H. (Kittery, Me.), in 1843. Her battery varied at different periods from 22 to 14 guns.

First cruise, 1844–1848, in the Pacific under command of Commander J. B. Montgomery, squadron of Commodore J. D. Sloat. Took a prominent part on coast of California in War with Mexico.

June 3, 1846, arrived in the harbor of San Francisco, Cal., and, July 5, 1846, landed a party of seamen and marines for the protection of American consul and citizens, under command of Lieut. J. S. Missroon, United States Navy, and Lieut. H. B. Watson, United States Marine Corps.

July 9, 1846, war having been declared, landed a force at Yerba Buena, by order of Commodore Sloat, took possession of San Francisco, and at 8 a. m. hoisted the United States flag in front of the custom-house. Sent detachments of officers and men to raise the United States flag at Sutter's Fort, Saucelito, Sonoma, and Bodega.

March 11, 1847, to October 29, 1847, captured three Mexican vessels. Two of them were ransomed for $14,929.

February 24, 1848, sailed from Valparaiso; reached Boston May 5, 1848.

From 1849 to 1851, one of the African Squadron.

From 1851 to 1854, Pacific Squadron.

From 1856 to 1858, East India Squadron, under Commander A. H. Foote; took most prominent part in the capture and destruction of the Barrier Forts, Canton River, November 16–22, 1856. In this engagement there were 7 Americans killed and 22 wounded. The *Portsmouth* was struck by shot 12 times. At the close of the action she was given three rousing cheers by the crews of the British men-of-war lying near.

From 1859 to 1861, African Squadron; captured several slavers.

From 1861 to 1865, West Gulf Squadron; with Admiral Farragut, commanded by Commander S. Swartwout, at passage of Forts St. Phillip and Jackson, occupation of New Orleans, and numerous engagements in the lower Mississippi. Made a number of prizes.

In 1866, quarantine ship, New York Harbor.

In 1867 to 1868, fitting as a training ship and on special duty.

From 1869 to 1871, South Atlantic Squadron.

From 1872 to 1877, special service to Brazil and Pacific Squadron.

In 1877, training ship for boys, San Francisco.

In 1878, special service in connection with the Paris Exposition.

From 1879 to 1894, training ship for apprentices, Atlantic coast.

January 17, 1895, transferred by the Navy Department to the Naval Militia, State of New Jersey.

At the present date lying at the New York Navy Yard.

Total cost of building and repair to December 15, 1851, $313,632.33.

Very respectfully,

CHARLES W. STEWART,
Superintendent Library and Naval War Records.

Hon. GEORGE C. PERKINS,
United States Senate.

It will be seen from the above that the *Portsmouth* has carried our flag with glory and honor into many widely separated portions of the world. She was a fighting ship and did bravely the duty of a fighter. The cheers given her by the crews of British men-of-war in Canton River were evidences of the appreciation of the bravery of the men who sailed under her flag, which was still more conspicuously shown under Farragut in the passage of the Mississippi forts. And in the Mexican War she made history on the Pacific coast, when she took possession of what was then the Mexican settlement of Yerba Buena, and, on raising the flag over the land which was thenceforth to be American, gave to the place the name by which the great city which has grown up there is now known over the civilized world. It was only natural, therefore, that the people of California should take a deep interest in this old vessel and should desire to have her preserved and stationed where she could pass the rest of her life within sight of the scene of one of the most important national events. In consequence it was proposed that the *Portsmouth* be sent to San Francisco, there to remain as long as she could be kept afloat. A year ago this suggestion was made to the Navy Department, which returned the following letter of disapproval:

DEPARTMENT OF THE NAVY,
Washington, April 5, 1911.

MY DEAR SENATOR: Referring to your letter of April 20, 1910, in which you brought to the attention of the department the request of the Hon. Charles S. Aiken, acting secretary of the committee of exploitation and publicity of the Panama Pacific International Exposition, that the U. S. S. *Portsmouth* be sent to San Francisco, to remain at that place as a historic relic, I have the honor to advise you that the department, after mature consideration, has decided to lend this vessel to the Treasury Department for service at Hampton Roads in place of the old *Jamestown*.

The department arrived at this conclusion as a result of a general survey held on the *Portsmouth*, which showed that extensive repairs would be necessary to make this vessel safe for a voyage to San Francisco, and it is believed that the interest of the Government will best be served by the action taken in this matter.

Faithfully, yours, G. V. L. MEYER.

Hon. GEORGE C. PERKINS,
United States Senate, Washington, D. C.

Since the attitude of the Navy Department became known there have appeared many protests against what is termed the proposed desecration. The following letter appeared in the New York World April 8, 1911:

A PLEA FOR THE PORTSMOUTH.

To the EDITOR OF THE WORLD:

The fate of the old wooden warship *Portsmouth* interests a wider America than did the saving of the *Constitution* by Holmes's poem. Atlantic joins Pacific in hoping that her remaining days may be spent inside the Golden Gate.

Although launched in the early uninteresting forties, the *Portsmouth* had the good fortune to sail into California's noble port in July, 1846, and hoist the American flag, thereby taking the initial step to bring that State into the Union. In following years the ship helped suppress the African slave trade, did gallant service in 1856 at Canton, China, under Commander Foote, and served with Farragut at the mouth of the Mississippi. Since the Civil War the ship has performed various duties, and is now at the New York Navy Yard, just released by the New Jersey Naval Militia.

The Navy Department would like to oblige California and send the *Portsmouth* to San Francisco to become a museum and take part in the Panama Fair of 1915, but declines, as it will cost $25,000 to repair the ship and send her there. The *Florida*, now being completed at this navy yard, will cost nearly if not quite $8,000,000.

The *Portsmouth* has outlived many iron pots and is as beautiful under full sail as when she emerged from the New Hampshire harbor in 1843. Her birthplace advances this plan:

Let the *Portsmouth* be the first ship to pass through the Panama Canal. It is her right historically. Don't send her to Norfolk to become a fever ship. How long must this particular ship work? Send her to Portsmouth, N. H., for repairs. Let her sail from her home port for San Francisco via the Panama Canal, the first ship through.

The added distinction will compensate San Francisco for waiting, and the *Portsmouth* will not be late at the fair.

A. E. W.

NEW YORK, *April 8.*

An editorial in the San Francisco Chronicle of April 17 says:

"The Navy Department certainly should reconsider its refusal to send the historic old war sloop *Portsmouth* to San Francisco. To use it as a quarantine hulk at Norfolk, Va., is a desecration. San Francisco is a city which is being rapidly populated by people from all over the United States, few of whom are very familiar with this State's history. The presence here of a vessel which played so important a part in the transfer of sovereignty in California from Mexico to the United States would provoke inquiry and stimulate historical reading."

At about the same time the following letter was addressed to the governor of California:

APRIL 10, 1911.

The GOVERNOR OF CALIFORNIA,
Sacramento, Cal.

DEAR SIR: In the latter part of June, 1846, the United States sloop of war *Portsmouth* came into San Francisco Bay and dropped her anchor before the little village of Yerba Buena. On the 9th of July Commander John B. Montgomery, acting under instructions from Commodore Sloat, landed a party of 70 men, sailors and marines, took possession of the town, and raised the American flag on the plaza before the customhouse. The *Portsmouth* remained in Yerba Buena cove, to protect the town from recapture, until relieved by the *Warren* in the spring of 1847. Lieut. Bartlett, of the *Portsmouth*, who was put in charge of the town as first alcalde, ordered that on all public documents the name San Francisco should be used instead of Yerba Buena, which was but a local designation. Lieut. Misroon, with a party of sailors from the ship, erected a battery on Clarks Point, which gave a name to Battery Street. The name of Portsmouth Square was given to the plaza in honor of the ship, and Montgomery Street was named in honor of her commander. Some time ago it was decided that the ship was no longer fit for sea service and she was ordered sold. It was then suggested that she be sent to San Francisco and be preserved and cared for in consideration of her services to California and as a relic of historic importance. A board of examiners reported that it would cost $25,000 to place her in condition to make the voyage from New York to San Francisco, but it would only require $1,120 to make her serviceable for a quarantine-service ship, and she is ordered to Norfolk for that purpose.

I submit that this is an indignity the gallant ship should not be subjected to. She should neither be sold for junk nor converted into a hospital hulk. She should be sent to San Francisco and preserved and cared for as an object lesson and historical relic of patriotic interest to the school children of our State. I believe the Government would do this if the request came in proper form.

The New York Sun, in an editorial yesterday, said that the ship should be fitted out and sent around the Horn to San Francisco, and that the sooner the decision of the Navy Department was reversed the better; that the *Portsmouth* was intimately bound up in the beginnings of California, and should surely be on hand in San Francisco Bay when the Panama Canal is opened and the whole country is there represented to celebrate.

I would respectfully request that the Government be asked to send the ship to San Francisco.

Very respectfully, ZOETH S. ELDREDGE.

Still later came resolutions from the Chamber of Commerce of San Francisco and the California Club of that city, as follows:

[Resolution adopted by the board of trustees of the Chamber of Commerce of San Francisco May 9, 1911.]

Whereas a resolution has been introduced in the Senate of the United States providing for necessary repairs on the U. S. sloop of war *Portsmouth*, the first naval vessel that unfurled the American flag at the Golden Gate, San Francisco, Cal., which action is designed to preserve a historical relic and object of patriotic interest: Therefore be it

Resolved by the Chamber of Commerce of San Francisco, That the honorable Secretary of the Navy be, and he is hereby, requested to transfer the sloop of war *Portsmouth* to San Francisco, in accordance with the wishes of the people of the Pacific coast of the United States.

Attest:

THE CHAMBER OF COMMERCE OF SAN FRANCISCO,
WM. MATSON, *President.*
C. W. BURKS, *Secretary.*

[Resolution passed by the California Club on May 9, 1911.]

Whereas the old sailing ship *Portsmouth* played an important part in the early history of California, having sailed into the Bay of San Francisco in 1846, at which time its captain on July 9 of that year raised the American flag in a plaza, afterwards called Portsmouth Square.

Whereas it is rumored that the United States Navy Department is considering the matter of bringing the *Portsmouth* to San Francisco Harbor, and converting it into a marine hospital: Be it

Resolved, That the California Club, in view of the historical value of this ship to the people of California, does herewith petition the United States Navy Department, through its congressional Representatives, to place the old ship *Portsmouth* in the Bay of San Francisco and convert the same into a naval museum, where valuable historical relics may be properly cared for and exhibited, and that said ship and museum shall be placed permanently and established before the opening of the Panama-Pacific Exposition.

[Resolution adopted by the board of trustees May 13, 1911.]

Whereas a resolution has been introduced in the Senate of the United States providing for necessary repairs on the U. S. sloop of war *Portsmouth*, the first naval vessel that unfurled the American flag at the Golden Gate, San Francisco, Cal., which action is designed to preserve a historical relic and object of patriotic interest: Therefore be it

Resolved by the Stockton Chamber of Commerce, That the honorable Secretary of the Navy be, and he is hereby, requested to transfer the sloop of war *Portsmouth* to San Francisco in accordance with the wishes of the people of the Pacific coast of the United States.

STOCKTON CHAMBER OF COMMERCE,
Attest: J. M. EDDY, *Secretary.*

The Merchants' Association of San Francisco wired the following message to the Secretary of the Navy:

To the SECRETARY OF THE NAVY,
Washington, D. C.:

The Merchants' Association of San Francisco, representing 1,400 business firms here, earnestly petitions the Government to refit the sloop of war *Portsmouth* and send it to San Francisco, to be permanently stationed here—the first vessel to officially unfurl the American flag at San Francisco.

The vessel will also be of great historic interest to visitors during the exposition in 1915.

THE MERCHANTS' ASSOCIATION OF SAN FRANCISCO,
M. H. ROBBINS, Jr., *President.*

—

SAN FRANCISCO, CAL., *May 23, 1911.*

Hon. GEORGE C. PERKINS,
United States Senate, Washington, D. C.:

Precita Parlor, No. 187, Native Sons Golden West, in meeting assembled adopted resolution calling on you as senior Senator from California to intercede with Department of Navy to save sloop of war *Portsmouth* from condemnation. The ship holds prominent place in the early history of California, and all loyal Californians wish to see it preserved. Our order wants this ship brought to California that it may be preserved as historic remembrance of California heroic past. We respectfully ask you to present our case to the Navy and Treasury Departments and to the President.

B. C. MCKINLEY, *President.*
GEO. F. WELCH, *Past President.*

Your committee believes that the public interest in the *Portsmouth* is sufficiently pronounced to warrant the expenditure of $25,000 to fit her for the sea voyage to California, and that the people would approve her transfer to San Francisco, there to remain as an incentive to duty to our Navy on the Pacific coast. We therefore recommend that the bill pass.

SUMMARY TRIALS IN THE NAVY.

The bill (S. 1724) to amend section 14 of "An act to promote the administration of justice in the Navy," approved February 16, 1909, and to provide for the destruction of records of deck courts in the United States Navy, was considered as in Committee of the Whole. It proposes to amend section 14 of "An act to promote the administration of justice in the Navy," approved February 16, 1909, so as to read as follows:

SEC. 14. That section 1624, article 34, Revised Statutes of the United States, is hereby amended as follows:

"SEC. 1624. The proceedings of summary courts-martial and of deck courts shall be conducted with as much conciseness and precision as may be consistent with the ends of justice and under such forms and rules as may be prescribed by the Secretary of the Navy, with the approval of the President, and all such proceedings shall be transmitted in the usual mode to the Navy Department, where they shall be kept on file for a period of two years from date of trial, after which time they may be destroyed, in the discretion of the Secretary of the Navy."

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

SUSPENSION FROM PROMOTION IN THE NAVY.

The bill (S. 2004) to amend section 1505 of the Revised Statutes of the United States, providing for the suspension from promotion of officers of the Navy if not professionally qualified, was considered as in Committee of the Whole. It proposes to amend section 1505 of the Revised Statutes so as to read as follows:

SEC. 1505. Any officer of the Navy on the active list below the rank of commander who, upon examination for promotion, is found not professionally qualified, shall be suspended from promotion for a period of six months from the date of approval of said examination, and shall suffer a loss of numbers equal to the average six months' rate of promotion to the grade for which said officer is undergoing examination during the five fiscal years next preceding the date of approval of said examination, and upon the termination of said suspension from promotion he shall be reexamined, and in case of his failure upon such reexamination he shall be dropped from the service with not more than one year's pay: *Provided*, That the provisions of this act shall be effective from and after January 1, 1911.

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

RANK AND PRECEDENCE OF NAVAL ATTACHÉS.

The bill (S. 2316) fixing the rank and precedence of naval attachés was considered as in Committee of the Whole. It provides that hereafter naval attachés while serving on duty at embassies abroad shall have the rank of captain, and while serving on duty at legations abroad shall have the rank of commander in the Navy. But all officers serving as naval attachés shall continue to receive the same pay and allowances which they receive under existing law, and nothing in this act shall be construed to increase such pay or allowances or to reduce the rank of such officers while serving as herein provided. The precedence of military and naval attachés at the same embassy or legation shall be determined by their actual precedence in the Army or Navy and not by any provision of law giving temporary increased rank to such attachés.

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

MINOR BERRY.

The bill (S. 70) to remove the charge of desertion standing against the military record of Minor Berry was announced as next in order on the calendar.

Mr. DIXON. I ask unanimous consent that the bill be sent back to the Committee on Military Affairs for the reason that there was a mistake made inadvertently in reporting it.

The VICE PRESIDENT. The Senator from Montana asks unanimous consent that the bill be taken from the calendar and rereferred to the Committee on Military Affairs. Is there objection? The Chair hears none, and that order is made.

WILLIAM F. M'KIM.

The bill (S. 1754) to correct the military record of William F. McKim was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment, to strike out all after the enacting clause and insert:

That the fact that William F. McKim, who was a private of Company I, Second Regiment Kentucky Infantry, was absent without leave from the 10th day of April, 1863, to the 27th day of May, 1863, shall be no bar to any right, privilege, or benefit as an honorably discharged soldier to which he would have been entitled had he not been so absent without leave during the period specified.

Mr. GALLINGER. Mr. President, let that bill go over until we can read the report.

Mr. JONES. I should like the Senator to let that bill go through. I do not think there is any objection to it. It has been considered very carefully. This man was simply absent for about four weeks. The testimony shows that he had actually applied for a furlough; that it had been secured for him; that he came back before the time expired; that he then served honorably; and that he was honorably discharged.

Mr. GALLINGER. I ask the Senator—I simply had turned to the report and had not had time to read it—did the soldier voluntarily return at the end of four weeks?

Mr. JONES. He did.

Mr. GALLINGER. Then, on that statement I see no reason why the bill should not pass, and I withdraw my objection to it.

The VICE PRESIDENT. Objection is withdrawn. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

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

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

JAMES CARTER.

The bill (S. 938) for the relief of James Carter was considered as in Committee of the Whole. It proposes that in the administration of any laws conferring rights, privileges, or benefits upon honorably discharged soldiers James Carter, who was a first lieutenant of Company H, Twenty-third Regiment New Jersey Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a first lieutenant of said company and regiment on the 24th of February, 1863, but that other than as above set forth no bounty, pay, pension, or other emolument shall accrue prior to or by reason of this act.

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

The VICE PRESIDENT. That completes the calendar.

SENATOR FROM ILLINOIS.

Mr. CULLOM. Mr. President, I supposed the Senator from Wisconsin [Mr. LA FOLLETTE] would call up his motion at this hour.

Mr. LA FOLLETTE. Mr. President——

The VICE PRESIDENT. Does the Senator from Wisconsin desire to continue his discussion of his resolution?

Mr. LA FOLLETTE. I do not, Mr. President, but before the substitute motion is submitted, I desire to perfect my resolution if I can be recognized for that purpose.

The VICE PRESIDENT. Certainly, the Senator has a right to perfect the motion at this stage. The Chair understands the Senator from Wisconsin desires to suggest some changes in the resolution.

Mr. LA FOLLETTE. Mr. President, at the close of the last session the Senator from Virginia [Mr. MARTIN] offered a substitute for my resolution and asked for the floor and for recognition at the next session. I do not care to be recognized at this time except to call up the resolution.

The VICE PRESIDENT. The Chair did not understand that the Senator desired to speak, but the Chair thought the Senator wanted to make his suggested changes now.

Mr. LA FOLLETTE. I want the opportunity to do so before the question is put.

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

The SECRETARY. Table Calendar No. 4, Senate resolution 6, by Mr. LA FOLLETTE: A resolution to appoint a special committee to investigate certain charges relative to the election of WILLIAM LORIMER.

The VICE PRESIDENT. The question is on agreeing to the substitute for the resolution just stated, submitted by the Senator from Virginia [Mr. MARTIN].

Mr. MARTIN of Virginia. Mr. President, I shall detain the Senate for a very few moments in relation to these resolutions, the one offered by the Senator from Wisconsin [Mr. LA FOLLETTE] and the substitute offered by myself. Of course, I shall have to address myself to the resolutions as they are now laid before the Senate.

Mr. LA FOLLETTE. Mr. President——

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

Mr. MARTIN of Virginia. Certainly.

Mr. LA FOLLETTE. In order that the Senator from Virginia may be advised, I will say that at the proper time I will offer an amendment to my resolution striking out the names of the five Senators in the resolution and providing that the Senate shall elect five Senators in open Senate on roll call, only Senators who were not Members of the Sixty-first Congress being eligible.

Mr. MARTIN of Virginia. Mr. President, I understand from the remarks of the Senator from Wisconsin substantially what his course will be. I will say that it is not impossible that when his resolution is presented I may make some changes in the resolution which I have offered as a substitute, but for the present I shall address myself to the general proposition which is before the Senate, with respect to which different views are presented to the Senate by the Senator's resolution and by the substitute which I have offered; and in doing so, as I have stated, I shall endeavor to be very brief and to confine myself to the special matter before the Senate.

There has been a good deal of discussion of certain general principles which may have some relation to and to some extent underly the proposition immediately before the Senate, but I shall not go into the discussion of those general propositions to which a good deal of allusion has been made and in respect to which very able arguments have been presented.

The question before the Senate, Mr. President, is not whether Mr. LORIMER is entitled to a seat in the Senate; the question is not whether fraud and bribery were used in his election. That question was once before the Senate on evidence and on a report of a committee of this Senate which had made an investigation, and when it was before the Senate it was carefully considered and elaborately debated. I considered at that time the merits of the proposition; I considered the case then on the evidence and on the law, and I reached the conclusion that Mr. LORIMER was not entitled to a seat on the floor of the Senate, that bribery and fraud had been used to secure his election; and I voted for the resolution which declared that he had not been legally elected and was not entitled to a seat on the floor of this body. I cast my vote after a conscientious investigation of the record and after a careful examination of all the questions which it seemed to me were involved. I had clear, distinct, and strong convictions at that time, and I have seen no cause to change the conclusion at which I arrived.

I did not then nor do I now question the sincerity and the integrity of those Senators who reached a different conclusion. The Senate decided the case on the evidence reported by the committee and after elaborate debate, and they decided that Mr. LORIMER was entitled to a seat in the Senate. As I have stated, I do not propose now to go into any discussion of that matter.

The question which is now presented to the Senate is not whether Mr. LORIMER was elected by fraud and corruption, but the question before the Senate now is, Shall there be a further investigation into the question as to how he was elected to a seat in this body?

It is hardly necessary, Mr. President, for me to engage in any argument to show that there should be a further investigation. If any Senator on this floor ever entertained a doubt about the necessity of further investigation, that doubt must have been removed when the Senate of the State of Illinois adopted a resolution and caused it to be certified to this body, declaring that they had discovered new and material testimony and calling upon the Senate to make a further investigation. So I say that it is not necessary under these circumstances to argue that there should be a further investigation. I do not believe there is a single Senator on the floor of the Senate to-day who does not believe that it is incumbent upon this body to make a new investigation into the circumstances attending the election of Mr. LORIMER to a seat in this body. I have certainly not heard a single voice raised against such an investigation. Every Senator who has expressed an opinion in my presence has said that the Senate should at once undertake an investigation of this vitally important matter.

Surely there can be nothing of greater or more vital importance to the Senate than the question of the right of a man to sit here and to exercise the privileges of a Senator. I say his right to exercise those privileges and to vote here from day to day when that right is seriously called in question, as is the right of Mr. LORIMER, should be investigated not only thoroughly but promptly. The resolution which I introduced had that purpose in view.

The fact that there should be an investigation being established, the next question is: What sort of an investigation should we have? The investigation should be promptly undertaken; it should be diligently prosecuted; it should be speedily concluded. All the testimony taken and the conclusions of the committee which makes the investigation should be reported to the Senate at the earliest possible moment. There is occasion, Mr. President, for the utmost dispatch in an investigation of this character, because the Senator from Illinois should not remain here in his seat and exercise a voice in the determination of great public questions unless he has been fairly and justly and lawfully elected. The dignity and the honor of the Senate is involved, and it is of the utmost importance that the dignity and honor of the Senate should be preserved by the exclusion from its membership of any man who has obtained a seat here by bribery, fraud, or corruption of any character.

I am sure that the Senator from Wisconsin can not by any possibility desire a more thorough and more exhaustive investigation than I do. The light should be turned on; every avenue of suspicion should be followed out. We should have a committee diligent, able, and earnest. The objective point of the Senator from Wisconsin and myself is one and the same.

The only difference between the Senator from Wisconsin and myself in this matter, if there be any serious difference between us, is as to the agency through which this investigation shall be made. The Senator from Wisconsin, as I understand, proposes to modify his resolution so as to provide that the Senate shall proceed to elect a committee to make the investigation. I do not question, Mr. President, the power of the Senate or the right of the Senate to raise a special committee for any purpose whenever it sees fit to do so. If I had the slightest suspicion that the Committee on Privileges and Elections would fail in the exercise of the duty which would ordinarily be devolved upon it in a matter of this sort, I would not hesitate to favor a special committee. I would not let any question of personal feeling interfere. I would not for a moment consider whether or not there might be those who would feel wounded or feel that a reflection had been cast upon them if I thought that there was even the remotest possibility that this work could not be discharged faithfully, earnestly, and exhaustively by the regular committee. But I do believe, Mr. President, that the Committee on Privileges and Elections, composed as it is of able men, of honorable men, of patriotic men, of faithful men, will do whatever they undertake to do faithfully, exhaustively, thoroughly, and well. If the Committee on Privileges and Elections should find that it is inexpedient or impracticable in any way for it to meet the full responsibilities which would devolve upon it in case they are required to make this investigation, I feel that we can rely upon their fidelity and their patriotism to report that fact to the Senate.

Mr. JONES. Mr. President——

The PRESIDING OFFICER (Mr. HEYBURN in the chair). Does the Senator from Virginia yield to the Senator from Washington?

Mr. MARTIN of Virginia. I do.

Mr. JONES. I agree with all that the Senator has said, but it has occurred to me that it would be a proper course to refer all of these resolutions to the Committee on Privileges and Elections and allow the committee to report to the Senate such resolution as under the circumstances they thought would be best to bring before the Senate for consideration and adoption. I believe if that were done a very satisfactory solution of this matter could be worked out, and I want to suggest that to the Senator.

Mr. MARTIN of Virginia. Mr. President, if that suggestion had been made earlier it might have commended itself—though I am not sure that it would have done so—to my mind. It has seemed to me that it was hardly necessary to have the Committee on Privileges and Elections formulate a plan for the Senate in this matter. I feel that the Senate can itself, by the adoption of a suitable resolution, make an order which will accomplish what we all want to accomplish. I think the Senate itself, in considering the several resolutions which are now before it and the amendments which may be offered to them, can perfect a proper resolution which will lead to a thorough and exhaustive inquiry into this matter without asking the Committee on Privileges and Elections to formulate that resolution for it.

The resolution which I offered was prompted by an earnest desire to accomplish those results. It provides that the investigation must commence at once. It provides that it must be proceeded with diligently. It provides that the committee must report to the Senate as soon as possible.

It provides that the committee shall make a special investigation of the so-called jack-pot fund. I have not a very satisfactory idea as to what this jack-pot fund is. I know enough to know that it is a taint on the whole election of Mr. LORIMER. I know that the Senate has not the power to investigate it except in so far as it relates to the election of a Member of this body. If the State of Illinois wants to have legislation in its State corrupted by a jack-pot fund, this Senate has nothing to do with it, so far as it relates to local matters of the State of Illinois. But when a jack-pot fund is created in the State of Illinois and it is alleged that it was used to effect the election of a Senator to represent the State of Illinois in this body, it is up to the Senate of the United States to find out exactly what the relation of that corruption fund was to the election of WILLIAM LORIMER, and what effect it exerted on the election of WILLIAM LORIMER, if any.

I have provided in my resolution specifically that the committee shall make a thorough and exhaustive investigation into the so-called jack-pot fund in its relation and effect to the election of WILLIAM LORIMER to a seat in this body. In other words, I have endeavored by the language of my resolution to require a prompt, a thorough, and an exhaustive examination into this whole matter as quickly as possible, and that the result of the investigation, with the evidence taken, shall be reported to the Senate as speedily as possible, including an investigation of the jack-pot fund.

Mr. President, as I have stated, I do not question the right, the privilege, or the propriety of the Senate creating a special committee to make this investigation if it sees fit so to do. I do say, however, that when we have a regular committee, a standing committee, of the Senate created for a purpose and given jurisdiction over certain matters which must come before the Senate, that the standing committee so created for those purposes should be required to exercise the jurisdiction vested in it, unless there be some good reason in any particular case why that committee should not be intrusted with that jurisdiction. I know of no reason why this committee can not be trusted with the responsible duty, and although there are many important matters now before committees of this body, there is no single matter before any committee of this body that is of more vital importance than the question which I am proposing to send to the Committee on Privileges and Elections, involving the right of a Senator to a seat in this body. I say that unless there be some reason to believe that this committee will not exercise its jurisdiction efficiently, faithfully, and thoroughly, the jurisdiction should not be taken from it.

Now, I do not attach so great an importance to the precedents as some Senators seem to attach. I have great reverence for precedents, but I am perfectly willing to see precedents trampled under foot whenever they are in the way of what is right and just and necessary for the public welfare. I have great respect for the feelings of individuals; I do not wish to wound the sensibilities, even the prejudices, of a single Senator in this body, but I do stand ready to wound the sensibilities, to trample on the prejudices, and to wound the feelings, if need be, of any Member of this body or any number of the Members of this body when the public welfare requires that it should be done. But there must be clear and distinct and satisfactory conviction in my mind that the public welfare requires me so to do.

Mr. President, none of us is free from bias in respect to the Lorimer case—not one of us. There can not be a man on the floor of the Senate to-day who has not some preconceived idea in respect to the election of WILLIAM LORIMER to a seat in this body. I certainly have ideas and opinions. I acted on my ideas and my opinions and my convictions when I cast my vote at the last session of Congress. Every other Senator then a Member of this body entertained an opinion and expressed it by the vote which he cast when the case was under consideration. Every other Senator then in this body by the vote he cast expressed his opinion, expressed his conviction; and I do not question that he was as sincere and as honest and as patriotic in his vote as I was.

I claim to have acted conscientiously, after an earnest investigation and a careful consideration of the entire case in all its bearings. I do not question the fact that every other Senator discharged his duty just as honestly, conscientiously, and faithfully as I did, and whichever way he cast his vote, it was due to a conviction and impression which must to-day remain in his mind.

I hope and believe that such impression as was made upon my mind at that time—such conviction as still remains in my mind—can be removed by testimony.

If, on a further investigation, it can be demonstrated that WILLIAM LORIMER was fairly and honestly elected, and that

neither bribery nor fraud nor corrupt practices of any kind were practiced in his election, it would give me infinite pleasure to cast my vote next time differently from the way I cast it the first time. But I confess, Mr. President, it would take an affirmative array of evidence. There is an impression which will stay in my mind until it is removed by satisfactory proof to the contrary. I believe the same is true of every other Senator who participated in the events of the last session of Congress. Not only must an impression exist in the mind of every Senator who participated in the trial at the last session of Congress, but I am sure no man who has entered the Senate since the vote was taken in the Lorimer case can be without an impression on his mind.

It is impossible that a man who has become a Senator of the United States, in view of the wide discussion of this matter, can have failed to form some opinion, one way or the other; and although he has not recorded it by a vote in this body, no doubt every one of them has expressed it with his associates; has expressed it privately and publicly from day to day in his contact with his fellow men. I do not believe there is any very considerable difference between the new Senators who came in for the first time at this session of the Senate and the Senators who participated in the trial at the last session of the Senate in respect to their convictions about the Lorimer case. We all have convictions the one way or the other, and you can not get a committee composed of Senators on which there will be one single member who is free from an impression one way or the other in respect to this matter.

It is, of course, unfortunate that a tribunal can not be organized entirely free from an impression one way or the other. It would be much better if the case were one of first impression with the tribunal which will be charged with handling it. But that is absolutely impossible, and I see very little difference between the old Senators and the new Senators, between the Senators who have recorded their convictions by a vote and the Senators who have not recorded their convictions by a vote, but who have formed and expressed their convictions from day to day during the last few months.

Mr. WORKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from California?

Mr. MARTIN of Virginia. I do.

Mr. WORKS. My name has been used in the resolution offered by the Senator from Wisconsin. I hope no Senator here believes that I have either sought or desired a place upon this committee. I know I should not want to accept a place upon it upon the supposition that I have not very decided convictions upon the question whether fraud and corruption were used for the purpose of bringing about the election of the Senator from Illinois.

I agree thoroughly with what has been said by the Senator from Virginia [Mr. MARTIN], that any intelligent man, whether he be a member of the Senate or not, who has carefully read the testimony and heard the arguments on this question, must have some convictions on the one side or the other of a question so important to the people of this country.

Mr. MARTIN of Virginia. It is not necessary, I am sure, for me to say to the Senator from California that I never for a moment conceived the idea that he had sought or desired service on this committee. I will say, in addition, that it never entered my mind that the Senator from Wisconsin [Mr. LA FOLLETTE] desired to place on that committee any man who had any bias either one way or the other. I do not think I am mistaken when I say that the Senator from Wisconsin put the names in his resolution without any consultation with the Senators whose names he inserted in it.

Mr. LA FOLLETTE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from Wisconsin?

Mr. MARTIN of Virginia. I do.

Mr. LA FOLLETTE. I think I so stated on the floor during the course of my remarks upon the resolution. If I did not, I should like to have it definitely in the RECORD. When I offered the resolution naming five Senators to serve upon this committee I did not know the views or opinions of a single Senator named upon this subject. I had had no conversation with any one of the five men who were named with respect to their attitude of mind regarding the former hearing and the former action of the Senate, and I wrote in those names simply to place before the Senate, subject to such changes as the Senate might see fit to make, a resolution upon which the Senate might act in any way, enlarging the membership, as suggested by me, or changing the membership. But it expressed my idea that the membership of that committee ought to be composed of men who had not been Members of the Sixty-first Congress. I thank the Senator from Virginia.

Mr. MARTIN of Virginia. I was very sure I had heard——

Mr. WORKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from California?

Mr. MARTIN of Virginia. I do.

Mr. WORKS. I desire to say further that I had no intimation from any source, either from the Senator from Wisconsin or from anyone else, that my name was to be used in any such way. The first intimation I had of the fact was when the resolution was read here in the Senate.

I desire to say further that, so far as I know, the Senator from Wisconsin [Mr. LA FOLLETTE] had no knowledge or intimation as to what my convictions were upon this subject.

Mr. MARTIN of Virginia. I was very sure that I had heard the Senator from Wisconsin express the views which he has just expressed. But I was not sure whether I had heard him express those views in private conversation or on the floor of the Senate. I would not have attributed to him any other views if I had not heard him express himself in either place. I believe he desires a thorough and an honest investigation of this case.

I believe he wants to get to the very bottom of it, as I want to get to the very bottom of it. I do not believe he wants any unfair tribunal or any unfair advantage, the one way or the other, in the investigation which it is incumbent upon us to make.

But, Mr. President, the question is, Where can we get the fairest tribunal? How can we organize a committee that will be entirely fair and impartial? It is absolutely impossible to get a committee, as I have stated, in the minds of whom there will not be some bias the one way or the other, whether the membership of the committee be from the old Members of the Senate or from the new Members of the Senate. I feel very sure, from the remarks made by the Senator from California [Mr. WORKS], in a recent argument he submitted to the Senate, that he has just as strong convictions and feelings about this matter as I have.

I feel that he would approach the consideration of this case with just as much bias upon his mind as I would approach it if it devolved upon me to make the investigation; and I do not believe, Mr. President, that the Senator from California is any exception in the list of new Senators who entered this body for the first time at the commencement of the Sixty-second Congress.

I do not believe there is a single new Senator in this body who has not just as much conviction about this matter as I have. They have all read about it; they have all thought about it; they have all talked about it; they have all expressed their convictions; and they will have to have those impressions removed by the evidence just as I will have to have the impressions on my mind removed by the evidence if I ever change my vote from the way I cast it before.

But if I know myself, Mr. President, I stand ready to change that vote if the evidence brought into this Senate by the new committee is such as to demonstrate the innocence of Mr. LORIMER. It must demonstrate a little more than the innocence of Mr. LORIMER personally, for his friends may have practiced fraudulent methods and may have resorted to bribery and corruption, and whether he knew of it and participated in it or not, if he was elected by bribery and fraud, it makes no difference who perpetrated the fraud or who gave the bribes, he is not entitled to his seat in this body if it was procured by methods of that sort.

But if I know myself I would gladly vote Mr. LORIMER a right to a seat in this body if evidence can be adduced, reliable and satisfactory and convincing, that can demonstrate that neither he nor his friends nor anyone else used bribery or fraud or corruption in procuring for him a seat in this body. As I entertain that feeling, as I will endeavor to live up to that purpose, as I hope I will be able conscientiously and honestly and justly to live up to that purpose of treating this case fairly, considering it justly, and determining it honestly when the new evidence and the new report will come in, I will not attribute to any other Senator a less honest or a less patriotic purpose than I myself entertain. Whether he voted as I did or voted differently from the way I voted, I must concede that he acted honestly and conscientiously, that he is open to conviction, and that he will vote when the case comes up again fairly and justly and honestly and in accordance with the evidence which may then be adduced.

Entertaining that opinion, I feel that we must all have charity enough to entertain that opinion toward each other. Not

one of us can arrogate to himself a virtue superior to that of his colleagues on this floor. Not one of us has a monopoly of virtue, honesty, sincerity, or patriotism. I trust we all endeavor to live up to those high principles. I, in my humble way, have certainly endeavored to walk that path, and I will not attribute to a brother Senator a disposition to walk any other path until he has demonstrated his unworthiness of the high and honorable position which the State which sent him to this great body has conferred on him.

Now, Mr. President, when we come to select a committee to do this great and important and responsible work, which is so essential to the dignity and honor of this body and so essential to the perpetuity of our institutions, how are we to go about it? We can not get a committee without some bias, without some conviction one way or the other, whether we take that committee from the old Senators or from the new Senators, whether we take that committee from those who voted for Mr. LORIMER's right to a seat here or voted against his right to a seat here. Suppose we proceed as the distinguished Senator from Wisconsin proceeded. When he first took this matter up he endeavored to select a fair committee. I know he would not have selected willingly a committee with any undue bias or prejudice. I believe when his resolution was introduced, though the Senator from California [Mr. WORKS] was here at the time, he had not made the address to the Senate which contained an expression of his views about the Lorimer case; but in his endeavor to get a fair and impartial tribunal the Senator from Wisconsin placed on it at least one man, the Senator from California, who has as strong a conviction about the case as either the Senator from Wisconsin or myself.

The Senator from Wisconsin shakes his head, but judging by the remarks of the Senator from California I think his conviction is just about as strong on this case as his mind is able to form about any matter. I am not criticizing the Senator from California. He would be hardly worthy of a seat in this body if he had not formed an opinion about the Lorimer case, in view of all the testimony which has been gone through. He had formed an opinion and no doubt had expressed it many times before he came to the Senate, and after he came to the Senate he availed himself of the very earliest opportunity to give to the Senate and the country his abiding conviction in the guilt of Mr. LORIMER.

Mr. WORKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from California?

Mr. MARTIN of Virginia. I do.

Mr. WORKS. I hope the Senator will understand that I neither formed nor expressed any opinion as to the guilt or innocence of the Senator from Illinois. I have not done so. I referred to the fact that evidence which was adduced at the former hearing showed that corrupt practices were resorted to at the election, and that as I understood it that was the simple question submitted to the committee at that time, and upon that simple question I had my convictions and I have expressed them; but I have never expressed an opinion, and I have in fact never formed an opinion, upon the question whether the Senator from Illinois was himself guilty under the evidence that had been adduced. Now, there is additional evidence here, taken by the committee of the Legislature of Illinois, which may place an entirely different face upon the situation, and it may show—at least it has the tendency to show—that there was personal guilt upon the part of the Senator from Illinois whose seat is in controversy here.

Mr. MARTIN of Virginia. Mr. President, the words I used were not aptly selected. Though I confess my language imported as much, I did not intend by what I said to attribute to the Senator from California a conviction as to the personal participation of Mr. LORIMER in these frauds, but he reached exactly the conclusion I had reached, and I meant to express that. He reached the conclusion that bribery and corruption had been used, and without the use of that bribery and corruption Mr. LORIMER would not have been elected. It was not necessary in determining Mr. LORIMER's right to a seat to go further and show that Mr. LORIMER was particeps in a personal sense, and had full knowledge and participation in the bribery and corruption; but when the conclusion was reached that bribes had been given to members of the legislature, that fraudulent and corrupt methods had contributed to the election of Mr. LORIMER, and that he would not have been elected without them, that disqualified him for a seat in this body.

That was the conclusion I reached, and it was expressed in my vote. That was the conclusion, as I understood it, that the Senator from California had reached, as expressed in the speech delivered by him on the floor of the Senate. So the Senator from California is just as much disqualified, if a bias of that sort can disqualify a Senator, as I am disqualified, or as any member of the Committee on Privileges and Elections is disqualified.

Mr. WORKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Virginia yield further to the Senator from California?

Mr. MARTIN of Virginia. I do.

Mr. WORKS. I certainly had not intended to urge my qualifications as a member of this committee, but I simply wished to justify myself against the statement made that I had formed an opinion as to the guilt or innocence of Mr. LORIMER.

Mr. MARTIN of Virginia. The Senator's disclaimer is entirely unnecessary. Certainly no thought of that sort ever entered my mind. I simply meant to demonstrate by the Senator's attitude toward this matter the proposition that new Senators, as well as old Senators, had convictions, and were under bias in respect to the Lorimer case, and that when you look for an impartial committee you will find it impossible to get such a committee in the membership of the Senate as now constituted, either from those who were in the Sixty-first Congress or those who have appeared for the first time in the Sixty-second Congress. The bias is just as great in the one case as in the other.

The question is, where can we come as near as possible to securing a fair and impartial committee to make this investigation. If you go to work to organize a committee, how will you have it? Is it possible for the human mind to approach this subject in such a way as to make a selection for this specific purpose and that selection not be subject to more criticism than to take a committee that was created without any reference to this case? The standing Committee on Privileges and Elections as it is now constituted in the Senate, so far as the new members of the committee are concerned, was created, I am sure, without any reference whatever to this case and before the question of reopening the case had been agitated.

Senators who had served in the Sixty-first Congress and continued to be Members of the Sixty-second Congress and who had in the last Congress been members of the Committee on Privileges and Elections were, for the most part and probably all of them—I have not turned my mind to that examination—continued on the present committee. But there were new Senators put upon it and there were Senators who were in the last Congress and yet not members of that committee put upon it. The committee was selected without any reference to the Lorimer case or the proposed investigation. It is composed of able men. I would not make any comparison or any invidious distinction between the ability of Senators on the different committees, but I will go so far as to say it would be very difficult in the Senate to find an abler body of men than those who now constitute the Committee on Privileges and Elections. As they are able and honorable and patriotic men, and as they were placed upon the committee without any reference to this investigation, it seems to me that they must be as fairly constituted as any special committee that could be raised for this particular purpose.

Suppose we should go to work now to raise a special committee for this particular purpose, how would we proceed? We would start out with a full knowledge that every Senator has an opinion one way or the other with respect to the case. Will you divide the membership equally? Will you take half of your committee from those who voted in favor of Mr. LORIMER having a seat in this body and the other half from those who either voted differently or did not vote at all? If you do that, surely you will have a committee made up of biased Senators. I mean by biased an honest bias, a bias that must be in the mind of every honest man who has considered the case. Would that be any fairer committee than the Committee on Privileges and Elections? I think not.

I reached the conclusion in my consideration of this matter, in my thought in respect to it, that the fairest and the most effective and the most satisfactory method of procedure would be to send this investigation to the committee created by the Senate to take jurisdiction of matters of this sort, and put it up to the Committee on Privileges and Elections. Every member of that committee is responsible to the Senate; every member of it is responsible to his State; every member of it is responsible to the people of this great country; every one of them is responsible to his own conscience, his own sense of right; and I say the wisest, the safest, and the justest way for the Senate to proceed, in my humble opinion, is to put this matter up to the standing committee of the Senate which was created to take jurisdiction of matters of this importance, a committee which was created without any reference to this particular case and which is composed of honorable and able and patriotic Senators.

Now, Mr. President, if the Committee on Privileges and Elections for any reason shall find itself unable to proceed with dispatch, with diligence, with promptness, with thoroughness, and with efficiency, if any member of the committee shall find that he is so biased that he can not exercise the jurisdiction justly and honorably, surely we can rely upon him as we rely upon the judges of our courts when they find themselves so situated in respect to a case that they are not able to proceed fairly and justly with the case. I say we can rely in like manner upon any Senator who finds either his other engagements or his state of mind such as to disqualify him from discharging the duty fairly and justly and efficiently, and I say we can rely on that committee to make a report to the Senate.

Let us put it up to the Committee on Privileges and Elections. Let us place the responsibility where the rules of the Senate place it. Let us demand of them that they shall discharge the duties which they assumed when they accepted membership upon the Committee on Privileges and Elections. Let us rely on their fidelity and their high sense of honor and justice. If they are unable for any reason to proceed with the matter I say let us rely upon them to make report to the Senate and explain to the Senate why it is, if it be so, that they can not proceed in the exercise of this jurisdiction faithfully, promptly, diligently, and efficiently.

Now, Mr. President, that is the gist of this whole matter. The smaller matters to which I referred are matters about which we would all agree. Promptness in commencing the work, diligence in pursuing the work, an early report of the result of the work, a thorough investigation of the jack-pot fund, and an exhaustive investigation of every phase of this matter are what we all desire. The only point about which it seems to me there could be any material difference of opinion is in respect to the agency which the Senate shall employ to make the investigation.

I have briefly presented the reasons why I think the standing Committee on Privileges and Elections is as fair a tribunal as we can submit this investigation to. It is the regular course; it is in accord with the precedents. Of course, there are some precedents which being differentiated under some special reasons might seem to be the other way, but substantially speaking, all the precedents of the Senate point to the selection of the standing Committee on Privileges and Elections.

But even if the precedents were not that way and I am not a great stickler for precedents, I put this question on deeper and broader grounds than the matter of precedents. I believe it is a juster method. I believe it will bring better results. I believe it will offend fewer people. There are members of that committee who would feel that a different course would be something of a censure, something of a reprimand, something of a reflection. I do not think it would be either a censure, a reprimand, or a reflection. I do not believe the Senate would intentionally do either, but such a course would be susceptible of that construction, not only in their mind but in the mind of others; and I am not willing to take that course unless there be made manifest some controlling, some necessary requirement to do so. I do not believe any such requirement exists. I believe we will get through the agency of the Committee on Privileges and Elections exactly what we all want, a thorough and exhaustive examination and investigation, and a prompt report to the Senate of the results of that investigation, so that the Senate can take this case up again, consider it carefully again, and do complete justice and final justice in the matter. I sincerely hope that course will be pursued.

Mr. DAVIS. Mr. President, could I yield my willing assent to this resolution as proposed by the Senator from Virginia [Mr. MARTIN] I would not tax the patience of the Senate on this occasion.

I, Mr. President, first of all, am a Democrat. I believe in the principles of Democracy as truly and sincerely as I do in the religion of Jesus Christ. In religion I am a hard-shell Baptist; that goes ahead of my Democracy; but, sir, being a Democrat, being unwilling to yield assent to this resolution, I am impelled to give the reasons which actuate me to this course.

In the first place, Mr. President, this is not a party question. I have heard it stated, and reiterated time and again, upon the floor of the Senate that in the settlement of this question party politics plays no part. I accept that as true, because it has been stated by every Senator who has addressed the Senate upon this subject. Then, sir, if party politics plays no part in the settlement of this question, I, as an independent Democrat, have a right to vote as I see proper in this case unembarrassed by what my party leader or my party associates may have determined.

I am interested first, Mr. President, in a reopening of this case. It has been stated repeatedly on both sides of the Chamber that there is no objection to a reopening of this controversy. Then, if there is not, I am certainly delighted, because that is the pivotal point in which I am interested in this controversy. At the last session of Congress this matter was debated thoroughly, and I shall not enter into a discussion of any of the testimony. It will be remembered by Senators here how sharply the lines were drawn, how acute the discussion was. I say that I am interested primarily in the reopening, the rehearing, of this case. Why? Because I do not believe it was decided right at the last session of Congress. I do not reflect on any Member of the Senate who voted the other way. I concede, Mr. President, that good men may differ on this important proposition. Why, my father—the best man, I think, that ever lived on earth—and myself often disagreed, and he was more often right than I was. [Laughter.] So I say that good men may often disagree on the merits of a controversy and both be honest and conscientious. I am not going to challenge anybody's motives, but I say I am interested in the reopening of the case. Why? I am going to be honest about it and I am going to shell down the corn. If the testimony is as it stands to-day, my mind is made up. It will take lots of testimony—a whole parcel of testimony—to disabuse my mind of the fact not only that there were corrupt practices used in the election of WILLIAM LORIMER, but that he personally knew all about them. He is either the biggest ass that ever disgraced the Senate or the biggest knave that ever disgraced the Senate. A man, Mr. President, in the light of this testimony, would have been the biggest fool—I withdraw that phrase, "the biggest fool," and will say that, in the light of this testimony, a man would have been a fool not to have known what was going on at Springfield during that election.

The PRESIDING OFFICER. The Chair would call the attention of the Senator from Arkansas to Rule XIX, which forbids a personal reference to any Member of this body in terms.

Mr. DAVIS. I withdraw the language. I realize that in my excitement, perhaps, I went too far.

The PRESIDING OFFICER. The Chair would call to the attention of the Senator that it was more than the words which he applied, and the Chair suggests that the Senator bear that rule in mind.

Mr. DAVIS. I certainly shall, sir. Sometimes we get beside ourselves in the heat of debate, and I did on that occasion. I am willing to be called down. I wish all the newspapers to state that I was called down. They always get in the record everything against me anyway, so I will invite criticism now.

I am interested in the reopening of this case. After we have got the case reopened, I say, Mr. President, I am then interested in a fair committee. No man in the Senate wants Mr. LORIMER tried by an unfair committee, but no man wants him tried by a pro-Lorimer committee. I believe it is the sense of every Senator here that this matter shall go out to the country not only so as to give Mr. LORIMER an absolutely fair trial, but so as to preserve the integrity and honor of the Senate as well in the estimation of the country at large.

But, Mr. President, I have heard it said on this floor that public sentiment does not go for anything unless it is well-informed public sentiment, unless it is well-advised public sentiment, but I notice a great many Senators have always got their ears to the ground listening to the echoes of public sentiment. I want to say to Senators here that they need not lay the unction to their souls that the people do not know this case. We are told they do not know it, because they have withdrawn from the folding room of the Senate but a few copies of the testimony. My God, Mr. President! "Old Man People" gets his knowledge independent of books and papers, independent of schoolrooms, if you please. The child of nature, the true nobleman, God's nobleman knows these things, and he knows them in a way that very few people know about, but the people know this case. You can not fool them. They have rendered their verdict, and it is going to take testimony, and lots of it, to change the verdict in the minds of the public. I agree thoroughly that Senator LORIMER ought not to be tried by public sentiment; I agree that ought not to enter into the consideration of this case by each individual Senator; but, Senators, do not ease your conscience by saying that the people do not understand this case. They are bound to be informed. Public sentiment is not hasty and rash, but they know all about it. The new faces that will appear in this Chamber in a short time will be evidence that they do know all about it.

I do not agree with the Senator from Virginia [Mr. MARTIN] that this resolution perforce should be referred to the Committee on Privileges and Elections. He says unless we believe that committee unfair, unless we believe them unpatriotic, unless we believe them unjust that a long line of precedents as to the stability of the working of the Senate and the dignity of the

Senate require that this matter go to that committee. I say no. The Senator from Wisconsin [Mr. LA FOLLETTE] has cited precedents to the contrary, but he did not cite the last case, the Dietrich case. I call the attention of the Senator from Wisconsin to the Dietrich case, where a committee was made up on the floor of the Senate by the Senate itself. I ask Senators here and I ask the country as well, What is unfair about that? What is unfair about merely having the roll call here now and somebody nominating the distinguished Senator from Vermont as a member of the committee?

Mr. DILLINGHAM. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from Vermont?

Mr. DAVIS. Certainly.

Mr. DILLINGHAM. I would like to call the attention of the Senator from Arkansas to the fact that the Dietrich case did not involve the question of that Senator's election to this body.

Mr. DAVIS. No; but it involved the question of a committee to which the matter should be referred, and a special committee was raised for that purpose on the floor of the Senate.

Mr. DILLINGHAM. If I may be permitted further——

The PRESIDING OFFICER. Does the Senator from Arkansas yield still further to the Senator from Vermont?

Mr. DAVIS. Certainly.

Mr. DILLINGHAM. The inquiry in the case referred to went to the personal conduct of that gentleman as a Senator and involved the question whether he had violated a statute of the United States while a Senator of the United States.

Mr. DAVIS. Mr. President, that is simply splitting hairs. It is not a question of what the matter involved was, but it is a precedent of the Senate, whether or not it has been customary and usual, when a matter involved either the seat of a Senator or his integrity as a Member, it should be tried by a standing committee or be tried by a select committee raised on the floor of the Senate; and I say that in the Dietrich case a select committee was raised.

Why ought not this case be referred to the Committee on Privileges and Elections? In the first place, Mr. President, without reflecting in the least upon that committee, many of whom are my personal friends—the Senator from Minnesota [Mr. CLAPP], the Senator from Vermont [Mr. DILLINGHAM], and others that I might mention, I hope are my personal friends; I trust they are, and, of course, the Democrats are all my friends—I do not intend in the least to reflect upon that committee, but why is it that this matter ought not to be sent to the Committee on Privileges and Elections? There are 15 members of that committee, Mr. President. In March last 9 of them voted for Mr. LORIMER to retain his seat when this controversy was then up. Three of them voted against Mr. LORIMER, and there are 3 new Senators who have not voted at all.

Now, gentlemen, let us avoid all appearance of evil; let us be like Cæsar's wife, above suspicion. What will the country say? You say, "Oh, you must not listen to the country." My God, you are here for the purpose of serving the country. You are the servants of the people; they are your masters; you are not their masters. Then you ought to heed their just admonitions. Nine members of the Committee on Privileges and Elections have already voted for Mr. LORIMER, 3 voted against him, and 3 have not voted at all. Now, in the very nature of things, do you think that this matter ought to be investigated by that committee again?

You ask, Do you think they will not be fair? I do not say they will not be, but I want just to shell down the corn.

Mr. President, if you would put me on that committee, I would go on there with a very strong predilection against Mr. LORIMER, and I want to tell you that it would take a whole lot of testimony to change that opinion. I am but a plain human being, actuated by the ordinary motives that actuate ordinary men. I am not above the things that move ordinary men to ordinary action. I say that those nine men that have previously voted to seat Mr. LORIMER ought not to be called on in any capacity to act in this matter.

But it is said we are going to have a select committee. I do not know whether we are or not. I am talking about the resolution as it is presented. There is a whisper running through the Chamber and the cloakrooms that perhaps it will be done in that way. I can not say. I am not on the inside of the holy of holies. I am sort of dancing around in the corners, and I do not know what is going on on the inside. I am arguing this resolution as it is presented on its face. What does it say? That this committee shall sit in banc. What does that mean? Altogether. You say that this is impossible for the whole committee to sit. Well, I do not know. You say some of them can not sit. I do not know, but the resolution as offered here to-day says that they shall sit in banc. I can not vote for that. I am not willing to turn this matter again into the hands of 9 out of 15 men who voted to seat Mr. LORIMER in the face of what I concede to be the plainest case ever made out against a man in the courts of the country.

Now, what else? They ought not to ask the committee to take up this work; the committee ought not to ask for it, and they ought not to want it; but, above and beyond all that, Mr. President—and I have said twice as much as I thought I would—I want to say "Poor, old LORIMER!" He has been garroted—is that what you call it?—that is a ship term; scuttled, in other words. He is gone, and it does not make any difference how you get at it.

The PRESIDING OFFICER. The Senator will suspend while the Chair reads the Senator the rule of the Senate.

Mr. DAVIS. I withdraw that remark, Mr. President.

The PRESIDING OFFICER. The Chair will state the language of the rule to the Senator.

> No Senator in debate shall, directly or indirectly, by any form of words impute to another Senator or to other Senators any conduct or motive unworthy or unbecoming a Senator.

Mr. DAVIS. I do not think what I have said reflects on the Senator. But I accept the ruling of the Chair. Let us take another term. He has been "marooned." I think that does not reflect on him, does it? He has been "marooned." The ship has left him. He has been put out on a lonely island, and the procession has gone by him. His friends have deserted him. Poor LORIMER has been marooned; he is out on the island by himself. It does not make any difference whether the resolution as originally proposed to be offered by the distinguished Senator from Vermont [Mr. DILLINGHAM] prevails or the one offered by the distinguished Senator from Virginia [Mr. MARTIN] or the one offered by the distinguished Senator from Wisconsin [Mr. LA FOLLETTE], poor LORIMER has been marooned. He is left, and the procession has gone by.

I am sorry in a way for Mr. LORIMER, because I am sorry for any man who is in trouble, and especially am I sorry for a man, Mr. President, when it seems everybody is against him if they say a certain thing is true.

The Committee on Privileges and Elections had this whole matter under consideration at the last session of Congress. The talk about this fellow Hines and a hundred-thousand-dollar fund. All this could have been gotten last year by the Committee on Privileges and Elections just as well as it could be gotten now, because it existed then just as it exists now. There has been no new testimony developed; there have been no new facts produced. It is simply a question of the gathering by the new committee of facts that existed at the time of the other committee's investigation. I say this talk about Hines existed at the time that the Committee on Privileges and Elections had charge of this case. That matter was not gone into. We are assured that if this matter is now referred to that committee it will be gone into. Mr. President, let us just go at it in an old-fashioned way. Let us raise a committee here among ourselves. Let each Senator nominate somebody and let us elect a committee. Is there anything unfair about that? Could anybody on earth say that that is wrong?

I am a Democrat and I am not accustomed to throwing bouquets at Republicans, but I want to say in behalf of the Senator from Wisconsin [Mr. LA FOLLETTE] that I think he is about as good a Democrat as we have here. In late days he is getting around to the right doctrine mighty fast; he is getting converted awfully fast; in fact, Mr. President, these "insurgents," about 13 of them, if they will do what they say they will, if in their actions they will live up to their speeches in the Senate, are all pretty good Democrats. I do not know whether they will do it or not. But this fight, I say, ought to have been between the "standpat" Republicans and the "insurgents," if fight there had to be about the mode of conducting this investigation. But, instead of that, the Democrats have assumed to enter into it. The distinguished Senator from Vermont, chairman of the Committee on Privileges and Elections, no doubt rejoices to see my friend from Virginia take the fight off of his shoulders. No doubt he is tickled down to the bottom of his boots when he sees the Democrats jump into the breach at the mouth of the gun and take the fight from the shoulders of the "standpat" Republicans. I for one, Mr. President, am not willing to do it. Let the Republicans fight it out among themselves.

But for Senator LA FOLLETTE, I want to say that he has made a manly, game fight. Probably he introduced his resolution a little bit early, but he has made a manly, game fight.

I am answered that if LORIMER is gone anyway, then what is all this talk about the way it is done. Mr. President, I plead for Democratic regularity. I do object to the Democrats taking the fight that belongs to the "standpat" Republicans and flying into the face of our natural allies, the "insurgents" of this body. I say that the Senator from Wisconsin has made a game fight. He introduced the resolution probably a little prematurely, but he introduced it, did he not? It may be said that it did not need a three-day speech and did not need any long-winded argument to convince the Senate, and that 50 Senators would have introduced a resolution if he had not; but they did not do it, did they? The Senator from Wisconsin [Mr. LA FOLLETTE] is the only man who introduced a resolution to reopen this case. He has made the fight, and as a Democrat, because I believe him right, I am willing to stand with him and give him what meed of credit he is entitled to for the manly fight he has fought.

Mr. President, he has suggested a fair manner of selecting this committee, just to nominate them right here, pick them right here from the floor, and elect them. Do it in the open. Do it where everybody can see you. Do it under the clearest sunlight of God himself. Let the public know what is going on. Do not do it behind closed doors, in closets, in back places; do it here.

Sir, perhaps I have said more than I should. I am intensely interested in this matter, and but for the fact that I felt this deep interest I should not have spoken at all.

I regret, sir, more than any man the fact that I shall have to leave some of my Democratic friends on this vote, but I will take my record, Mr. President, and lay it right by the side of the Denver platform. I say I am as good a Democrat as ever stood in shoe leather.

Take my record since I have had the honor to be a Member of this body and lay it down by the square and compass of the Denver platform and you must say that JEFF DAVIS is a good Democrat. I do not like to leave my Democratic friends and get among the Republican insurgents, but I will have to do it on this vote.

Having said this much, Mr. President, I conclude my remarks.

Mr. CUMMINS. Mr. President, I first make a parliamentary inquiry. During the course of the observations to which we have just listened, I understood the Chair to hold that the rule which prohibits a Member of the Senate from reflecting in any way upon another Member of the Senate in public debate is applicable to the Senator now under discussion. I ask the Chair whether I correctly understood his ruling?

The PRESIDING OFFICER. The Chair would say that the legal status of the junior Senator from Illinois, so far as being a Member of this body, is identical with that of every other Member.

Mr. CUMMINS. I ask one further question. If, then, we were discussing the question as to the guilt or the innocence of the sitting Member; that is to say, discussing the testimony which has already been laid before the Senate in one way or another, and if a Member of the Senate in that debate were to declare that in his opinion it established a guilty knowledge or a guilty participation in the corruption occurring at the election, the Chair would hold that that would be in violation of the rules of the Senate?

The PRESIDING OFFICER. The Chair would not so hold. The action of the Chair was based upon the epithets, if I may term them such, applied to the junior Senator from Illinois. The Senator from Iowa may not have heard the expression.

Mr. CUMMINS. I did not hear the expression.

The PRESIDING OFFICER. He was called by two opprobrious names.

Mr. CUMMINS. I did not hear what was said.

The PRESIDING OFFICER. It was because of that that the Chair felt called upon to remind him of the rule, without requiring him to take his seat—merely to admonish him.

Mr. CUMMINS. The reason I make these inquiries is, while I may not debate the matter upon its merits at this time, I am very anxious not to fall under the condemnation of the Chair or the condemnation of Senators who desire to observe the rules of this body.

Mr. President, the resolution offered by the Senator from Wisconsin [Mr. LA FOLLETTE], coupled with the proposed substitute offered by the Senator from Virginia [Mr. MARTIN], presents two definite questions, and only two, to the Senate. The first is, Shall the Senate proceed to a further investigation concerning the election of WILLIAM LORIMER to a seat in this body? The second is, By what instrumentality shall the Senate proceed with the further investigation if it be decided that additional evidence ought to be taken?

I gather from what has been said on all sides that concerning the first proposition or question there is no controversy whatsoever. We seem to have reached a common conclusion with regard to that part of the controversy. Every Senator here seems to be convinced that, by reason of the occurrences elsewhere since the vote upon the former resolution was taken, it is our duty to further inquire with respect to the circumstances concerning the election of WILLIAM LORIMER to this body.

I therefore shall not exhaust a single moment of your time or any part of my strength in the examination of that proposition. I come, therefore, immediately to the consideration of the two methods which are proposed—the one by the Senator from Wisconsin [Mr. LA FOLLETTE] and the other by the Senator from Virginia [Mr. MARTIN].

I have a decided opinion with regard to the two methods of making this investigation. I believe that the resolution proposed by the Senator from Wisconsin, modified as he has suggested, will furnish a more adequate investigation, a completer inquiry into the election of WILLIAM LORIMER, than though it were committed to the Committee on Privileges and Elections, and therefore I stand for the select committee.

I have been wondering ever since this debate began whether I would be able to express the opinion I hold without being offensive. I do not intend to be offensive. I feel no unkindness toward the Committee on Privileges and Elections. I am quite ready not only to admit, but to insist, that the committee is composed of high-minded, intelligent, patriotic men and patriotic Senators, as so often declared by the Senator from Virginia [Mr. MARTIN]. And I trust that not a single word that falls from my lips will be so construed as to reflect in the slightest degree upon the purpose of the Committee on Privileges and Elections or the purpose of any member of the Committee on Privileges and Elections.

But in my judgment this committee substantially disqualified itself by the manner in which the former investigation was carried forward, not disqualified itself by reason of any want of desire on the part of the committee to reach the truth, not disqualified itself by reason of any desire upon the part of the committee to present to the Senate fairly and impartially the result of its investigation and its deliberations, but it has disqualified itself, in my opinion, because of the views which the members of that committee held apparently with regard to the scope of the powers of an investigating committee and because of the rules of law which the members of the committee feel ought to control such a body of men in making an investigation of this character.

This is not a new proposition of mine. It is a conclusion that I expressed in the very first sentences of the observations I had the honor to make months ago, when the resolution relating to the seat of WILLIAM LORIMER was before the body for decision, and I beg to read a word or two from my remarks at that time, in order to remind Senators of the exact situation.

I think there is great force in the suggestion that new men would be more effective for a great number of reasons than any of the old Members of the Senate. But I do not attach so much importance to the opinions we hold with regard to the guilt or the innocence of Mr. LORIMER. We all hold those opinions. Possibly we do not all hold the pride of opinion that must be experienced by those of us who have voted upon the resolution, but, nevertheless, every intelligent man in the United States has an opinion with regard to the guilt or innocence of WILLIAM LORIMER. I agree in some respects with the declaration recently made, that if we could find a man within the limits of the Republic who had no opinion with respect to the merits of the case, we would at the same time find a man utterly disqualified to express any opinion on it.

But an opinion with respect to the guilt or the innocence—and I am speaking now of guilt and innocence as synonymous with the validity of his seat in this body—is one thing. Entirely aside from that, if I find a Senator here who holds a certain view of the law, who holds a certain view with regard to the scope and functions of an investigating committee, that does not correspond with my own, an opinion which I believe, if carried into execution, will not result in a full and comprehensive and complete investigation, then I do not want that man to investigate this subject, not because he is dishonest, not because he is not intelligent or patriotic, not because he has not all the attributes which we love to find in American citizens, but because he has adopted a false view of the law.

That is my suggestion with regard to the members of the Committee on Privileges and Elections, who formerly looked into the circumstances which preceded and which surrounded the election of WILLIAM LORIMER.

Let us see. I read from the opening sentences of a former speech of mine upon the same subject:

Whether WILLIAM LORIMER had guilty knowledge of the efforts that were being made in his behalf, and which finally resulted in his election, I do not say; it is not necessary for me to declare an opinion upon that subject, and the attitude of the committee with respect to it has made it exceedingly difficult for anyone to reach a proper conclusion with regard to it. I question that attitude in this: The committee seems to have assumed that the Chicago Tribune was the plaintiff in the case before it and that WILLIAM LORIMER was the defendant, and that the admissions and statements made on behalf of the plaintiff concluded the committee in so far as those admissions and statements were made against the interest of the plaintiff. It appears that because counsel for the Chicago Tribune announced, in response to a suggestion from the senior Senator from Idaho [Mr. HEYBURN], a member of the committee, that personally he did not intend to connect Mr. LORIMER with the bribery, and that at another time, in argument upon the admission of evidence, stated—and I now quote—"we do not contend he had anything to do with it," therefore the question of Mr. LORIMER's participation in or guilty knowledge of the corruption was eliminated from the investigation, and there seems to have been no effort from that time forward to pursue that particular phase of the subject.

I do not agree with such attitude upon the part of the subcommittee. I do not think that the Chicago Tribune was the plaintiff. I do not think that any admission or statement made by the counsel for the Tribune could in any wise restrict or limit the powers or duties of the committee raised by the resolution of the Senate.

And more of the same character.

This subcommittee, composed of most intelligent men, and men who are just as wholly dedicated and devoted to the public service as any of the Senators of this body, met in the city of Chicago, and the subcommittee organized itself into a court—a court not of investigation, but a court of trial—and it proceeded to try a suit in ejectment brought by the Chicago Tribune against WILLIAM LORIMER. It sought for no testimony that was not produced by the plaintiff. It sought for no testimony that was not brought forward by the defendant; and it measured the competency of all the testimony offered with all the rigor and the technicalities of the common law with respect to the admission of testimony.

In the 700 pages composing this record a large part will be found to be consumed in useless and senseless arguments made by counsel respecting the admissibility of testimony; whether the testimony suggested was hearsay testimony or whether it was secondary testimony. So the investigation proceeded with absolute fidelity upon the part of the full committee to the principle upon which it was instituted, but I do not believe that that is the office of an investigating committee. It is not a committee for the trial of Mr. LORIMER. This Senate is the body which tries Mr. LORIMER. The committee ought to be one that would search here and there and everywhere to elicit testimony, no matter where found or how found.

I deny that evidence must be tested by the rules of common law in order to ascertain whether it shall be submitted to the investigating committee or not. I agree that when the testimony finally comes to the Senate, then we must take the evidence and subject it to that scrutiny and subject it to those tests which the long experience of civilized mankind has ordained in order to ascertain the truth.

The PRESIDING OFFICER. The hour of 4 o'clock having arrived, the Chair will lay before the Senate the unfinished business, which will be stated.

The SECRETARY. A joint resolution (H. J. Res. 39) proposing an amendment to the Constitution providing that Senators shall be elected by the people of the several States.

Mr. BORAH. I ask unanimous consent that the unfinished business may be temporarily laid aside.

The PRESIDING OFFICER. The Senator from Idaho asks that the unfinished business be temporarily laid aside. Is there objection? The Chair hears none. It is so ordered. The Senator from Iowa will proceed.

Mr. CUMMINS. In the very best of faith the members of the subcommittee adopted this plan for investigating the election of WILLIAM LORIMER. With a high intelligence they proceeded upon this plan to hear the evidence submitted by the newspaper upon the one side and by Mr. LORIMER upon the other. With great and comprehensive knowledge of the law they subjected all the evidence to these rules of the law which are applicable in the courts of the country. If you want that kind of an investigation, then this committee, which has already assumed a position with regard to such things, ought to be commissioned to carry on the inquiry.

Now, mark you, there is no reflection upon any member of the committee in saying this. I differ from a great many Members of the Senate upon a great many things, but I hope that it is not thought disparaging to any Senator to say that he differs from all or part of his fellow Senators with regard to questions of either law or of fact. I differ from this committee as it was then composed with regard to making investigations such as this. I deny that it ought to be a committee of trial and insist that it be a committee of investigation. I deny that the testimony which is brought forward must bear the tests of the courts in the trial of cases. I insist that the committee has a perfect right to take any testimony whatsoever that in its judgment will lead to competent evidence upon the substantial or the pivotal fact to be decided by the Senate. I want a committee of real investigators to go out, unhampered, unrestricted by any declaration that they have ever made of the law before by any vote that they have ever cast upon the subject, to go out and pursue every channel open to the inquiring mind to ascertain the truth with regard to the election of WILLIAM LORIMER. I do not believe those members of the Committee on Privileges and Elections who either sat as a subcommittee before or those members who approved the conduct of the subcommittee in the management of the investigation can with that freedom, that liberty we ought to expect in an investigating committee, go forward and do this work. I care not what the precedents are, what we want is the truth, and we want it gathered in the way I have suggested, if that be the way approved by a majority of the Senate.

I understand there are two types of minds in the Senate. There are more upon a great many subjects, but there are at least two upon this subject. I made this same objection before. It was not only assumed by silence on the part of the committee that that was the real way in which to carry forward this investigation, but that course was openly defended upon the floor of the Senate. Senators will remember a somewhat spirited discussion carried on between the distinguished Senator from Texas [Mr. BAILEY] and myself with regard to this very matter. He declared with all the eloquence that attends his utterances and with all the sincerity which accompanies his arguments that the trial between man and man—he considering this case as an ordinary trial, with the plaintiff on one side and the defendant on the other—was the best way to adduce the truth, and that the committee did entirely right in allowing the newspaper on the one hand to take charge of the case and Mr. LORIMER's counsel upon the other. I have no reason to believe that he has changed his opinion with regard to that subject. I have no reason to believe that a single member of that committee has changed his honest and often expressed opinion upon that subject.

If therefore you recommission this committee to conduct the inquiry what do you expect? Do you expect that it will go to Chicago or remain in Washington and invite those who have made those charges against Mr. LORIMER to appear with their evidence, and that side having concluded do you expect that then Mr. LORIMER will bring forward whatsoever testimony he thinks makes for him? Do you expect that this testimony will either be admitted or excluded according to the rules of the law which apply by their strictness in the trial of cases?

If you do, then the Committee on Privileges and Elections will carry on this inquiry as honestly and efficiently as any body of men that can be found in the Senate. But if you want a committee that starts upon this line with a determination to find everything that is to be known with regard to the matter, whether it finds it at Springfield or St. Louis or whether it finds it at Centralia or Ottawa, whether it finds it in Chicago or in Washington, a committee that understands its duty to be to make whatever inquiry is necessary to lead to the truth, with no responsibility upon the part of any other person or any other concern to bring forward any testimony whatsoever—if that be what you desire, then you will adopt the resolution presented by the Senator from Wisconsin.

We had this difference of opinion before and we have it still. I shall have no word of criticism to enter upon anyone who differs with me with regard to it, but if I can do it without being disagreeable and offensive I want the Senate to understand what the issue is, and, understanding it, it seems to me that, without any reflection upon any member of the Committee on Privileges and Elections, with the full appreciation of the honorable character of every member of that committee, we must, if we desire to satisfy the demands of the country—I speak these words deliberately—carry on this investigation by a committee that has not adopted as its policy the plan that I have endeavored so inadequately and meagerly to set forth.

It is of just as high importance that the people of this country shall believe that the Senate of the United States is composed of men who sit here with unimpeachable and honest titles as that these titles be unimpeachable and honest. The confidence which the people of this country may have in the laws of the country, in the purity and integrity of purpose of those who make the laws, is, I think, of even greater importance than that the laws themselves be wise and just. We have stood here too long already against the wish and purpose and desire of the great mass of the people of the United States.

I did not intend to enter these broader questions at all, but they come to me now at this moment with such force that I can not relinquish the floor without saying one word with respect to our supreme duty in such matters as this. I heard the other day, accompanied, of course, with great compliment to the integrity and the intelligence of the people, the suggestion that we must go very, very slowly in responding to the wishes and demands of the people lest we shall respond to an unintelligent clamor of impulse and of passion. Senators, for 25 years and more the people of this country have been insisting that the Constitution composed by our forefathers should be changed so that the Members who sit in this body shall be elected by direct vote. Will anyone suggest that this demand, continuing now over a quarter of a century, is an impulse or a passion? Can anyone assert that it does not represent the deliberate, the thoughtful, the persistent purpose of a great majority of the people of this country?

Six times now has the one branch of the legislative government of the United States passed this resolution. Five times has the Senate of the United States either deliberately ignored the demand or rejected it upon consideration. The people are not only patient, but they are persistent still, and they intend to change this part of the Constitution, if, as Grant said about the war, it takes the century to do it.

Our forefathers—I do not criticize them—put into the Constitution obstacles against amendments which seemed wise to them and with which we must comply, but obstacles which are exceedingly difficult to surmount. Two-thirds of each of these bodies must agree to the resolution, and then when two-thirds have agreed to the same resolution, in the same words, three-fourths of the Commonwealths must ratify it in order that it may become a part of the organic law. Every obstacle apparently is removed except the obduracy of the Senate.

I do not say that Senators ought not to exercise their own judgment with respect to the propriety of voting for this amendment or not, but I do say that Senators should give great heed to the desire of the people to be given the opportunity to say whether they want to change their Constitution or not. It is not our Constitution. This Constitution belongs to 90,000,000 people or more. Yet we stand here determined that they shall have no opportunity to declare whether it is the Constitution they want or not.

I do not cavil at or criticize the argument which I have often heard made here, but it is an argument that ought to be made upon the hustings; it is an argument that ought to be made to the people who vote to determine whether our Constitution shall be changed or not. It is our duty to heed, to respond to the fundamental primary demand of the citizens, namely, that they be given an opportunity to say for themselves whether they want the Constitution changed or whether they want it to remain as it is.

Just so I feel regarding the agitation for the last year respecting the two new States in the southwestern part of our country. It is not my purpose to debate the merits of the initiative, referendum, or recall. However, when New Mexico comes to the Congress with compliance with every provision of the enabling act, and when Members of the Senate would vote for the admission of New Mexico if it were not for a provision in the constitution which has been adopted by the people of that Territory relating to its amendment, I say that we are intruding upon the province of the people themselves. I do not like the provision of the constitution of New Mexico with regard to its amendment, but I feel that I would be impertinent if I were to withhold my vote upon the proposition upon condition that the people should again vote upon or change this provision of the constitution. They know what they want, and if the State is otherwise entitled to demand, we ought not to longer hinder her entrance to the Commonwealths of the Union.

Just so with regard to Arizona. I know there are many Senators here who do not believe in the initiative or the referendum or the recall. I do. But you ought to say precisely what I have said respecting the constitution of New Mexico. The people of Arizona, in a deliberative, thoughtful, and patriotic way, adopted their constitution; and if it presents a republican form of government, it is an insult to every man and woman and child within the limits of that Territory to declare that they must again vote in order to see whether their former expressed opinion was a deliberate and calm expression of judgment upon these vital matters.

These are the things which are in the minds of the people. These are the things which are unsettling the confidence of the American people in our legislative bodies. These are the things which promote the Senate of the United States to a high place in the criticism and censure of many men and many women, too, throughout the borders of the country.

I return, however, to the question in hand. The only point of difference is, shall we elect an investigating committee—not a committee to hear testimony, not a committee to try Mr. LORIMER. If we had the testimony, or if it were to be brought forward by interested people to be laid before the committee in order that the committee could examine it and judge of it and determine its competency, I would not be so insistent upon the resolution presented by my friend, the Senator from Wisconsin [Mr. LA FOLLETTE]. But we are not organizing a committee of that sort. We are organizing a committee which we know has a fight before it. We are organizing a committee which we know will be confronted with all the devices which ingenuity and wealth can create in order to prevent a successful issue to its deliberations.

I submit we will be more likely to secure the services of the investigating committee, the committee that has a purpose and has a mission and that recognizes its duty, or ought to recognize its duty, to go forward and search the United States from one border to the other for every item of testimony that will shed light upon this vital issue, by the election of five men who were not Members of the Sixty-first Congress than we will be to commit the subject again to the Committee on Privileges and Elections.

Mr. GALLINGER. Mr. President, an hour or so ago I made a motion that when the Senate adjourns to-day it be until Wednesday next. Since then many Senators from both sides of the Chamber have suggested that the public business will be expedited if we adjourn until Thursday. Many Senators are going to leave the city and will not be able to get back on Wednesday. The chairman of the Committee on Finance has suggested to me that if that committee could have a full day on Wednesday in his opinion the committee would conclude its work and be able to report the bill to the Senate speedily thereafter. It is important that we should know whether we are going to adjourn over Wednesday, the Printing Office having made inquiry because of the arrangements for the employment of their large force.

Now, Mr. President, I am going to move that when the Senate adjourns it be until Thursday next, but I do not propose to urge that. If a majority of the Senate shall vote it down, I will be quite content; and if it is voted down I will then make a motion that when the Senate adjourns it be until Wednesday next. I move that when the Senate adjourns to-day it adjourn until Thursday next at 12 o'clock.

Mr. SMITH of Michigan. Mr. President——

The PRESIDING OFFICER. The motion is not debatable.

Mr. SMITH of Michigan. I understand the matter is not debatable, but I hope the Senator from New Hampshire will withhold his motion for a moment.

Mr. GALLINGER. I will do that.

Mr. SMITH of Michigan. I simply desire to say that my purpose in asking the Senator from New Hampshire to withhold the motion in the earlier part of the session was not that we should not adjourn over Memorial Day, which is the custom, and which has been most appropriately observed ever since I have been a Member of this body. My purpose, however, was to direct attention to the fact that the moment we decide to adjourn Senators reach the conclusion that no vote will be reached and absent themselves for the day.

I hope, Mr. President, we may reach a vote on this resolution to-night. I think it is important, if we are to commission anyone to make this investigation, that it be done promptly, and I sincerely hope that before we adjourn we may reach a final vote authorizing a thorough investigation of the charges affecting the election of the junior Senator from Illinois.

But, Mr. President, I desire to commend the suggestion of the Senator from New Hampshire that we adjourn over until Thursday. Many Senators are necessarily absent on Memorial Day and can not get back in time for the proceedings on Wednesday, and I hope the course suggested by the Senator may be followed.

The PRESIDING OFFICER. The question is on the motion of the Senator from New Hampshire that when the Senate adjourns to-day it adjourn to meet on Thursday next at 12 o'clock.

The motion was agreed to.

Mr. POINDEXTER obtained the floor.

Mr. SMITH of Michigan. Before the Senator from Washington proceeds——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Michigan?

Mr. POINDEXTER. I yield to the Senator from Michigan.

Mr. SMITH of Michigan. With the consent of the Senator from Washington, I desire to offer an amendment to the resolution of the Senator from Virginia [Mr. MARTIN], and I ask that the Secretary read it.

The PRESIDING OFFICER. The amendment intended to be proposed by the Senator from Michigan will be stated.

The SECRETARY. It is proposed, on page 2, line 2, to strike out the word "any" and to insert in lieu thereof the word "the"; on line 3, page 2, to strike out the words "of the Senate or of" and to insert the words "between the first and second sessions of the Sixty-second."

Also, in line 8, on the same page, after the word "it," to insert:

And any member of said committee is hereby authorized and empowered to direct the issuance of a subpœna or subpœna duces tecum, and he may summon such witness or witnesses as he may deem necessary in the course of said investigation.

The PRESIDING OFFICER. What disposition does the Senator from Michigan desire made of the amendment which has just been read?

Mr. SMITH of Michigan. I merely ask that it lie on the table until it is reached in order.

The PRESIDING OFFICER. The proposed amendment will lie on the table and be printed.

Mr. POINDEXTER. Mr. President, in view of the fact that the decision of the question to be investigated by the committee provided for in either one of the pending resolutions practically will depend upon the determination as to the nature of that committee—as to which one of these resolutions shall be adopted—and in view of the further fact that no more important question will be before the Senate, and that it is about to be disposed of, I desire to say a few words, based upon the report of the Committee on Privileges and Elections, which investigated the case at the former Congress.

I apprehend, Mr. President, that we have at least the freedom and latitude in criticism or argument upon the report of this committee that a litigant in a court would have in criticizing the judgment of the court in an argument before the judge for a new trial. As has been well stated, difference of opinion as to the conclusion or even as to methods by which the inquiry is to be conducted does not necessarily imply a reflection upon the personnel of the committee, nor upon their motive, character, or integrity, although there has been some intimation that this matter should not be dealt with and that the correctness of the opinion of the former committee ought not to be impugned. I do not understand that the rules of the Senate preclude free criticism of the correctness and of the justness of the report which was filed by that committee. If they did, the usefulness of the Senate would be very largely handicapped and impaired. Under the practice of so-called senatorial courtesy, or so-called senatorial dignity, if Senators would not be free to differ radically and absolutely in their opinions upon every matter upon which the Senate is called upon to act, then the usefulness and the effectiveness of the Senate of the United States as a legislative body must necessarily be greatly impaired.

Some Senators have compared the situation in which we are placed to that of jurors; others have compared it to that of a judge. I hardly think that either a juror or a judge represents the function which the Senate is to exercise in the determination of the validity of title to the seat of the Senator from Illinois. There is a great case here to be tried; it is to be tried by the Senate of the United States. Nobody ever heard of a case being tried by a jury alone, without some other functionary of the tribunal, nor by a judge alone. It is absolutely necessary in proceedings in court that there should not only be a judge and a jury, or a judge alone, but that there should be an officer of the court, a functionary whose duty it is to take the question up, prosecute it, bring it before the court—not to see that the one side or the other should prevail unjustly, but one of the officers of the court, and as a part of the court—to see that all the evidence which relates to the matter that can be produced shall be produced and shall be fairly presented, and that every reasonable deduction that can be drawn from the evidence shall be presented as forcibly as possible to the court, and that there shall also be counsel upon the other side.

It seems to me that a committee appointed by this body to investigate the validity of the title to a seat in this Senate, if it is to perform its duties effectively, must necessarily contain within itself the power to push the investigation, to take the initiative. The duty must necessarily rest with it to make inquiries, not, as the Senator from Iowa [Mr. CUMMINS] has aptly said, to sit simply as a court and to have the evidence brought to it; but it is the duty of the committee to go out and look for the evidence and bring it in, and, if it is necessary, to appoint counsel for that purpose.

The resolution of the Senator from Virginia provides for the appointment of counsel, not by the Chicago Tribune, but by a committee of the Senate. The duty of that counsel will be to prosecute the case, just as a prosecuting attorney in the trial of a criminal case in court should prosecute a case—not to unjustly convict the defendant, but to present the evidence, and all the evidence, to the court, and to see that it is properly laid before the court.

Now, I want to call attention to the principles upon which the investigation was conducted, and not simply the conclusions or the verdict reached by the Committee on Privileges and Elections. Many of the members of the present committee signed that report and concurred in it, and presumably they entertained the views therein expressed as to the relevancy of certain great lines of testimony, which necessarily will be involved in any new investigation. The resolution of the Senator from Virginia in its concluding paragraph provides:

The committee is further and specially instructed to inquire fully into and report upon the alleged "jack-pot" fund in its relation to and effect, if any, upon the election of WILLIAM LORIMER to the Senate.

It proposes that that resolution should be referred to the Committee on Privileges and Elections; and yet the Committee on Privileges and Elections, after careful reflection, has reported its opinion here that such testimony as that has no relevancy or bearing upon the Lorimer case. So we would be, if the resolution introduced by the Senator from Virginia should be adopted, in the position of forcing upon the Committee on Privileges and Elections an inquiry which they have deliberately held and reported to the Senate to be absolutely irrelevant, so far as the case under consideration is concerned. It seems to me that some of the principles enunciated by the committee are quite remarkable, and I read from the report:

Much of the testimony taken upon the investigation related to the alleged payment of money to members of the General Assembly of Illinois by one Robert E. Wilson. This was denied by Wilson and by others, and after considering all the evidence on that subject, the committee are not prepared to find that the fact is established.

But mark this language:

But whether the sums of money claimed to have been paid were or were not paid, that fact has no relevancy to the matter which the committee was appointed to investigate.

In other words, if it should be found by the committee that large sums of money were paid to members of the Legislature of Illinois by a man who was admitted to be interested in the election of WILLIAM LORIMER—if the recipient came along, actuated by the invariable impulse of a man charged with a crime, and denied the secret motive of his mind, which no man can read, claiming that he was not actuated and controlled by the payment of that money—the committee records its opinion as a matter of law in this case that, even though all the members of the legislature should be bribed in that way or should have been the recipients of money—that is the necessary inference, of course—that if in its view that testimony was irrelevant, the bribery of every member of the legislature would be irrelevant. They do not base it upon the question of whether or not a sufficient number were bribed to deprive him of a majority, but they say:

But whether the sums of money claimed to have been paid were or were not paid, that fact has no relevancy to the matter which the committee was appointed to investigate.

I desire to go on record as a member of this body as opposed—not through any personal objection or with any reflection upon the members of the committee—to referring this inquiry to a committee which entertains such views as to the relevancy of the great mass of the evidence in the case; and it is not a question of what conclusions it is going to reach after the evidence is taken, but it amounts to a proposition that they will not consider the evidence because they do not consider it relevant. They go further and say:

It was therefore no part of the duty of the subcommittee to inquire—

I ventured to say that I thought some parts of this report were remarkable, and I read this from the report in substantiation of that statement:

It was therefore no part of the duty of the subcommittee to inquire into either the origin of the fund or the purpose for which it was used.

Could the Senate of the United States expect an intelligent finding, which would command the respect of this body and of the country, from a committee which says it is not their duty "to inquire into either the origin of the fund or the purpose for which it was used"? Yet it is proposed here to refer the case again to a committee, a large number of whose members were members of the former committee and entertain those views. I say to do so would not be conducive to giving confidence to the people of this country in the result. It may be invidious to refer to the people of this country, and yet we are all subject to the public opinion of this country. Public opinion is not, as some one has said, the opinion of the average man, but it is the opinion of the great mass of all classes of citizens, operating together through the means of intelligence which we have in this day of enlightenment and education. I

say that a report from a committee which has deliberately recorded the views that I have just read as to the scope and nature of this inquiry could not command the respect or confidence of the people. I mean by that statement the respect or confidence of the people in the wisdom and accuracy of their judgment, and not, of course, as to their integrity or their personal motives.

While I am referring to the report of the committee I want to refer also, in substantiation of my statements, to the special report signed by the distinguished senior Senator from Idaho [Mr. HEYBURN], who now occupies the chair, who signed the majority report and also filed a separate report, and who is also still a member of the committee. He is entitled to his views, and he is a distinguished and able lawyer, but lawyers differ. We are discussing this question upon a difference of opinion upon legal questions as well as upon questions of fact.

The report of that member of the committee, which I hold in my hand, goes to the extent of saying—and not only goes to the extent, but says it unequivocally in so many words, about which there can be no mistake—that even though a majority of the members of the Legislature of Illinois, every one of them, were bribed to vote for WILLIAM LORIMER, it would not affect the validity of his seat unless it was shown that the bribery was done with his knowledge and consent, or done by himself or by his agent. I dispute that as a proposition which the Senate can afford to adopt. I am not willing to refer this case as a member of this body to a committee a number of whose members apparently entertain such an opinion. I think that it is obnoxious and abhorrent to the system of representative government that a Member of this body and of the investigating committee should record himself as believing, though corruption should be rife, though the legislature should be bribed by parties who were interested in the action of the Member to be elected, even though the entire legislature should be polluted by such corruption, that the Senate should not inquire into it.

I read from the report, to substantiate my statement. It says:

> The Senate may, however, inquire—

Taking the general position, in the first place, apparently that it is a matter largely for the State of Illinois to deal with, and later on in the report, taking that position specifically, that it was better for the State of Illinois to deal with it, and concluding that the State has dealt with it, and consequently that this body ought not to deal with it; in other words, taking the position that the constitutional prerogative of this body to be the judge of the qualifications and election of its own Members should be abdicated and turned over to some jury in the purlieus of Chicago, or to some down-town election district in Chicago, from which one of these guilty legislators was returned to the legislature. That is the position taken by the distinguished member of the committee, because he says:

> The Senate may, however, inquire into the manner of the election of a Member of its body to the extent and for the purpose of ascertaining whether such election was an honest one, representing the will of the members of the legislative body which certifies his election to the Senate, and in doing this we may inquire—

This is what we may inquire into according to him—

> whether the votes cast by members of the legislature were procured by bribery of such members, by the person for whom they voted or by anyone on behalf of such person with the knowledge or consent of such person, and in case we should find that such bribery existed we should find that his election was procured in violation of the law, and the person so selected should not be permitted to hold the office of Senator.

In other words, if we should find that these votes were procured by the person for whom they were cast or by some one on his behalf, with his knowledge and consent. According to that language—and I am not technical at all about it, but am giving it a liberal construction, looking at it from every standpoint—even though they were bribed on his behalf, yet unless it could be shown, what in most cases it is absolutely impossible to show, that the bribery was done with the personal knowledge and consent of the beneficiary, the Senate should purge him of the taint of corruption and allow him to take his seat in a body whose business is largely conducted upon the theory, and the theory alone, that every Member is an honest and an honorable man. The senior Senator from Idaho says in his report that—

> The committee granted this request—

That is, the request that the Chicago Tribune should be represented—

> The committee granted this request and a large amount of testimony was introduced, much of which was outside the legitimate scope of the inquiry and some of which consisted of the testimony of members of the legislature establishing the unreliability, and even infamy, of such witnesses.

In other words, after a long inquiry, consuming a number of weeks, the committee came to the conclusion that men who sold their votes in the Legislature of Illinois were infamous and unreliable. Of course, they were infamous and unreliable. The committee seems to have proceeded upon the theory—and I base this upon a careful examination of the report—that everything that these witnesses said was true except their admissions that they had been bribed. The committee takes up the case of the four members of the Legislature of Illinois who had confessed that they were bribed. Ordinarily the confession of a man that he was bribed is entitled to credence. That is in harmony with the theory of evidence because it is a declaration against interest. A declaration of a man that he was not bribed ordinarily would not be entitled to very much weight in court because it is a self-serving declaration, a declaration in his own interest, prompted by the natural laws of human nature; but when a man says that he was bribed, his admission is entitled to credence, even in a court where the strictest rules of the common law prevail, because it is not natural that a man would make a declaration of that kind unless he was impelled to do so by its truth, and probably by the fact that he believed that his crime had been discovered. Yet this committee reverses the philosophy of evidence; it reverses the principles upon which evidence is admitted in the courts throughout the land under the common law. It disbelieves the declaration against interest and believes and bases its finding upon the self-serving declaration—the denials on the part of members of the legislature that they had received bribes.

When I started to read this report and read the manner in which the committee disposed of the first witness, White, I was not much astonished. I thought perhaps some special circumstances applied to White that caused the committee to disregard his admission that he had been bribed and to believe his subsequent denial that he had not been bribed; but when I proceeded to read further in the report and found that one after another of four men made admissions at different times and places that they had accepted bribes, and that in each case the committee found to all intents and purposes that they had not accepted bribes; that their admissions that they had acceped bribes were not credible, but that, on the contrary, in each one of the four cases where these men had come before the public and admitted being bribe takers they had falsely besmirched their own character and the standing of their families. When I read that I must say that I felt almost, so far as this hearing was concerned, as if we had come to the age of miracles again.

Now, the question is before the Senate whether, on the resolution of the chairman of the Committee on Privileges and Elections [Mr. DILLINGHAM] or the resolution of the Senator from Virginia [Mr. MARTIN], we shall refer this case to a committee which, whatever new evidence there may be, have already shown their disposition and their determination, I might say—because it is their action—to exclude the testimony of the four men who admitted they were bribed, and lay down the rules of procedure to which I have referred; or whether it shall be referred to a new committee which has not enunciated any such strange principles of evidence, none of whom have ever said that it made no difference how many members of the legislature were bribed unless it could be shown that it was done with the knowledge and consent of the beneficiary, and who, whether or not they have determined upon the final verdict in the case at this time, are yet free to form their opinions upon reason and upon justice as to the mode of procedure and the relevancy of testimony, because I venture to say that none of them have fixed opinions upon those questions.

I venture to say, notwithstanding the assertion that every Member of this body has already formed his opinion, and, consequently, that every one of them is in the same position that the members of the Committee on Privileges and Elections are, and that it makes no difference what kind of a committee you have—whether it is the Committee on Privileges and Elections or a select committee—that that is very far from the fact.

Mr. BAILEY. Mr. President, will the Senator allow me?

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

Mr. POINDEXTER. I yield to the Senator from Texas.

Mr. BAILEY. I did not desire to interrupt the Senator just at that point, but I understood him to say that the committee has held and reported that it was of no consequence as to the number of votes which had been bribed, provided the beneficiary had no knowledge of the bribe. Does he understand that to be the committee's report?

Mr. POINDEXTER. The Senator from Texas misunderstood me. What I said was that one member of the committee, who is still a member of the committee, had filed a separate report, in which he had enunciated that doctrine.

Mr. BAILEY. I understood the Senator to say that that was the report of the committee. I knew it was not.

Mr. POINDEXTER. It was a special report by one member of the committee, who also signed the majority report.

Mr. BAILEY. I would not think the Senator could have read the committee's report to that effect.

Mr. POINDEXTER. Oh, I have read the committee's report, and did not so state. The Senator is mistaken.

Mr. HEYBURN. Mr. President——

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Does the Senator from Washington yield to the Senator from Idaho?

Mr. POINDEXTER. I yield.

Mr. HEYBURN. I would now ask the Senator from Washington to refer me to the language in which he charges that I took the position that if all the members of the legislature were bribed, unless the candidate knew of it, it would not affect his election.

Mr. POINDEXTER. I did not state that you used the language "if all of them were bribed." I said that was the necessary inference from what was stated. This is the language, at the bottom of page 16 of the report:

> We may inquire whether the votes cast by members of the legislature were procured by bribery of such members, by the person for whom they voted, or by anyone on behalf of such person with the knowledge or consent of such person.

That is, in stating the limitation of the inquiry; and reading further—

> And in case we should find that such bribery existed we should find that his election was procured in violation of the law.

Mr. HEYBURN. I would suggest that the Senator must have a different copy.

Mr. POINDEXTER. I have the official copy, Senate Report No. 942, of the Sixty-first Congress, third session.

Mr. HEYBURN. Now, in fairness, let us have the language:

> The Senate may, however, inquire into the manner of the election of a Member of its body to the extent and for the purpose of ascertaining whether such election was an honest one, representing the will of the members of the legislative body which certifies his election to the Senate, and in doing this we may inquire whether the votes cast by members of the legislature were procured by bribery of such members by the person for whom they voted, or by anyone on behalf of such person with the knowledge or consent of such person, and in case we should find that such bribery existed we should find that his election was procured in violation of the law, and the person so selected should not be permitted to hold the office of Senator.

Mr. POINDEXTER. Exactly.

Mr. HEYBURN. There is a great deal of difference——

Mr. POINDEXTER. Allow me to state——

Mr. HEYBURN. I should like to finish.

Mr. POINDEXTER. The Senator himself has read the report. My contention is that if there was bribery, especially if there was wholesale bribery, of members of the legislature by some one who was interested in the election of WILLIAM LORIMER, his seat should be vacated, whether it was done by him or with his knowledge and consent or not.

Mr. HEYBURN. I was only dealing with the one proposition which I had undertaken to discuss. I was not dealing at that time with the effect that the action of Mr. LORIMER might have or with the question as to how many corrupted votes would unseat him. The Senator selected a part of the consideration of a subject and did not give the whole subject matter.

Mr. POINDEXTER. I think I read the entire paragraph. I am willing for the Senator from Idaho to read it.

Mr. HEYBURN. The paragraph——

Mr. POINDEXTER. Excuse me——

Mr. HEYBURN. I only just wanted to stay the hand at that point. I shall call the attention of the Senate to that report, but I will do it on my own time.

Mr. POINDEXTER. I was just going to say that I am perfectly willing at this time, or at any other time, that any other part of the report which can be construed as changing in any way the meaning or the effect of what I have read should be called to the attention of the Senate. I have read it all.

Mr. HEYBURN. I took the position that if only one vote was corrupt, and LORIMER was connected with it, it would vitiate his election. I then took the position that if LORIMER was not connected with it, it must be shown that enough votes were corrupted to change the result of the election.

Mr. POINDEXTER. That does not appear in the report.

Mr. HEYBURN. It will appear in my remarks in the Senate.

Mr. POINDEXTER. I apprehended that the report was a deliberate one and represented the mature opinion of the Senator. Of course I do not know what actuated the committee in forming its opinions or why apparently throughout the report the testimony in behalf of Mr. LORIMER, of the slightest nature, should have been accepted by the committee as the truth, and testimony to the opposite effect throughout the report should have been reported by the committee as not worthy of credence. What I am referring to the Senator will find in each one of the subdivisions of the report dealing with the four self-confessed bribe takers, and particularly in the summary of the testimony as to each of these four cases contained in the committee's report. At the bottom of page 14, for instance, they say:

> Much of the testimony taken upon the investigation related to the alleged payment of money to members of the General Assembly of Illinois by one Robert E. Wilson.

I am not intending to say that the committee were actuated by any improper motive, because I know that they were not. When I say I do not know what actuated them I mean to say that I do not know upon what principle of evidence this case was being conducted. Now, the committee report goes on to say that "this was denied by Wilson and by others." In other words, there is a large amount of testimony that Wilson had paid bribe money, but the committee reports that Wilson denies that, and consequently they are unable to find that the facts existed.

> This was denied by Wilson and by others, and after considering all the evidence on that subject, the committee are not prepared to find that the fact is established.

I do not know to what extent of proof the committee held the evidence was necessary to go in order to establish the fact. I judge that it might be contended that it should go to the point of proving corruption of the election beyond a reasonable doubt—the same as in a criminal trial in a court. I should judge, from the general tenor of this report, that was the rule adopted by the Committee on Privileges and Elections, since, notwithstanding these admissions, the committee could not find the fact of bribery was established, because they were subsequently retracted. Now, there is no such rule as that pertaining in this case. The rule in this case lies in the conscience and the judgment of the Members of this body. I say that a proper rule would be not only that it was not necessary to show beyond a reasonable doubt that the election was corrupt, but that if a reasonable doubt was cast upon its honesty, the seat should be vacated. No man should occupy a seat in this body when the majority of the Members of this body, who are forced to associate with him and transact a large amount of business on what is called senatorial courtesy, which is based upon senatorial honor, believe that there is a reasonable doubt as to whether his election was corrupt.

I can not see for myself, having been accustomed during a great part of my working period to study evidence, how a man can read the testimony already taken in this case and not say—whatever degree of proof may be necessary to establish the fact—that at least there was a reasonable doubt cast upon the honesty of this election. I think myself that it goes further, because I can not conceive in the first place of four men confessing falsely that they had accepted bribes. In the second place, nobody who values money as much as those who were paying this money is going to pay it over by the thousands of dollars unless it was necessary to secure the election. I do not think there is going to be any futile bribery going on, any money or large amount of money wasted in bribery. They usually figure those things pretty closely. It has gotten to be, not exactly common, but a familiar thing to see accounts stated of the amounts paid to the members of a legislature for their votes for United States Senators.

I am not going into a discussion at this time how we can be relieved from that situation. I believe myself we can be relieved from it without changing the essential nature of the Constitution, without changing the balance between the States and the Federal Government, by relieving the legislatures of the power of electing United States Senators, and by restoring it to the original source of power from which legislatures as well as the Senate derive their existence.

We are entitled to consider circumstances. Men are convicted of felonies of the gravest nature upon circumstantial evidence, and it is not necessary in this case to have direct evidence that the sitting Member participated, personally, in this bribery or that he knew of it personally. That fact can be found, as many a man has been convicted of murder, upon the circumstantial evidence in the case. There are certain circumstances in this case sufficient to convince a juror, in my judgment, that he did know it—the circumstance to which I have just referred.

Leaving out of the question the knowledge and participation of the sitting Member, suppose we admit, as has been admitted by many of the defenders of this case both here and elsewhere—admitted by those who have spoken upon this floor in behalf of the sitting Member from Illinois—that four members were

bribed, yet contending that it was not quite enough bribery to unseat him——

Mr. HEYBURN. Mr. President——

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

Mr. POINDEXTER. Yes; I yield.

Mr. HEYBURN. In a report in which I joined it is clearly stated:

> Four members of the general assembly which elected Mr. LORIMER testified to receiving money as a consideration for their votes. The members who thus confessed were—

giving their names. It is also stated that not a sufficient number of members were shown to have been corrupted to affect the election.

The Senator from Washington would not dispute the legal proposition that if less than a sufficient number were shown to have been bribed, in the absence of any corruption on the part of the candidate, he should be unseated. The Senator would not undertake to say he should be unseated for less than a sufficient number?

Mr. POINDEXTER. I do not subscribe to the statement made by the Senator from Idaho. On the contrary, I do not say that in all cases he should be unseated, but I say that in many cases the situation might be such that the duty of the Senate would be to unseat him, although there was not evidence that he had personal knowledge of or participation in it, even though there was not proof that a sufficient number were bribed to overcome the majority he had.

Mr. HEYBURN. Does the Senator know of any case when such a rule was ever held in the history of civilized nations?

Mr. POINDEXTER. Well, I hope it will be held in this case.

Mr. HEYBURN. I know. It is evident that the Senator hopes it will be held in this case; that this case shall be exceptional.

Mr. POINDEXTER. I think each case ought to stand upon the testimony in the particular case.

Mr. HEYBURN. The Senator for some years was a judge upon the bench. Did he have one rule of law in one case and one in another? I will take back that inquiry because I know he did not. I know, as a judge in determining matters or questions of law, or law applied to facts, or facts subjected to the law, he had a uniform rule of interpretation which he applied to those cases.

Now, the Senator would not contend for a different rule here. The rule is as well established as any rule in jurisprudence that where it is not claimed or shown that the candidate had any knowledge or any guilt in the matter the number of corrupt votes must have been sufficient to change the result of the election.

I signed the report with that in, as well as the supplemental report, which I thought covered some other questions. Now, would the Senator charge me with having held that if one-half of the members were corrupt it would not affect the election?

Mr. POINDEXTER. In answer to the Senator's question as to what a judge would do or what I may have done while on the bench I want to say that the Senator is entirely mistaken in supposing that I always held the same rule of law in the same class of cases. I remember some cases in which I granted new trials because I thought I had been mistaken about the rule of law in one case, and I think the supreme court reports of this country, both recent and old, are full of cases where different rules of law have been applied in the same class of cases because the judges had held one way in one case and another in a similar case. It is said that that was the situation in the Standard Oil decision just rendered.

It certainly was the case in the great Income Tax case, which was decided by the Supreme Court of the United States, and I differ with the Senator that the precedents of this body are so sacred that they can not be changed. They have at least no more weight than decisions of the Supreme Court of the United States have in that tribunal as stare decisis.

Mr. HEYBURN. Mr. President——

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

Mr. POINDEXTER. I yield.

Mr. HEYBURN. If the Senator will permit me, I merely suggest that I assume he would not like to be placed in the position of saying that the rules of law to be applied to controversies in court should not, or need not, be uniform.

Mr. POINDEXTER. I suppose they are striving after uniformity in those cases in which there is so much lack of uniformity.

But it is not a question of law altogether, if it is at all. It is a question whether or not the bribery of four votes was sufficient to unseat the sitting Member. It is a question of fact, a question whether or not the election was procured by bribery, and whether or not the Senate can not infer upon the circumstances in the case that if there were four members bribed it was necessary to bribe them. At least it casts such a doubt upon the honesty of the election that the sitting Member should be unseated.

Mr. HEYBURN. I should like to ask just one concluding question. Would the Senator from Washington, were he sitting as a trial judge, arrive at a presumption or a conclusion that would be a presumption, if three men were being tried for a joint act, and the testimony showed that only two of them had anything to do with it, that the other one was necessarily guilty? Would he carry his presumption that far, that because four men were bribed, that of necessity some other number must have been bribed?

Mr. POINDEXTER. I would carry the presumption to this extent—I do not like very much this idea of being put on trial as a judge, but I will answer——

Mr. HEYBURN. Just a moment. The Senator, when I was occupying a position where to a large extent my hands and voice were tied, undertook to put me upon trial. That is the reason I appeared in the forum.

Mr. POINDEXTER. There is nothing in that. The Senator knows and I know—every Senator knows—that he always has an opportunity to defend himself. He may be occupying the chair, but it is easy enough to leave the chair, as the Senator did leave it. The Senator asks a question and leaves the room before it is answered. I want to say in answer to the Senator's question that on the trial of a case in court if I found in a case that a juror was bribed by one of the parties I would not stop to inquire whether a sufficient number of them were bribed to find a verdict before finding him guilty or setting aside the verdict.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Missouri?

Mr. POINDEXTER. Yes.

Mr. REED. I want to ask the Senator this question: If it appeared in this case that four men were bribed, and that they had been bribed by one Wilson, and if it further appeared that Wilson denied paying those specific bribes, does he not think, as a lawyer, that it would be proper to inquire, even in an ordinary trial, whether at about the same time and under about the same circumstances Wilson had tried to bribe others in regard to other matters then pending, and if that would not throw some light upon the credibility or lack of credibility of his denial of guilt?

Mr. POINDEXTER. In a proceeding of this kind undoubtedly that inquiry should be made, and under the decision of a great many courts such testimony would be admissible, although there is a conflict of decisions upon that question at common law upon the matter of evidence. Some courts have held it was competent to show the commission of other crimes. Others have held it was not competent. But there are many other things upon which a verdict can be based besides that disclosed by the testimony in this case, and some of those are matters which have been admitted and boasted about on this floor.

Suppose, for instance, it was shown, as it is admitted here and apparently boasted of, that Lee O'Neil Browne controlled the Democratic members of the legislature; that he was their bellwether; that Lee O'Neil Browne had sufficient influence with the Democratic members of the Illinois Legislature to tell them how to vote for United States Senator without bribing them. I want to say to the Senate that under those circumstances it would have the same force and effect in morals and in law if the beneficiary of those votes bribed Lee O'Neil Browne alone, corrupted his vote, secured his support, knowing that the support of other members of the legislature would follow as a matter of course, as if they proceeded to bribe each individual Democratic member of the legislature.

I want to say, Senators, however much you may discredit and ridicule public opinion and public clamor, as it is called, that this thing of figuring betwixt tweedledum and tweedledee as to exactly how much bribery there was, as to what exact extent bribery was committed in the Legislature of Illinois, does not sit well with the great American people. As a matter of course you can not make powerful and dignified senates by constitutions, and you can not make them by the claims of the senate to dignity and power; you can not make them by conferring power upon them under the law or the Constitution. The only way that senates can have power and dignity and influence in the land, however much you may belittle and discredit public opinion, is by so conducting themselves, so purging themselves of corruption, wherever it appears, that they will command the confidence and the respect of this public opinion which some Senators seem so much to despise.

I want to say that it is asking a great deal of the people of a country supposed to be self-governing—and it is self-governing, because when the people in this country are once aroused they can control the Government by one means or another—I hope it will be according to the Constitution and with the ballot and in the ordinary forms of procedure—but when they are sufficiently interested, whether it be by that means or some other means, the people will control this Government—I want to say that it is asking a great deal of the people to have respect and confidence and obedience for the law that is made by the vote of a man who those people conscientiously and honestly believe, upon the testimony which has been introduced, to have secured his election to this body by guilty money, paid by private interests, seeking to control his vote in the making of the laws for the government of these people after he is elected. It is presuming that the people are long suffering and patient to a degree that no other people on the face of the earth have ever exhibited.

You can not maintain those conditions very long. There is a good deal of discontent, I am sorry to say, abroad. The duty of every patriotic man is to quiet it and to remove the causes of it. You can not remove it by the methods which have been used in the case now pending before the Senate, but you will increase it—you will accentuate this condition—people will become convinced, not by one case alone—it has been stated by Senators upon this floor that there were other cases—where a reasonable doubt is cast upon the question whether a Senator sitting as a Member of this body is free to vote in the making of laws according to the welfare of the public, or whether he is owned and controlled by some private party to vote to the detriment of the public, in the interest of the private party. It is asking a great deal to expect that the people will patiently and indefinitely give humble obedience to law enacted by his vote.

That is the situation which has been expressed here in other ways by many other Senators. It was expressed by the distinguished Senator from New York [Mr. ROOT] when he said that he believed that the very existence of this body was involved in the decision of this question. That is the way it is involved. That is the manner in which the existence of this body will be attacked—by the loss of confidence and respect in its action on the part of the people.

You can not make a great nation by the accumulation of money, through monopolies or in any other way. I have not any objection to the accumulation of wealth, and the people of this country have not, but it does not constitute, it does not make in an essential degree toward a great nation. Nor does greatness depend upon military power. The Lord did not tell Abraham that his seed should grow into a great and mighty people because they would accumulate great wealth or because they would have great armies and great military prowess. But He told him that they would grow into a great and mighty people because they would do justice and render judgment. In other words, that the laws would be just and that they should be obeyed. There is a growing disrespect for the laws of this country, and it is the most evil tendency of the day. The country can not be maintained unless the confidence and respect of the people in law is maintained.

Long it has been a question before the people, and justly so, because public functions have been turned over to private interests. You have taken the public function of railroads and turned them over to the absolute, unrestricted control of private parties. The making of tariff laws which affect the welfare and business condition of every family in the land has been turned over very largely to the judgment and the influence of private parties. I have heard Senators in the discussion of tariff bills say, "Well, the committee reported this." If you investigate the proceedings of the committee you will find that some representative of a great monopoly, who was supposed to be an expert on the question, practically determined what the tariff rates should be. That is due to conditions that exist, not to any evil intent on the part of the legislators; but it has resulted in turning over to private parties the public function of levying customs duties, and the public function of operating the highways of the land, and the public property, the natural resources of the country, which should be disposed of under uniform and equitable laws for the benefit of all the people and to the largest number that could be benefited by them. But a few private individuals, many times by a perversion of the law, by fraud upon the law, have reaped the benefit. Those are some of the private interests which have reached their hands into the councils of Congress and the legislatures of the country.

That question is involved in the determination of this question—the inquiry into the validity of this seat, whether or not this seat is to be one which the private interests to which I have referred will control or whether it is to be one absolutely free to exercise judgment for the public welfare.

I myself saw this man Hines, spoken of so often in the testimony in this case—he is quite a conspicuous individual. I would not forget his countenance after my attention had been called to him—sitting in the reserved Speaker's seats in the gallery of the House of Representatives during the crisis of the consideration of the tariff upon lumber. There was no time during the deliberation of that body, in the critical periods of debate and taking of the vote upon the lumber tariff, but what if you cast your eye into the Speaker's gallery you would find Hines occupying one of the chairs. He is a familiar figure around Congress. It has been stated that he stood here in the Marble Room and had a line of couriers going between himself and Senators upon this floor during the consideration of the Lorimer case at the former session of Congress.

These are important reasons, Mr. President, for believing that it is essential and vital in the determination of this great question to refer it to a new committee. Many Senators may have formed an opinion, but have not committed themselves in writing to that opinion, and have no set determination as to the rules of evidence which should guide them.

It is human nature for a committee to defend its report which enunciated the principles upon which the inquiry was conducted. And in the face of public criticism, after they have been attacked for their judgment in that case by the people and by this body time and again, what would be the natural course for that committee to take? Human nature unconsciously will impel the members of it to stand by their former judgment and bolster up the record which they have made and fortify it. They would not go into it with an open mind. I say that human nature would impel them unconsciously to take such a course as that.

As a new Member of this body I must say—and sometimes perhaps we get a more disinterested view from a new Member or from a stranger rather than from those who are familiar by long years with the proceedings—that it is a strange spectacle to me to see distinguished and honorable Senators, members of the Committee on Privileges and Elections, who have filed this report and expressed the opinions I have read from that report, pleading with the Senate in person that this case should be referred to them. It strikes me as peculiar that they should want to have it referred to them. It seems to me that they would prefer to be relieved of the responsibility. If they go into this investigation they have got to do either one of two things in the face of this record, and either one of the two will put them into a disagreeable and a more or less humiliating position.

I say, without any reflection upon the committee, that either they have got to confess that the principles of evidence reported in their former hearings were wrong—not simply that they find a new verdict because there may be new evidence, for they can never find a different verdict if they follow the principles of evidence they have enunciated in their former report—but they have either got to repudiate the rules that they laid down in that case and admit that they were in error in this great case, or else they have got to be put in the position—and that is the worst feature of it, it seems to me—of yielding to public clamor; or else, on the other hand, find the same verdict according to the same rules of evidence and be subjected, on account of the criticisms in this case, to the charge that they were prejudiced because they had committed themselves to that view before.

It is strange, consequently, to me that they would be pleading in person with the Senate to refer this case to them. If I were in their position, I would be glad to be relieved of it; and I think, as a matter of fact, they would be. It is no reflection on them to refer it to a new committee.

I desire to record myself as being in favor of the resolution presented by the Senator from Wisconsin.

Mr. HITCHCOCK. I desire to offer an amendment to the substitute submitted by the Senator from Virginia, and unless we come to a vote this afternoon I ask that it be printed and lie over.

The PRESIDING OFFICER. The amendment will be printed.

Mr. WILLIAMS. Is it a substitute or an amendment?

Mr. HITCHCOCK. It is an amendment to the substitute.

SEVERAL SENATORS. Let it be read.

The PRESIDING OFFICER. It will be read.

The SECRETARY. Strike out, on line 3, page 1, the word "forthwith" and insert the following:

to select and report to the Senate, within one week from the passage hereof, from their own membership, a special committee of not less than five Senators, which, upon confirmation by the Senate, shall be constituted a special committee of the Senate authorized and directed.

The PRESIDING OFFICER. The question is on agreeing to the amendment submitted by the Senator from Michigan [Mr. SMITH] to the substitute.

Mr. LA FOLLETTE. Mr. President, I know that several Senators desire to be heard upon the various amendments and substitutes which have been offered. It is now 20 minutes of 6. It is not possible to conclude this debate to-night, even though we ran to a very early hour in the morning. Of that I am quite certain. The Senate has now been in session for a number of hours, and I move that the Senate adjourn.

The PRESIDING OFFICER. The question is on the motion of the Senator from Wisconsin.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin withhold the motion? It is not debatable.

Mr. SMOOT. It is not debatable.

The PRESIDING OFFICER. Does the Senator from Wisconsin withhold the motion?

Mr. LA FOLLETTE. If the Senator from Utah has something to propose other than debate, I will withhold it. If he proposes simply to debate, I will not withhold it.

Mr. SMOOT. That is all; it was to debate it. I will not therefore ask the Senator to withhold it.

The PRESIDING OFFICER. The question is on the motion of the Senator from Wisconsin, Shall the Senate now adjourn? [Putting the question.] The noes seem to have it.

Mr. LA FOLLETTE. It will settle it quickest to have the yeas and nays on the question. I ask for a vote by yeas and nays.

The PRESIDING OFFICER. Is there a second to the demand for the yeas and nays?

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

Mr. FLETCHER (when Mr. BRYAN's name was called). I desire to state that my colleague [Mr. BRYAN] is necessarily detained from the Senate on account of serious illness in his family.

Mr. DILLINGHAM (when his name was called). I have a general pair with the senior Senator from South Carolina [Mr. TILLMAN], but upon this question and all connected with it I am released. I vote "nay."

Mr. CUMMINS (when Mr. KENYON's name was called). I wish to announce that my colleague [Mr. KENYON] is unavoidably absent from the city.

Mr. SHIVELY (when Mr. KERN's name was called). My colleague [Mr. KERN] is unavoidably absent from the city.

Mr. SMITH of South Carolina (when his name was called). I have a general pair with the senior Senator from Delaware [Mr. RICHARDSON]. I am not advised, on a question of this kind at least, how he would vote. Therefore I withhold my vote.

Mr. FOSTER (when Mr. THORNTON's name was called). I wish to announce that my colleague [Mr. THORNTON] is absent on public business.

Mr. CLARK of Wyoming (when Mr. WARREN's name was called). My colleague [Mr. WARREN] is necessarily detained from the Senate by public business.

The roll call was concluded.

Mr. BACON. I have a general pair with the Senator from Maine [Mr. FRYE], but under our agreement I feel at liberty to vote. I vote "nay."

Mr. GORE. I am paired with the senior Senator from Maryland [Mr. RAYNER] concerning the Martin amendment. I withhold my vote in reference to adjournment.

Mr. CHAMBERLAIN (after having voted in the negative). I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER]. As he is not here, I desire to withdraw my vote.

The result was announced—yeas 19, nays 52, as follows:

YEAS—19.

Borah	Crawford	Hitchcock	Poindexter
Bourne	Cummins	La Follette	Reed
Bristow	Davis	Martine, N. J.	Sutherland
Brown	Dixon	Newlands	Works
Clapp	Gronna	Owen	

NAYS—52.

Bacon	Dillingham	Lodge	Simmons
Bailey	du Pont	Martin, Va.	Smith, Md.
Bradley	Fletcher	Myers	Smith, Mich.
Brandegee	Foster	Nelson	Smoot
Briggs	Gallinger	Nixon	Stephenson
Burnham	Gamble	O'Gorman	Stone
Chilton	Guggenheim	Overman	Swanson
Clark, Wyo.	Heyburn	Page	Taylor
Clarke, Ark.	Johnson, Me.	Paynter	Terrell
Crane	Johnston, Ala.	Penrose	Townsend
Culberson	Jones	Perkins	Watson
Cullom	Lea	Root	Wetmore
Curtis	Lippitt	Shively	Williams

NOT VOTING—20.

Bankhead	Gore	McLean	Richardson
Bryan	Kenyon	Oliver	Smith, S. C.
Burton	Kern	Percy	Thornton
Chamberlain	Lorimer	Pomerene	Tillman
Frye	McCumber	Rayner	Warren

So the Senate refused to adjourn.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Michigan [Mr. SMITH] to the substitute submitted by the Senator from Virginia [Mr. MARTIN].

Mr. SMITH of Michigan. Mr. President, I intend to detain the Senate for only a few moments.

I offered this amendment because I believe it should be the province of any member of the investigating committee to issue a subpœna and to further the inquiry which we are about to authorize in such a manner as he thinks best for the purpose of ascertaining the truth about this miserable affair; and my amendment simply gives to the individual members of this committee, if, as a whole, the Committee on Privileges and Elections shall be authorized to make the investigation, all the power and all the authority possible to obtain such information. Now, I desire to call the attention of Senators to the fact that the subcommittee which conducted this investigation before was composed at the time of but four or five members, only four of the present committee, at least. Two or three votes at times determined the relevancy and materiality of testimony, and I do not wish to leave it in the power of any majority of that committee to determine the scope or exact line of inquiry.

I am bound to say that much of the time of the previous investigation was consumed by Judge Hanecy, counsel for Mr. LORIMER, and Mr. Austrian in wrangling with one another in an attempt to befog the question. When the committee made its report I scanned every line with great care. I carefully read the testimony, and became satisfied that corruption laid at the foundation of Mr. LORIMER's election, and I have seen no occasion to change my mind.

Thwarted, hindered, delayed by irrelevant argument which made the entire proceeding a mockery, I disagreed entirely with the course of the committee and their conclusions of law and fact, and voted my judgment at the time.

Mr. President, it is very plain that it is the purpose of the Senate to clothe the Committee on Privileges and Elections with the power and the authority to investigate this case again.

The scope of the resolution of the Senator from Virginia is broader than the resolution upon which the Senate committee previously acted. It authorizes an inquiry into the "jack pot," around which, in my opinion, all this later corruption centers; and in order that there may be no question about the right of the Senator from Vermont [Mr. DILLINGHAM], who was not then a member of the subcommittee, and the Senator from Minnesota [Mr. CLAPP] and other honored Senators who were not then members of the committee, and the Senator from Iowa [Mr. KENYON], who was not a Member of the Senate, and the other new members of the Senate Committee on Privileges and Elections to go to the very bottom, unimpaired and unhampered by the rulings of a bare majority of its members, I have urged my amendment. I believe it will facilitate the investigation and fix responsibility on each member of the committee, resulting in a thorough investigation.

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

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Georgia?

Mr. SMITH of Michigan. Certainly.

Mr. BACON. As I understand the purpose of the Senator it is to give the opportunity for the widest scope of investigation. In other words, the design of the Senator is that if any one member of the committee desires to have a certain witness examined, that witness shall be called and examined. That is the purpose?

Mr. SMITH of Michigan. Exactly.

Mr. BACON. Now, the object of my interruption of the Senator is to suggest to him that possibly a different method might be more efficacious to accomplish that end. The plan proposed by the Senator from Michigan is to give to each member of the committee the power to issue a subpœna. I suggest to the Senator that that is an extremely unusual and inartistic method of procedure. Possibly it might be better for him to offer an amendment to the effect that every witness shall be called whom any member of the committee may desire to have called, and let the subpœna issue by the committee and not by the individual.

Mr. SMITH of Michigan. Mr. President, I accept the suggestion of the Senator from Georgia. He has correctly described my purpose, and in the hasty preparation of it perhaps it is not

quite sufficient to meet the purpose for which it is intended. I accept cheerfully the suggestion of the Senator from Georgia, and will ask that the amendment be changed accordingly.

Mr. BACON. The Senator can formulate it.

Mr. GALLINGER. How will it then read?

Mr. BRISTOW. I should like to inquire of the Senator from Michigan if his amendment does not postpone any inquiry until after the adjournment of the session?

Mr. SMITH of Michigan. It does not. In fact it authorizes the inquiry to begin from the day the resolution is passed by the Senate, and it may be conducted during the sessions of the Senate during the present session of Congress, and if not finished it shall be conducted during the recess of the Senate, so that in any event it may not go beyond the coming recess. At least that was my purpose.

Mr. BRISTOW. I should like to have it read again.

Mr. BACON. I suggest to the Senator from Michigan, with his permission, that the substitute covers that fully. The resolution which I hold in my hand reads this way:

That said committee be authorized to sit during the sessions of the Senate and during any recess of the Senate or of Congress.

Mr. SMITH of Michigan. I understand; and that may take it over until the next session of the present Congress if the committee desire. That is the thing which I do not desire to have done. My amendment limits it to the present session and the approaching recess, if we shall have one.

Mr. BACON. But the language of the resolution is—

Resolved, That the Committee on Privileges and Elections, sitting in banc, be, and are hereby, authorized and directed forthwith to investigate whether——

Mr. SMITH of Michigan. Yes; they may proceed forthwith, but under the terms of my amendment they must report at the latest at the beginning of the next regular session of this Congress.

Mr. BACON. I think the present language of the resolution covers all that is practicable. In line 6, page 2, it says "to administer oaths; and as early as practicable"——

Mr. SMITH of Michigan. Yes; but I definitely limit the time.

Mr. BACON (reading):

and as early as practicable to report the results of its investigation, including all testimony taken by it.

Mr. SMITH of Michigan. I simply desire to say to the Senator from Georgia that it was my hope and purpose to facilitate an immediate inquiry, and that we might have a report at the present session or at least at the beginning of the next session of this Congress.

Mr. BACON. We all want it.

Mr. SMITH of Michigan. But the resolution of the Senator from Virginia does not read that way.

Mr. BACON. But the language of the resolution is that the committee shall do it as soon as they can do it. Of course, if the committee is to act in good faith, it will report at the very first time that it is practicable to take the testimony and make the report. I do not see how we can add to the language. If the Senator wants to accomplish his purpose, the only way to do it would be to fix a certain date by which they must report, whether it is practicable to do it then or not.

Mr. SMITH of Michigan. I did fix the date by saying that they shall proceed during the present session of the Congress and during the coming recess, which exhausts the time before Congress shall meet again in December.

Mr. BACON. I hope they will not have to go into the recess. I hope they will furnish it before the recess——

Mr. SMITH of Michigan. So do I.

Mr. BACON. Or before adjournment.

Mr. SMITH of Michigan. And if the Senate favors the language of the Senator from Virginia, I will withdraw that part of my amendment.

Mr. STONE. The Senator could amend by inserting after the words "report as soon as practicable," the words "not later than the first day of the next session."

Mr. SMITH of Michigan. Would the Senator from Virginia be willing to have that limitation in his resolution?

Mr. MARTIN of Virginia. I think that is simply an invitation to postpone it and do the work during the recess. The mere suggestion to them that they shall report not later than the next session of Congress is a suggestion that they are not expected to report earlier than the commencement of the next session of Congress. As the resolution reads, it requires them to commence at once and to report as soon as practicable. It could not do more than that.

Mr. SMITH of Michigan. Then, Mr. President, I withdraw that part of my amendment.

The PRESIDING OFFICER. Will the Senator from Michigan state the amendment as he now offers it?

Mr. SMITH of Michigan. I should like to have it read by the Secretary.

The PRESIDING OFFICER. The amendment will be read by the Secretary as modified.

The SECRETARY. On page 2, line 8, after the word "it," it is proposed to insert the following words:

And the said committee is hereby authorized and directed during the course of the investigation to issue a subpœna or a subpœna duces tecum to any witness whose presence is desired by any member of the committee.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Michigan [Mr. SMITH] to the substitute resolution of the Senator from Virginia [Mr. MARTIN].

Mr. CUMMINS. Mr. President, I could not clearly hear the amendment as stated by the Secretary, but it seems to me that it might be construed as a limitation rather than an enlargement of the powers of the committee; that is to say, it might be construed so that no other person could be called before the committee save one who is suggested by a member of the committee.

Mr. BACON. If it was favored by the entire committee it must be favored by some one member of the committee.

Mr. CUMMINS. On the contrary, Mr. President, there will be witnesses, I have no doubt, who will not be suggested by any member of the committee. I do not think the Senator from Michigan intends to put that limitation upon the resolution.

Mr. SMITH of Michigan. I do not. I want the widest possible scope. I thought this amendment would help it, and I believe it does.

Mr. CUMMINS. I think, Mr. President, that would be a direct limitation upon the power of the committee instead of an enlargement of the power. I should prefer the original resolution rather than the amendment suggested by the Senator from Michigan.

Mr. MARTIN of Virginia. Mr. President, I am sure that the Senator from Michigan will find that his amendment is entirely unnecessary. I do not know that it will do any harm, but there is certainly ample provision in my resolution for the issuance of subpœnas, and I do not think the Senator from Michigan will strengthen the resolution by proposing that amendment.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Michigan [Mr. SMITH] to the substitute resolution offered by the Senator from Virginia [Mr. MARTIN]. [Putting the question.]

The amendment to the proposed substitute was rejected.

The PRESIDING OFFICER. The question now recurs on the substitute offered by the Senator from Virginia.

Mr. HITCHCOCK. Mr. President, I had expected when I offered my amendment to the substitute resolution of the Senator from Virginia [Mr. MARTIN] that the matter would not be passed upon to-day and I counted upon speaking at the next session. As, however, the disposition seems to be to dispose of the resolution at this session, I want to say a few words in support of the amendment which I have offered.

It is evident, Mr. President, that there are merits in both of the resolutions offered, the one by the Senator from Wisconsin [Mr. LA FOLLETTE] and the other by the Senator from Virginia [Mr. MARTIN]. The particular merit possessed by the resolution offered by the Senator from Virginia is that it recognizes the ordinary machinery of the Senate to carry out its purpose. To my mind the particular recommendation of the resolution offered by the Senator from Wisconsin is, first, that it provides for a small committee, and, in the second place, it provides for a committee with the particular special authority of the Senate.

Sir, it is the purpose of my amendment to combine and to harmonize, if possible, the most meritorious parts of both of these resolutions. I propose that the Committee on Privileges and Elections shall be instructed within one week to select from their membership a committee of at least five Senators, which committee, when reported to the Senate and confirmed by the Senate, shall constitute a special committee to take the evidence involved in this case.

It seems to me that my amendment recognizes as fully as the Committee on Privileges and Elections should require their authority and their function. It gives to them the nomination and the selection of the committee; it provides that the committee shall consist wholly of members of the Committee on Privileges and Elections, but it restricts the committee to such size as will result in giving the earliest possible effect to its investigation.

Mr. President, I undertake to say that it is practically impossible for this great committee of 15 members, sitting in banc, to take this testimony in any thorough way and digest and present it to this session of Congress. That is utterly impossible. At the last session a committee which consisted of only

13 members found it necessary to intrust the vital work of the committee to a subcommittee, which, I understand, consisted of 5 members, and not over 7 at the most.

Mr. JOHNSTON of Alabama. The subcommittee consisted of 7 members.

Mr. HITCHCOCK. I am told it consisted of 7 members. If it was then necessary for that committee of 13 members to devolve the duties which it was supposed to exercise upon a subcommittee, it will be still more necessary for the present committee of 15 to do so.

Mr. JONES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Washington?

Mr. HITCHCOCK. I do.

Mr. JONES. Would the Senator's committee, when selected out of the Committee on Privileges and Elections, then be expected to make its report to the Senate and not to the full Committee on Privileges and Elections?

Mr. HITCHCOCK. Yes, sir.

Mr. JONES. In other words, then, it would become a special and distinct committee of the Senate?

Mr. HITCHCOCK. It would.

Mr. JONES. I think that is a very good suggestion.

Mr. HITCHCOCK. And, Mr. President, that is necessary. It is well known now that we are likely, in the course of prosecuting this research, to run into men accused of serious crimes. The committee is likely to find itself confronted with the most serious difficulties in gathering testimony, and it will be, to my mind, the height of folly to intrust the great powers of this committee to a subcommittee, which has no legal authority to set in motion the machinery of contempt proceedings. It would inevitably result in delay.

Mr. President, I do not think there is in this situation any question of a disregard for the feelings of the Committee on Privileges and Elections. As I regard it, the Committee on Privileges and Elections is representative of the Senate: it is composed of some Senators who voted against LORIMER, of some Senators who voted for LORIMER, and of some Senators who were not in the Senate at the time the Lorimer case was tried.

If this great Committee on Privileges and Elections were intrusted with the responsibility and authority to select from its own membership a special committee of five or six or seven members, it is the most natural thing to suppose that it would select a representative committee—one that would commend itself to the intelligence of the Senate.

I repeat, Mr. President, it is unthinkable that a committee of 15 men, constituted practically of one-sixth of this whole Senate, should undertake seriously, sitting in banc, to investigate this great case. If the committee did so seriously, it would practically interfere with other legislation here, and I do not think it would be within the possibilities.

There is, however, another reason, Mr. President, why I think this small special committee should be selected in this way and confirmed by the Senate. I think the special committee should report to the Senate; it should not be a subcommittee to report to the main committee, and for this reason: Each Senator here, whether he be a senior Senator or a new Senator, has the same responsibility; he must approach this disagreeable task with the same sense of responsibility to his conscience and to the country; he comes here under his oath to pass upon the evidence, not as he thinks it to be, not as has been widely rumored it is, but he comes here to pass upon the evidence as the committee gathers it and brings it to the Senate; and he ought therefore to have a voice at least in the confirmation of that committee after it is selected from the membership of the Committee on Privileges and Elections.

Mr. President, I have said that in my amendment I have sought to harmonize these two conflicting resolutions by selecting the parts of each which seem to me to commend themselves to fair-minded men. I think that we should recognize, to the extent that is done in my amendment, the natural machinery of the Senate, the Committee on Privileges and Elections; but I think also that we should remember that we stand here with responsibilities, and that we ought to have a voice in the selection of that committee or at least in its confirmation.

Mr. President, it is now two years since WILLIAM LORIMER took his seat in this body. This is not a case where we are examining evidence for the first time. Already the lapse of this long period, one-third of the term, presents to some extent a scandal in the country because of inaction. If urgency, if haste, were ever important, they are now doubly important because of the time which has already elapsed, and it seems to me that that fact argues strongly for a committee small enough to be able to work constantly, if necessary, during the remainder of the session or such length of time as may be sufficient to collect all the evidence. I think that every man we add to that committee will tend to lengthen out the time of the investigation. If we want haste, if we want prompt action, we must make the committee small enough to have its sessions practically continuous until the result is reached. At the proper time, Mr. President, I shall ask a yea and nay vote on my amendment.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Nebraska [Mr. HITCHCOCK] to the substitute of the Senator from Virginia [Mr. MARTIN].

Mr. DILLINGHAM. Mr. President, when on the 22d instant I submitted a resolution to the Senate providing for the reopening of this case and the reference of it to the Committee on Privileges and Elections, I purposely avoided the subject of a subcommittee, thinking that if the resolution were adopted the committee itself would be obliged to select from among its members those who could more easily attend to the matter, and that it would then be time for them to report to the Senate their action, and ask for the same authority for that subcommittee that had been provided in the resolution for the full committee.

I noticed that when the Senator from Virginia [Mr. MARTIN] submitted his resolution it was very similar to the one which I had presented, and I was very willing that mine should remain on the table, and that the resolution of the Senator from Virginia should be adopted, as I hope it will be adopted this afternoon.

In some respects it is broader than the resolution which I presented, and it was my desire and my purpose, if the investigation were committed to the Committee on Privileges and Elections, to make it as broad and deep and searching and thorough as was possible; but it strikes me that it will be very much better, under the circumstances, to let the resolution of the Senator from Virginia be adopted as it stands and give the committee an opportunity to consider the matter. If they determine, as I expect they will—in fact, I do not see how they can do otherwise—that the work can better be done by a smaller body of men, let them so report to the Senate and ask for those whom they have selected the authority that will be necessary to carry on the work.

The PRESIDING OFFICER. The Chair understands the Senator from Vermont to withdraw his resolution.

Mr. DILLINGHAM. I have not presented it as a substitute resolution. The resolution is on the table, and I prefer the resolution offered by the Senator from Virginia.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Nebraska [Mr. HITCHCOCK] to the substitute of the Senator from Virginia [Mr. MARTIN].

Mr. NEWLANDS. Mr. President, when this matter first came up for consideration in the Senate, my mind drifted in the direction of a method of procedure that would be recognized under all circumstances as absolutely fair, and one which would inspire the confidence of the entire country. I was opposed, therefore, to that portion of the resolution offered by the Senator from Wisconsin [Mr. LA FOLLETTE] which named the members of a select committee, for I thought that if a select committee was to be created, its members should be chosen in open session by the entire body of the Senate. Since that time the Senator from Wisconsin has modified his resolution by providing for that method of procedure, and it is my purpose to support his resolution thus modified.

I wish to say that I have the highest opinion of the character and ability of the members of the standing Committee on Privileges and Elections, and I would be the last man to cast any reflection upon the sincerity or the integrity of their action, but I differed with that committee at the last session of Congress. I believed that that committee was wrong in its conclusions, both as to the law and as to the facts, and as a new inquiry was to be made, the question in my mind was whether, believing, as I did, that the standing committee was wrong in the law and in its conclusion as to the facts, I could conscientiously refer the new inquiry to such committee, for those who voted against Mr. LORIMER have convictions as strong as those who voted for him. So I could not see how with propriety, having condemned the action of that committee on a previous occasion upon the inquiry then made, I could deliberately choose that committee as the instrument of the Senate to make an inquiry which would include not only the matters embraced in the old inquiry, but new matters.

I have long felt that the Senate was accustomed to adhere too much to traditions, to precedents, to senatorial courtesy, to a regard for the sensibilities of fellow Senators. I have never felt that it involved an attack upon the personnel of any committee or any Senator to move that a subject matter intrusted to a committee should be withdrawn from it and the committee discharged. I have always felt that a proper sys-

tem of self-government required that we should consider a committee simply as a convenience of the Senate, as the servant of the Senate, subject to its will and command, and I have never hesitated to act in these matters regardless of the sensibilities of members of a committee with reference to matters of jurisdiction. A standing committee is a matter of convenience. It is in the power of the Senate at any time to withdraw a subject intrusted to such a committee, and it is in the power of the Senate at any time to select a new committee, a committee chosen for a particular purpose. Whilst I always wish to be courteous to fellow Senators and courteous to committees intrusted with certain matters under the jurisdiction laid on them by the Senate, I have never hesitated to exercise my right as a Senator wherever my convictions and my sense of propriety were involved, regardless of the jurisdiction of a particular committee. To act otherwise would be, in my judgment, to make the Senate the slave of its own organization.

Mr. President, what is the fair method of procedure in this matter? What will impress the country itself as fair? We are told that we should have no regard for public opinion or public clamor. That is true when we come to exercise the judicial function or the quasi-judicial function.

We should act upon the evidence and the law according to our convictions and our sense of duty, regardless of what public opinion may be, but as to the mere procedure under which the facts are to be ascertained and the law applied by a committee, it seems to me obvious that we should choose a method that will impress the public opinion of the country as a fair exercise of our power. It has seemed therefore to me that we should select a committee that had no share in the contention of the last session over this matter; that had no share in the personal feeling that was unhappily aroused during that contention; that we should select a committee which would have no pride of opinion regarding a previous decision, and which would be untrammeled by considerations of consistency, often so potent with the strongest of men.

We have fortunately in this body a number of Senators who have come fresh from the people, admirably trained for a duty of this kind, perhaps lacking in the experience regarding legislation which the older Members of this body who have had long service here have, but this is a subject that does not involve experience in legislation. It is a matter involving an investigation according to the forms of law by men trained in such investigations, and we have a number of Senators in this body who have freshly come to us, men of distinction at the bar, men who have been trained in investigations of this kind, who can discharge this duty just as well as the most experienced Senators in this body. Under the rule or tradition which assigns membership on the important committees in this body to men of long experience and on the minor committees, as a rule, to new men, such new Members have the time to devote themselves to this inquiry.

How is the Committee on Privileges and Elections made up? There are 3 of the members of that committee who are now engaged in the arduous work of the Finance Committee. It is clear that they should not be disengaged from that work. That leaves only 12 of the committee disengaged, and many of that 12 are assigned to very important committees in this body, which will be called upon to act if we should conclude to really serve the country by availing ourselves of the opportunity of this extra session to put upon the statute books measures which have been approved by public opinion and with reference to which Congress itself has been dilatory and negligent.

So far as the standing Committee on Elections is concerned, it is composed of 15, 3 of them new members, and of the remaining 12, 9, if I am correct, declared themselves at the last session in favor of Mr. LORIMER upon the law and the facts. I do not question that they were conscientious in their determination, just as conscientious as the men who voted against Mr. LORIMER, but having passed through those contentions, having been personally identified with them, would it be becoming in those of us who believe that their decision was wrong upon the facts and the law then presented to them to vote to turn over this entire inquiry to a committee so constituted? I do not think so. We have a responsibility in this matter, and our sincerity might well be doubted if, having this conviction and this responsibility, we should refuse to exercise it, forsooth, because the precedents of the Senate, or the good feeling of the Senate, or the courtesy of the Senate suggest that the ancient jurisdiction of this committee should be regarded.

This is my view regarding my personal action, and having this view, I shall vote for the modified resolution urged by the Senator from Wisconsin [Mr. LA FOLLETTE].

The PRESIDING OFFICER. The yeas and nays are demanded upon the amendment offered by the Senator from Nebraska [Mr. HITCHCOCK] to the resolution offered by the Senator from Virginia [Mr. MARTIN]. Is there a second to the demand for the yeas and nays? [After a pause.] There appears to be none.

The question is on the amendment of the Senator——

Mr. HITCHCOCK. I did not understand the Chair.

The PRESIDING OFFICER. The Chair called for an indication of those who supported the demand for the yeas and nays.

Mr. HITCHCOCK. I think that was not understood.

The PRESIDING OFFICER. The Chair will again put the question: Those who second the call for yeas and nays will indicate it by raising their hands. [After a pause.] Evidently not a sufficient number.

Mr. LA FOLLETTE. Mr. President, I ask for a count.

The PRESIDING OFFICER. The Chair will count. [After counting.] A sufficient number. The yeas and nays are ordered, and the Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CHAMBERLAIN (when his name was called). I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER]. In his absence I will not vote.

Mr. CHILTON (when his name was called). I am paired with the junior Senator from Arkansas [Mr. DAVIS]. If he were present he would vote "yea" and I would vote "nay."

Mr. SMITH of Maryland (when Mr. GORE's name was called). The Senator from Oklahoma [Mr. GORE] is paired for the day with the senior Senator from Maryland [Mr. RAYNER].

Mr. SMITH of Maryland (when Mr. RAYNER's name was called). The Senator from Maryland [Mr. RAYNER] is paired with the Senator from Oklahoma [Mr. GORE] for the day upon this question.

Mr. SMITH of South Carolina (when his name was called). I again announce that I have a general pair with the junior Senator from Delaware [Mr. RICHARDSON]. Therefore I withhold my vote.

Mr. SMITH of Michigan (when Mr. TOWNSEND's name was called). My colleague is unavoidably detained from the Senate. If he were present, he would vote "nay."

Mr. CLARK of Wyoming (when Mr. WARREN's name was called). I again announce the unavoidable absence of my colleague. If he were present, he would vote "nay."

The roll call was concluded.

Mr. DU PONT. I announce the absence of my colleague [Mr. RICHARDSON]. Were he present, he would vote "nay."

Mr. CUMMINS. I announce the unavoidable absence of my colleague [Mr. KENYON]. I do not know how he would vote if he were here.

Mr. WILLIAMS. I wish to announce that my colleague [Mr. PERCY] is paired with the senior Senator from North Dakota [Mr. MCCUMBER].

Mr. SMITH of South Carolina. In view of the announcement made by the senior Senator from Delaware, I will vote. I vote "nay."

Mr. FOSTER. I wish to announce the unavoidable absence of my colleague [Mr. THORNTON]. If he were present, he would vote "nay."

Mr. FLETCHER. I wish to announce the unavoidable absence of my colleague [Mr. BRYAN], on account of illness in his family. I will let this announcement stand for the day.

Mr. BACON (after having voted in the negative). I have a general pair with the senior Senator from Maine [Mr. FRYE]. Under our agreement, on any question not strictly political, either is at liberty to vote in the absence of the other, and in this particular instance I am assured that the Senator from Maine would have voted the same way that I have voted. So I will permit my vote to stand.

The result was announced—yeas 11, nays 55, as follows:

YEAS—11.

Dixon	La Follette	Newlands	Pomerene
Hitchcock	Lea	Owen	Reed
Jones	Myers	Poindexter	

NAYS—55.

Bacon	Crawford	Lippitt	Smith, Mich.
Bailey	Culberson	Lodge	Smith, S. C.
Borah	Cummins	Martin, Va.	Smoot
Bourne	Curtis	Martine, N. J.	Stephenson
Bradley	Dillingham	Nelson	Stone
Brandegee	du Pont	O'Gorman	Sutherland
Briggs	Fletcher	Overman	Swanson
Bristow	Foster	Page	Taylor
Brown	Gallinger	Paynter	Terrell
Burnham	Gamble	Penrose	Watson
Clapp	Gronna	Perkins	Wetmore
Clark, Wyo.	Heyburn	Root	Williams
Clarke, Ark.	Johnson, Me.	Simmons	Works
Crane	Johnston, Ala.	Smith, Md.	

NOT VOTING—25.

Bankhead	Frye	McLean	Thornton
Bryan	Gore	Nixon	Tillman
Burton	Guggenheim	Oliver	Townsend
Chamberlain	Kenyon	Percy	Warren
Chilton	Kern	Rayner	
Cullom	Lorimer	Richardson	
Davis	McCumber	Shively	

So Mr. HITCHCOCK's amendment to the substitute of Mr. MARTIN of Virginia was rejected.

Mr. MARTIN of Virginia. I move that the Senate adjourn.

Mr. CLAPP. I ask for the yeas and nays on that motion.

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

Mr. CHAMBERLAIN (when his name was called). I again announce my pair with the junior Senator from Pennsylvania [Mr. OLIVER].

The roll call having been concluded, the result was announced—yeas 50, nays 17, as follows:

YEAS—50.

Bacon	Davis	Lodge	Smith, Md.
Bailey	Dillingham	Martin, Va.	Smoot
Borah	du Pont	Martine, N. J.	Stephenson
Bourne	Fletcher	Nelson	Stone
Bradley	Foster	Newlands	Sutherland
Briggs	Gallinger	O'Gorman	Swanson
Bristow	Gamble	Overman	Taylor
Brown	Heyburn	Owen	Terrell
Clark, Wyo.	Hitchcock	Paynter	Wetmore
Clarke, Ark.	Johnson, Me.	Penrose	Williams
Crawford	Johnston, Ala.	Perkins	Works
Culberson	La Follette	Pomerene	
Curtis	Lea	Simmons	

NAYS—17.

Brandegee	Dixon	Page	Smith, S. C.
Burnham	Gronna	Poindexter	Watson
Chilton	Jones	Reed	
Clapp	Lippitt	Root	
Cummins	Myers	Smith, Mich.	

NOT VOTING—24.

Bankhead	Frye	McCumber	Richardson
Bryan	Gore	McLean	Shively
Burton	Guggenheim	Nixon	Thornton
Chamberlain	Kenyon	Oliver	Tillman
Crane	Kern	Percy	Townsend
Cullom	Lorimer	Rayner	Warren

So the motion was agreed to, and (at 6 o'clock and 48 minutes p. m.) the Senate adjourned until Thursday, June 1, 1911, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

TUESDAY, *May 30, 1911.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

God of the ages, our fathers' God and our God, we bless Thy holy name for the spirit of seventy-six, which moved our forefathers and our foremothers to deeds of heroism and glory, which gave to us the precious heritage, a Government of the people, by the people, for the people; and for the spirit of sixty-one which moved their sons and daughters to deeds of heroism and glory, which saved that Government from destruction. And grant, O most merciful Father, as these sacred Memorial Days recur, North and South, that the tears of the blue and the gray may mingle together over the graves of their precious dead; that if there were feelings of bitterness, animosity, hatred, they may be buried so deep that they never again can be resurrected; that Old Glory may float on in triumph, yet in peace, over a united country; one flag, one land, one heart, one hand, and one Nation evermore; and glory and honor be Thine forever. Amen.

The Journal of the proceedings of Friday, May 26, 1911, 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. 938. An act for the relief of James Carter;

S. 817. An act appropriating $25,000 for the repair of the wooden warship *Portsmouth;*

S. 1724. An act to amend section 14 of "An act to promote the administration of justice in the Navy," approved February 16, 1909, and to provide for the destruction of records of deck courts in the United States Navy;

S. 1754. An act to correct the military record of William F. McKim;

S. 2004. An act to amend section 1505 of the Revised Statutes of the United States providing for the suspension from promotion of officers of the Navy if not professionally qualified; and

S. 2316. An act fixing the rank and precedence of naval attachés.

SENATE BILLS REFERRED.

Under clause 2, 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. 938. An act for the relief of James Carter; to the Committee on Military Affairs.

S. 817. An act appropriating $25,000 for the repair of the wooden warship *Portsmouth;* to the Committee on Naval Affairs.

S. 1724. An act to amend section 14 of "An act to promote the administration of justice in the Navy," approved February 16, 1909, and to provide for the destruction of records of deck courts in the United States Navy; to the Committee on Naval Affairs.

S. 1754. An act to correct the military record of William F. McKim; to the Committee on Military Affairs.

S. 2004. An act to amend section 1505 of the Revised Statutes of the United States, providing for the suspension from promotion of officers of the Navy if not professionally qualified; to the Committee on Naval Affairs.

S. 2316. An act fixing the rank and precedence of naval attachés; to the Committee on Naval Affairs.

INCOME-TAX AMENDMENT—RATIFICATION BY WISCONSIN.

The SPEAKER laid before the House the following communication:

EXECUTIVE CHAMBER,
Madison, Wis., May 26, 1911.

Hon. CHAMP CLARK,
Speaker House of Representatives, Washington, D. C.

SIR: I have the honor of transmitting herewith a verified copy of joint resolution No. 66 A, recently passed by the Wisconsin Legislature, duly signed by the proper officials of both houses, ratifying the sixteenth amendment to the Constitution of the United States. The original is on file in the office of the secretary of state.

Very respectfully, yours,

FRANCIS E. MCGOVERN, *Governor.*

UNITED STATES OF AMERICA,
THE STATE OF WISCONSIN,
DEPARTMENT OF STATE.

To all to whom these presents shall come:

I, J. A. Frear, secretary of state of the State of Wisconsin and keeper of the great seal thereof, do hereby certify that the annexed copy of joint resolution No. 66 A has been compared by me with the original printed joint resolution on file in this department and that the same is a true copy thereof and of the whole of such original printed joint resolution.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State at the capitol, in the city of Madison, this 26th day of May, A. D. 1911.

[SEAL.] J. A. FREAR, *Secretary of State.*

Joint resolution (J. Res. 66 A) ratifying the sixteenth amendment to the Constitution of the United States.

Whereas both Houses of the Sixty-first Congress of the United States of America at its first session, by a constitutional majority of two-thirds thereof, made the following proposition to amend the Constitution of the United States of America in the following words, to wit:

"A joint resolution proposing an amendment to the Constitution of the United States.

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which, when ratified by the legislatures of three-fourths of the several States, shall be valid to all intents and purposes as a part of the Constitution, namely:

"ART. XVI. The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration": Therefore be it

Resolved by the assembly (the senate concurring), That the said proposed amendment to the Constitution of the United States of America be, and the same hereby is, ratified by the Legislature of the State of Wisconsin; and be it further

Resolved, That copies of this joint resolution, certified by the secretary of state, be forwarded by the governor to the Secretary of State at Washington and to the presiding officers of each House of the National Congress.

C. A. INGRAM,
Speaker of the Assembly.
H. C. MARTIN,
President of the Senate.
C. E. SHAFFER,
Chief Clerk of the Assembly.
F. M. WYLIE,
Chief Clerk of the Senate.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted—

To Mr. DUPRE, for 15 days, on account of important business.

To Mr. HANNA, for 30 days, on account of important business.