

referred the bill of the House (H. R. 8007) granting an increase of pension to James W. Lewis, reported the same with amendment, accompanied by a report (No. 612); which said bill and report were referred to the Private Calendar.

Mr. BROMWELL, from the Committee on Pensions, to which was referred the bill of the House (H. R. 8553) granting a pension to Joseph Tusinski, reported the same with amendments, accompanied by a report (No. 613); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 10956) granting an increase of pension to Frances K. Morrison, reported the same with amendments, accompanied by a report (No. 614); which said bill and report were referred to the Private Calendar.

Mr. BOREING, from the Committee on Pensions, to which was referred the bill of the House (H. R. 6713) granting a pension to Freeman R. E. Chanaberry, reported the same with amendments, accompanied by a report (No. 615); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 6081) granting an increase of pension to Frances Taylor Anderson, reported the same with amendments, accompanied by a report (No. 616); which said bill and report were referred to the Private Calendar.

Mr. BOREING, from the Committee on Pensions, to which was referred the bill of the House (H. R. 7755) granting a pension to Laura G. Weisenburger, reported the same with amendment, accompanied by a report (No. 617); which said bill and report were referred to the Private Calendar.

Mr. DE GRAFFENREID, from the Committee on Pensions, to which was referred the bill of the House (H. R. 10132) granting an increase of pension to John Garner, reported the same with amendments, accompanied by a report (No. 618); which said bill and report were referred to the Private Calendar.

Mr. LOUDENSLAGER (for Mr. WEEKS), from the Committee on Pensions, to which was referred the bill of the House (H. R. 3371) granting a pension to Elizabeth P. Searcy, reported the same with amendments, accompanied by a report (No. 619); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 11144) granting an increase of pension to Anderson Howard, reported the same with amendments, accompanied by a report (No. 620); which said bill and report were referred to the Private Calendar.

Mr. LOUDENSLAGER (for Mr. WEEKS), from the Committee on Pensions, to which was referred the bill of the House (H. R. 7731) granting an increase of pension to Richard Owen, reported the same with amendments, accompanied by a report (No. 621); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

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

By Mr. BARNEY: A bill (H. R. 11902) to establish a fish-hatching and fish station in Washington County, in the State of Wisconsin—to the Committee on the Merchant Marine and Fisheries.

By Mr. DAVIDSON: A bill (H. R. 11903) for the erection of a public building at Manitowoc, Wis.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 11904) to prevent the desecration of the American flag—to the Committee on the Judiciary.

Also, a bill (H. R. 11905) granting extra pay to certain officers and enlisted men of the United States Volunteers—to the Committee on War Claims.

By Mr. SOUTHARD: A resolution (H. Res. 145) providing for annual clerk and janitor for Committee on Coinage, Weights, and Measures—to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS.

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

By Mr. ADAMSON: A bill (H. R. 11893) granting an increase of pension to Mrs. Dennis, of Turin, Coweta County, Ga.—to the Committee on Pensions.

By Mr. CANNON: A bill (H. R. 11894) granting a pension to Hannah A. Timmons—to the Committee on Invalid Pensions.

By Mr. LOUDENSLAGER: A bill (H. R. 11895) granting a pension to Thomas Holloway—to the Committee on Invalid Pensions.

By Mr. MORRELL: A bill (H. R. 11896) to correct the military record of George L. Ritman—to the Committee on Military Affairs.

By Mr. RIXEY: A bill (H. R. 11897) for the relief of George Gorham—to the Committee on War Claims.

Also, a bill (H. R. 11898) for the relief of Charles Clarkson—to the Committee on War Claims.

Also, a bill (H. R. 11899) for the relief of Jane L. Follin, widow of Joseph N. Follin—to the Committee on War Claims.

Also, a bill (H. R. 11900) for the relief of Jane D. Galleher, widow of T. H. Galleher—to the Committee on War Claims.

By Mr. FLYNN: A bill (H. R. 11901) ordering charge of desertion stricken from record and granting pension to John S. Jones—to the Committee on Military Affairs.

PETITIONS, ETC.

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

By Mr. BROMWELL: Papers to accompany House bill 11852, granting a pension to Philip H. Wyrich—to the Committee on Invalid Pensions.

By Mr. CANNON: Papers to accompany House bill 11894, granting a pension to Hannah A. Timmons—to the Committee on Invalid Pensions.

By Mr. GREEN of Pennsylvania: Resolution of Typographical Union No. 86, of Reading, Pa., favoring extension of the Chinese-exclusion act—to the Committee on Foreign Affairs.

By Mr. MORRELL: Resolution of Carpenters' Union No. 122, of Germantown, Pa., for the passage of laws which will prevent the immigration of persons who can not read—to the Committee on Immigration and Naturalization.

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

Also, papers to accompany House bill 11896, to correct record of George L. Ritman—to the Committee on Military Affairs.

By Mr. RIXEY: Petition of citizens of Loudoun County, Va., advocating the reenactment of the Chinese-exclusion law—to the Committee on Foreign Affairs.

By Mr. WOODS: Petition of Carpenters and Joiners' Union No. 266, of Stockton, Cal., for an educational test in the restriction of immigration—to the Committee on Immigration and Naturalization.

SENATE.

FRIDAY, February 23, 1902.

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

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

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

SENATORS FROM SOUTH CAROLINA.

Mr. BURROWS. Mr. President, I am directed by the Committee on Privileges and Elections to make the following report. By order of the Senate made on the 23d of February the altercation between the Senators from South Carolina, resulting in a personal encounter on the floor of the Senate, was referred to the Committee on Privileges and Elections, with direction to report "what action shall be taken by the Senate in regard thereto." In obedience to that order I am directed by the committee to report the following resolution.

The PRESIDENT pro tempore. The Senator from Michigan, from the Committee on Privileges and Elections, reports to the Senate a resolution which will be read.

The resolution was read, as follows:

Resolved, That it is the judgment of the Senate that the Senators from South Carolina, BENJAMIN R. TILLMAN and JOHN L. MCLAURIN, for disorderly behavior and flagrant violation of the rules of the Senate during the open session of the Senate, on the 22d day of February instant, deserve the censure of the Senate, and they are hereby so censured for their breach of the privileges and dignity of this body; and from and after the adoption of this resolution the order adjudging them in contempt of the Senate shall be no longer in force and effect.

Mr. BURROWS. Mr. President, I am also directed by the committee in support of the resolution to submit a report. I ought to say in this connection it is understood that those members of the committee who do not agree with the majority will have the opportunity to present their views, and that they may be printed with the report.

The PRESIDENT pro tempore. The Senator from Michigan, from the Committee on Privileges and Elections, submits a report. Does the Senator desire that it shall be read?

Mr. BURROWS. I ask that it be read.

The PRESIDENT pro tempore. The report will be read.

Mr. MCOMAS. Before that is done, with the understanding

of the committee, I submit some views of two members of the committee, to be printed, under the agreement of the committee, with the report of the committee now offered.

Mr. GALLINGER. Mr. President, let those likewise be read.

Mr. BURROWS. There is no objection to that, of course.

The PRESIDENT pro tempore. The views of the minority will be received, there being no objection, and will be read subsequent to the reading of the report of the committee.

Mr. BLACKBURN. And also printed with the report.

The PRESIDENT pro tempore. They will be printed. The Secretary will read the report.

The Secretary proceeded to read the report, and read as follows:

The Committee on Privileges and Elections, in obedience to the following order of the Senate, viz:

"FEBRUARY 22, 1902.

"Ordered That the two Senators from the State of South Carolina be declared in contempt of the Senate on account of the altercation and personal encounter between them this day in open session, and that the matter be referred to the Committee on Privileges and Elections, with instructions to report what action shall be taken by the Senate in regard thereto"—beg leave to report that they have considered the matter so referred to the committee and find that on the 22d day of February instant, while the Senate was in open session and engaged in the consideration of H. R. 5633, being a bill "temporarily to provide revenue for the Philippine Islands, and for other purposes," the Senators from the State of South Carolina became involved in a personal controversy, resulting in a serious breach of the privileges of the Senate.

The committee can not better present the circumstances leading up to the commission of the offense than by quoting from the official record the report of the proceedings.

The senior Senator from South Carolina, while addressing the Senate, in the course of his remarks said:

"But the Senator from Wisconsin yesterday took occasion to make a special plea of indictment and accusation against Mr. Bryan, the leader of the Democratic party in its last two national contests, because he had aided and possibly influenced enough votes to obtain the ratification of the treaty. I have already pointed out what might have happened after the ratification, which would have been entirely honorable and so high and noble and pure in comparison with what we have done that anyone who voted for that treaty, even my friend the Senator from Colorado [Mr. TELLER], who for a time was pretty badly tainted with imperialism and who has now got well and is sound and sane and in his right mind [laughter]

"Mr. TELLER rose.

"Mr. TILLMAN. I hope the Senator will not take my little pleasantry as anything more than an attempt to relieve him of the accusation of my friend, yesterday, who convicted him of inconsistency.

"Mr. TELLER. I only want to say that if I ever was tainted in the slightest degree with imperialism I am glad to know that I have recovered from that condition.

"Mr. TILLMAN. But with all Mr. Bryan's influence—and it was very great, because it was recognized then that he would be the nominee of his party—he did not and could not persuade enough men here to give the necessary votes. After every man whom Mr. Bryan could influence had been influenced and counted, you still lacked votes, and you knew it. You know how you got them.

"Mr. SPOONER. How did we get them?

"Mr. TILLMAN. I say you know how you got them.

"Mr. SPOONER. I do not know how we got them. I do not know that any man voted for that treaty except in obedience to his convictions. Does the Senator know any different?

"Mr. TILLMAN. I only know that in a court the Senator would convict on circumstantial evidence some men.

"Mr. SPOONER. Does the Senator impeach any Senator? Let him name him. I do not impeach any Senator, nor do I know any ground for impeaching any.

"Mr. TILLMAN. I have reason to believe from the circumstantial evidence and from things that have been told to me in confidence by men on the other side that improper influences were used.

"Mr. SPOONER. Name the man. That is due to the country, and due to the man whom you suspect, and by innuendo charge. Who was it? Let him answer for himself if he is still a member of this body.

"Mr. TILLMAN. Whom do you mean? I can not name the man who gave me the information.

"Mr. SPOONER. Whoever you mean.

"Mr. TILLMAN. I can not give the name of the man who gave me the information, because he gave it to me in confidence.

"Mr. SPOONER. Oh, in confidence. A man who would impeach another in confidence is a coward. [Applause in the galleries.]

"Mr. TILLMAN. Cowardism in that case does not rest on my shoulders.

"Mr. SPOONER. The Senator turned to me. If the Senator knows of any member of this body who voted under corrupt influences for that treaty, name him.

"Mr. TILLMAN. I can not prove it.

"Mr. SPOONER. Well, I would not say it.

"Mr. TILLMAN. But I can prove this—

"Mr. SPOONER. I would not say it.

"Mr. TILLMAN. I can prove this: That the patronage of a State has been given to a Democrat who voted for the treaty.

"Mr. SPOONER. What State?

"Mr. TILLMAN. South Carolina.

"Mr. SPOONER. Fight it out with your colleague.

"Mr. TILLMAN. I am ready.

"Mr. SPOONER. Yes, I am ready and he is ready.

"Mr. TILLMAN. Let him—

"Mr. SPOONER. He is not here—

"Mr. TILLMAN. He has not shown his readiness.

"Mr. SPOONER. But he will be.

"The PRESIDENT pro tempore. The occupants of the galleries must remember that any marks of approbation or disapproval are not permitted under the rules of the Senate, and if there is a violation of the rule the Chair will be obliged to have the galleries cleared.

"Mr. TILLMAN. I will state that after having made a speech in this body two weeks before, replete with cogent arguments and eloquence, against the ratification of the treaty, and after having told us in confidence that he would not vote for it, he did; and since then he has been adopted by the Republican caucus and put upon committees as a member of that party, and has controlled the patronage in South Carolina. I did not expect to bring this in in this way, but I do not dodge or flinch from any responsibility anywhere. I simply know what I believe.

"Mr. SPOONER. You simply believe what you do not know.

"Mr. TILLMAN. And I have been told, as I told you in confidence, by men on that side of the transaction."

At the conclusion of the Senator's remarks the junior Senator from South Carolina, being recognized by the Chair, addressing the Senate, said:

"Mr. McLAURIN of South Carolina. Mr. President, I rise to a question of personal privilege. During my absence a few moments ago from the Senate Chamber, in attendance upon the Committee on Indian Affairs, the gentleman who has just taken his seat, the Senator who has just taken his seat, said that improper influences had been used in changing the vote of somebody on the treaty, and then went on later and said that it applied to the Senator from South Carolina, who had been given the patronage in that State. I think I get the sense of the controversy.

"I desire to state, Mr. President—I would not use as strong language as I intend to had I not, soon after the Senate met, replied to these insinuations and said that they were untrue—I now say that that statement is a willful, malicious, and deliberate lie.

At the conclusion of the Senator's remarks the following note by the reporter appears in the RECORD:

"[At this point Mr. TILLMAN advanced to Mr. McLAURIN of South Carolina, and the two Senators met in a personal encounter, when they were separated by Mr. Layton, the acting assistant doorkeeper, assisted by several Senators sitting near.]"

Further proceedings were had, as follows:

"Mr. GALLINGER. Mr. President, I ask that the doors be closed.

"The PRESIDENT pro tempore. The Senate will be in order. Senators will please resume their seats.

"Mr. PRITCHARD. Mr. President, if the Senator from South Carolina has concluded—

"Mr. McLAURIN of South Carolina. Mr. President, I will now proceed with my remarks, which were so unceremoniously interrupted—

"Mr. TELLER. Mr. President, I call the Senator from South Carolina to order.

"Mr. McLAURIN of South Carolina. Which one of the Senators?

"Mr. TELLER. This one, and the other one, too, for that matter.

"Mr. FORAKER. Mr. President, I move that the Senate go into executive session.

"The PRESIDENT pro tempore. The Senator from Ohio moves that the Senate proceed to the consideration of executive business.

"The motion was agreed to; and the Senate proceeded to the consideration of executive business. After two hours and twenty minutes the doors were reopened."

Thereupon the following proceedings were had:

"PROCEEDING FOR CONTEMPT.

"During the consideration of executive business, and while the doors were closed, the injunction and seal of secrecy was removed from the following proceedings:

"Mr. FORAKER submitted the following order:

"Ordered, That the two Senators from the State of South Carolina be declared in contempt of the Senate on account of the altercation and personal encounter between them this day in open session, and that the matter be referred to the Committee on Privileges and Elections with instructions to report what action shall be taken by the Senate in regard thereto."

"The Senate proceeded by unanimous consent to consider the said order.

"Pending debate.

"On motion by Mr. TELLER that the doors be opened,

"It was determined in the negative—yeas 18, nays 44.

"The yeas and nays being, on motion of Mr. LODGE, desired by one-fifth of the Senators present,

"Those who voted in the affirmative are: Messrs. Bacon, Bate, Berry, Blackburn, Carmack, Clay, Cockrell, Gibson, McEnery, Martin, Patterson, Rawlins, Simmons, Spooner, Taliaferro, Teller, Turner, and Wellington—18.

"Those who voted in the negative are: Messrs. Aldrich, Allison, Bard, Burnham, Burrows, Burton, Clark of Wyoming, Cullom, Deboe, Dietrich, Dillingham, Dulliver, Elkins, Fairbanks, Foraker, Foster of Washington, Frye, Gallinger, Gamble, Hanna, Hansbrough, Hawley, Hoar, Keam, Kearns, Kirtledge, Lodge, McComas, McMillan, Mallory, Mason, Millard, Mitchell, Nelson, Perkins, Platt of Connecticut, Pritchard, Proctor, Quarles, Scott, Simon, Stewart, Warren, and Wetmore—44.

"So the motion of Mr. TELLER was not agreed to."

The PRESIDENT pro tempore. Is there objection to dispensing with the reading of the names?

Mr. TELLER. I wish to call the attention of the committee to an error which they have made in the point of the occurrence. I did call both the Senators from South Carolina to order, but not until after the collision. As it is stated there, I called them to order before the collision. After the collision, and the Senators had been separated, the junior Senator attempted to continue his remarks, and I called him, and, incidentally, the other Senator, to order, as stated.

Mr. HOAR. I hope the—

Mr. FORAKER. If the Senator will allow me, when he comes to look at the RECORD he will find that he is mistaken in the impression just received from it as it was read.

Mr. TELLER. I am not disputing as to the fact. I may be mistaken as to how the RECORD was made up.

Mr. FORAKER. The Senator is mistaken as to the note giving an account of the occurrence.

Mr. BURROWS. The matter is taken from the RECORD as it was published.

Mr. TELLER. It is an error then in making up the RECORD, when there was some excitement.

Mr. FORAKER. The difficulty about it may be due to the fact that the stenographer had no way of taking down the encounter except only descriptively.

Mr. HOAR. I hope the reading will proceed. This is a mere copy of the record that is now being read.

Mr. CULLOM. Let it all be read.

Mr. TELLER. I do not care to raise the question. I only thought it would be well to say this while the reading is going on, because there is a mistake at that point.

Mr. BURROWS. I trust the Senator will allow the reading to proceed.

Mr. TELLER. I do not object.
The PRESIDENT pro tempore. The reading will be resumed.
The Secretary resumed and concluded the reading of the report, as follows:

"On motion of Mr. FORAKER, and the same having been seconded, the Senate proceeded to the consideration of secret legislative business.
"On the question to agree to the order submitted by Mr. FORAKER,
"Mr. BACON demanded a division of the question; and
"On the question to agree to the first branch thereof, as follows:
"That the two Senators from the State of South Carolina be declared in contempt of the Senate on account of the altercation and personal encounter between them this day in open session—
"It was determined in the affirmative—yeas 61, nays 0.
"The yeas and nays being, on motion of Mr. HOAR, desired by one-fifth of the Senators present,
"Those who voted in the affirmative are: Messrs. Aldrich, Allison, Bacon, Bard, Bate, Blackburn, Burnham, Burrows, Burton, Carmack, Clark of Wyoming, Clay, Cockrell, Cullom, Deboe, Depew, Dietrich, Dillingham, Dolliver, Dubois, Gilson, Fairbanks, Foraker, Foster of Washington, Frye, Gallinger, Gibson, Hamma, Hansbrough, Hawley, Hoar, Kean, Kearns, Kit-Gamble, Lodge, McComas, McEnery, McMillan, Mallory, Martin, Millard, Tredge, Nelson, Patterson, Perkins, Platt of Connecticut, Fritchard, Proctor, Mitchell, Nelson, Spooner, Simon, Spooner, Stewart, Tallaferro, Turner, Warren, Wellington, and Wetmore—61.
"None voted in the negative.

"So the first branch of the order was agreed to.
"The second branch of the order was then agreed to."
"The second branch of the order was then agreed to."
"Subsequently the Senator from Kentucky, Mr. BLACKBURN, submitted the following motion:
"Mr. BLACKBURN. I move that the two Senators from South Carolina shall be given the floor and be recognized by the Chair in order that they may in their own way proceed to purge themselves of the charge of contempt of which they have been adjudged guilty by the Senate.
"Mr. SPOONER and others. That is right.
"The PRESIDENT pro tempore. The question is on the motion of the Senator from Kentucky [Mr. BLACKBURN].
"The motion was agreed to."

Thereupon the senior Senator from South Carolina made the following statement:

Mr. TILLMAN. Mr. President, I have always esteemed it a high honor and privilege to be a member of this body. I had never had any legislative experience when I came here, and my previous service as governor of South Carolina for four years had unfitted me in a measure to enter this august assembly with that dignity and regard—proper regard, I will say—for its traditions and habits and rules that is desirable.

"I have been here seven years. I have in that time learned to judge men with a little more catholicity of spirit than I did when I came here. I have found a great many people here in whose personal integrity and honor and regard for their obligations as gentlemen I have implicit confidence; but I have seen so much of partisanship, I have seen so much of what I consider slavish submission to party domination, that I confess I have felt somewhat at a loss how to judge men who in one aspect appeared to be so high and clean and honorable and in another appeared more or less despicable. I say this because of the fact that one of the Senators has seen fit to allude to some matters that occurred in the debate this morning.

"I now want to say that, so far as any action of mine has caused any Senator here, or the Senate as a body, or the people of the United States to feel that I have been derelict and have not shown that courtesy and proper observance of the rules of this body, I regret it; I apologize for it. I was ready to do that two minutes after I had acted, but under the provocation, which was known of all of you, I could not have acted otherwise than I did; and while I apologize to the Senate and am sorry that it has occurred, I have nothing more to say."

The junior Senator from South Carolina immediately followed and declared as follows:

Mr. McLAURIN of South Carolina. Mr. President, I did not realize that I was in contempt of the Senate, nor do I think now, if my words are read in the RECORD, that I was, but, at the same time, as the Senate has ruled that I am in contempt of this honorable body, I beg leave to apologize.

"I desire to say, Mr. President, that I have been very sorely and severely tried. I was in attendance on the Committee on Indian Affairs when I received a message from a friend in the Senate that my presence was needed here.

"The history of the vote on the Spanish treaty is known to all of you. There have been statements made in newspapers and insinuations that I had been influenced by improper motives in connection with my vote on that treaty. Knowing in my own soul, and knowing that God in heaven also knows that it was false, when I was told that it was centered down to me, I was so outraged by what I considered a most brutal assault upon my honor as a man, and especially in view of the fact that in the beginning of the session, after the action of my party associates, I made a most careful and deliberate statement explaining all these matters, I did not feel as a man that I could ever hold my head up again if I did not resent it in the place where it was delivered, in the strongest and most forcible terms that I could employ.

"With that, Mr. President, I am done, except I have this to say: If there is any more talk of that kind or any more—

"Mr. PATTERSON. I beg the Senator to refrain.
"Mr. McLAURIN of South Carolina. I will refrain, Mr. President."

We thus present to the Senate the entire record bearing upon this unfortunate occurrence, and no examination or investigation by your committee could possibly throw any additional light upon the transaction, which occurred in open session and in the presence of the membership of the privileges of the Senate, a violation of its rules, and derogatory to its high character, tending to bring the body itself into public contempt, can not be questioned or denied. Indeed, the Senate by a unanimous vote has already placed on record its condemnation of the Senators by declaring both guilty of contempt. The majority of the committee are of the opinion that the legal effect of the majority of the committee are of the opinion that to suspend their functions as Senators, and that such a punishment for disorderly behavior is clearly within the power of the Senate, but the conclusion they have reached makes it unnecessary to discuss this question.

The offenses committed by the two Senators were not, in the opinion of a majority of the committee, of equal gravity. The charge made by Mr. TILLMAN had been once before in the Senate specifically denied in parliamentary language by Mr. McLAURIN. The offense charged against Mr. McLAURIN was among the most reprehensible a Senator could commit. He could not ignore it or fail to refute it and hope to be longer respected as either a man or a Senator.

Mr. McLAURIN did not commence the encounter, but only stood in his place at his desk, where he was speaking, and resisted the attack that was made upon him.

In other words, his offense was confined to the use of unparliamentary language, for which he had unusual provocation.

Nevertheless, his offense was a violation of the rules of the Senate of so serious a character that, in the opinion of the committee, it should be condemned.

In the case of Mr. TILLMAN the record shows that the altercation was commenced by the charge he made against Mr. McLAURIN. Such a charge is inexcusable, except in connection with a resolution to investigate. Mr. TILLMAN not only made the charge without any avowal of a purpose to investigate, but also disclaiming knowledge of evidence to establish the offense; and this he did after the charge had been specifically and unqualifiedly denied by Mr. McLAURIN.

Such a charge under any circumstances would be resented by any man worthy to be a Senator, but, made as it was in this instance, its offensiveness was greatly intensified, and the result must have been foreseen by Mr. TILLMAN if he took any thought, as he should, of the consequences of his statement. This feature of his offense, coupled with the fact that he also commenced the encounter by quitting his seat some distance away from Mr. McLAURIN, and, rushing violently upon him, struck him in the face, makes the case one of such exceptional misbehavior that a majority of the committee are of the opinion that his offense was of much greater gravity than that of Mr. McLAURIN.

The penalty of a censure by the Senate, in the nature of things, must vary in actual severity in proportion to the public sense of the gravity of the offense of which the offender has been adjudged guilty. Therefore, notwithstanding the fact that, in the opinion of a majority of the committee, there is a difference in the gravity of the offenses under consideration, your committee are of the opinion that public good and the dignity of the Senate will be alike best promoted and protected, so far as this particular case is concerned, by imposing upon each Senator, by formal vote, the censure of the Senate for the offense by him committed; and therefore the committee recommends the adoption of the following resolution:

"Resolved, That it is the judgment of the Senate that the Senators from South Carolina, BENJAMIN R. TILLMAN and JOHN L. McLAURIN, for disorderly behavior and flagrant violation of the rules of the Senate during the open session of the Senate on the 22d day of February, instant, deserve the censure of the Senate, and they are hereby so censured for their breach of the privileges and dignity of this body, and from and after the adoption of this resolution the order adjudging them in contempt of the Senate shall be no longer in force and effect."

The PRESIDENT pro tempore. The Secretary will now read the views of the minority.

Mr. BURROWS. Mr. President, may I at this point make a correction in the report? I find upon examination that in taking from the RECORD what the Senator from Colorado [Mr. TELLER] said the clerk in putting it into the report inserted it in the wrong place, and it should be changed so that the note of the occurrence will come in after the speech of the junior Senator from South Carolina.

Mr. TELLER. The Senator will see that that correction is made?
Mr. BURROWS. Yes; if no objection be made to it.

The PRESIDENT pro tempore. Without objection, the report will be modified in that particular by the chairman of the committee.

Mr. BAILEY. On behalf of myself and four other members of the committee I present the following views, which I ask may be read following the report of the committee.

The PRESIDENT pro tempore. There was already an order of the Senate that the views of the minority presented by the Senator from Maryland [Mr. McCOMAS] should be read.

Mr. McCOMAS. I think it is proper that the views submitted by the Senator from Texas should be read next after the report.

The PRESIDENT pro tempore. The views will be read.

Mr. McCOMAS. To be followed by the views of the minority signed by myself and the Senator from Indiana [Mr. BEVERIDGE].

The PRESIDENT pro tempore. The views of the minority submitted by the Senator from Texas will be read.

The Secretary read as follows:
We dissent from so much of the report of the committee as asserts the power of the Senate to suspend a Senator and thus deprive a State of its vote, and so much as describes the offenses of the Senators as of different gravity; but we approve the resolution reported.

J. W. BAILEY,
E. W. FETTUS,
J. C. S. BLACKBURN,
FRED T. DUBOIS,
MURPHY J. FOSTER.

Members of the Committee on Privileges and Elections.

The PRESIDENT pro tempore. The views presented by the Senator from Maryland [Mr. McCOMAS] will now be read.

The Secretary read as follows:
The undersigned minority of the committee agree with the statement of the facts given in the report of the majority, but disagree to the punishment proposed by the majority. The junior Senator from South Carolina is guilty of unparliamentary language. The senior Senator of South Carolina is guilty of physical violence. Neither in the statutes of any State nor in the common opinion of mankind are these two offenses the same.

If the Senate is to retain the respect of the country, it must retain its own self-respect. This can not be done by lightly passing over the grave offense it has suffered.

The lightest form of punishment is a reprimand or a censure. It is this latter which the majority of the committee proposes to inflict for two offenses differing in character and gravity.

The minority of the committee are of the opinion that this punishment is inadequate and that to ignore the difference between the offenses is unjust. The minority of the committee is of opinion that the suspension of the two offending Senators from their Senatorial privileges heretofore inflicted should now be formally adjudged and continued for different periods of time.

And so the minority of the committee submit their views.
By the second clause of the fifth section of the first article of the Constitution "Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member."

On its face this clause means that by a majority vote each House may determine its rules and punish its members for disorderly behavior; but that to expel a member the concurrence of two-thirds is required.

Its history proves this to be the right construction. The Committee on Detail reported the clause thus: "Each House may determine the rules of its proceedings; may punish its members for disorderly behavior, and may expel a member." Madison thought that the power of expelling a member should not be left to a mere majority, and moved to insert the words "with the concurrence of two-thirds" between "may" and "expel." Gouverneur Morris thought the power ought to remain with a majority; but the convention adopted Madison's amendment, and thus the section as amended was approved. (Meig's Growth of the Constitution, 92.)

Story (1st Story on Const., sec. 837), emphasizing the necessity of each House having power to make the rules of its own proceedings, says that "this power would be nugatory unless it was coupled with a power to punish for disorderly behavior or disobedience to those rules. * * * The power to expel for very aggravated misconduct was also indispensable. * * * But such a power so summary * * * it was foreseen might be exerted for mere purposes of faction or party * * * and it has therefore been wisely guarded by the restriction that there shall be a concurrence of two-thirds of the members to justify an expulsion."

Since punishment for disorderly behavior may be inflicted by a majority vote in the Senate, what sorts of punishment may be imposed upon a Senator?

In *Kilbourn v. Thompson*, 108 U. S. 189, Justice Miller says: "We see no reason to doubt that this punishment may in a proper case be imprisonment, and that it may be for refusal to obey some rule on that subject made by the House for the preservation of order."

Later, in *In re Chapman* (166 U. S., 668), Chief Justice Fuller says of the Senate: "It necessarily possesses the inherent power of self-protection" (Id., 671); "Congress could not divest itself or either of its Houses of the essential and inherent power to punish for contempt in cases to which the power of either House extended."

While the Supreme Court has said that it does not concede that the Houses of Congress possess the general power of punishing for contempt analogous to that exercised by courts of justice, it had admitted that there are cases in which the Houses of Congress have such power of punishing for contempt, and points out the source of this power.

In *Kilbourn v. Thompson* (108 U. S., 201) the court said: "We may perhaps find some aid * * * if we can find out its source, and fortunately in this there is no difficulty. For, while the framers of the Constitution did not adopt the law and custom of the English Parliament as a whole, they did incorporate such parts of it and with it such privileges of Parliament as they thought proper to be applied to the two houses of Congress."

Among these privileges, says the court, is the right to make rules and to punish members for disorderly behavior. The Senate has not like power with Parliament in punishing citizens for contempt, but it has like power with Parliament in punishing Senators for contempt or for any disorderly behavior or for certain like offenses. Like Parliament, it may imprison or expel a member for offenses. "The suspension of members from the service of the House is another form of punishment." (May's Parliamentary Practice, 53.) This author gives instances of suspension in the seventeenth century and shows the frequent suspension of members under a standing order of the House of Commons, passed February 23, 1880.

Says Cushing, section 280: "Members may also be suspended, by way of punishment, from their functions as such, either in whole or in part or for a limited time. This is a sentence of a milder character than expulsion." "During the suspension," says Cushing, section 627, "the electors are deprived of the services of their representative without power to supply his place, but the rights of the electors are no more infringed by this proceeding than by an exercise of the power to imprison."

The Senate may punish the Senators from South Carolina by fine, by reprimand, by imprisonment, by suspension by a majority vote, or by expulsion with the concurrence of two-thirds of its members.

The offense is well stated in the majority report. It is not grave enough to require expulsion. A reprimand would be too slight a punishment. The Senate by a yeas-and-nays vote has unanimously resolved that the said Senators are in contempt. A reprimand is in effect only a more formal reiteration of that vote. It is not sufficiently severe upon consideration of the facts.

We agree that the junior Senator from South Carolina, JOHN L. McLAURIN, should be suspended from his functions as Senator for five days, and that the senior Senator from South Carolina, BENJAMIN R. TILLMAN, be suspended from his functions as a Senator for twenty days, the time of suspension to be reckoned from the date of the adoption of such a resolution by the Senate.

As we have said, there is a grave difference between the offenses of the two Senators. This difference has not been overstated by the chairman and the members of the committee who agree with him upon this point.

The objection that no punishment should deprive a sovereign State of its votes in the Senate fails when we consider the rights of all the States, and above all the right and the duty of the Senate of the United States to punish adequately a grave offense.

L. E. McCOMAS.
ALBERT J. BEVERIDGE.

I concur in all of the foregoing views except as to the punishment of the junior Senator from South Carolina. It is my opinion that the punishment he has already suffered is adequate to his offense. I make no recommendation as to the punishment to be imposed on the senior Senator from South Carolina.
J. C. PRITCHARD.

The PRESIDENT pro tempore. The question is on the adoption of the resolution reported by the Committee on Privileges and Elections.

Mr. BACON. Mr. President, there is an omission, it seems to me, if I recollect correctly, in the narrative as made in the report of the committee which ought to be supplied by a statement now made upon the floor. Of course I do not undertake, or the Senate will not undertake, to amend the report in any way, but I think the fact I am now about to mention ought to be mentioned in this connection in order that it may furnish what I consider to be an important part of the history of this case.

Of course there was no record of what occurred in the secret session of the Senate. There is, however, a narrative of what were considered by the committee to be the salient and important occurrences in that secret session, and the particular fact which I think ought to go on record is this: Before the adoption of the order adjudging these two Senators in contempt, and, in fact, very soon after the Senate went into secret session, the senior Senator from South Carolina [Mr. TILLMAN], speaking through the Senator from Kentucky [Mr. BLACKBURN], stated to the Sen-

ate that he desired and intended, so soon as he had the opportunity, which would be furnished by the Senate again being in open session, to make acknowledgment to the Senate and to make his apology for what had occurred.

The junior Senator from South Carolina [Mr. McLAURIN], speaking through myself, made the same announcement to the Senate, and in each instance it was stated on behalf of each of the Senators that that acknowledgment and that apology would be made by him without reference to the question whether or not the Senate adjudged them to be in contempt.

I think, Mr. President, that that is an important part of the history of this case, and I now state it in order that it may be included in the record.

The PRESIDENT pro tempore. The question before the Senate is on the adoption of the resolution.

Mr. GALLINGER. I ask for the yeas and nays.

Mr. TELLER. The question is, as I understand, on the resolution first read, Mr. President?

The PRESIDENT pro tempore. On the resolution first read.

Mr. TELLER. Let it be again read.

The PRESIDENT pro tempore. The resolution will be again read.

The Secretary read as follows:

Resolved, That it is the judgment of the Senate that the Senators from South Carolina, BENJAMIN R. TILLMAN and JOHN L. McLAURIN, for disorderly behavior and flagrant violation of the rules of the Senate during the open session of the Senate, on the 22d day of February, instant, deserve the censure of the Senate, and they are hereby so censured for their breach of the privileges and dignity of this body; and from and after the adoption of this resolution the order adjudging them in contempt of the Senate shall be no longer in force and effect.

The PRESIDENT pro tempore. On the adoption of the resolution the Senator from New Hampshire [Mr. GALLINGER] demands the yeas and nays.

The yeas and nays were ordered.

Mr. GALLINGER. Mr. President, before the vote is taken, I simply want to make this observation. In some of our State legislatures a motion to substitute a minority for a majority report is allowable under the rules. I take it that under the rules of this body a report, so called, of a minority is simply the presentation of their views, and that a motion of that kind would not be in order here under our rules.

If such a motion could be made I should feel it my duty to move to substitute the minority for the majority report, because I believe the minority have recommended the precise kind of punishment that ought to be inflicted and that they have clearly differentiated between the offenses committed by these two Senators. Of course, not being able to make that motion and not being able to record my vote in favor of the views so clearly presented by the minority, I shall feel constrained to vote for the resolution which has been reported by the majority, although, to my mind, it does not inflict the proper kind of punishment upon these two Senators, considering the difference in the offenses which they committed.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. McLAURIN of Mississippi (when his name was called). Mr. President, being related by kinship to one of the Senators from South Carolina, I ask to be excused from voting on this question.

The PRESIDENT pro tempore. Without objection on the part of the Senate, the Senator is excused.

Mr. McLAURIN of South Carolina (when his name was called). Mr. President, for obvious reasons I refrain from voting on this question.

Mr. TILLMAN (when his name was called). Mr. President, among gentlemen an apology for an offense committed under heat of blood is usually considered sufficient.

The roll call was concluded.

Mr. QUARLES. I desire to announce that my colleague [Mr. SPOONER] is detained from the Senate by illness.

Mr. KEAN (after having voted in the affirmative). Mr. President, having heard the senior Senator from South Carolina [Mr. TILLMAN] again insult the Senate, I change my vote from "yea" to "nay."

The result was announced—yeas 54, nays 13; as follows:

YEAS—54.

Aldrich,	Cullom,	Hawley,	Pettus,
Allison,	Depew,	Hoar,	Platt, Conn.
Bacon,	Dillingham,	Kearns,	Quarles,
Bailey,	Dolliver,	Lodge,	Rawlins,
Bard,	Dubois,	McCumber,	Simmons,
Bate,	Elkins,	McEnery,	Stewart,
Berry,	Fairbanks,	McMillan,	Taliaferro,
Blackburn,	Foraker,	Mallory,	Teller,
Burrows,	Foster, La.	Martin,	Turner,
Carmack,	Frye,	Mitchell,	Vest,
Clark, Mont.	Gallinger,	Money,	Warren,
Clay,	Gibson,	Nelson,	Wetmore.
Cockrell,	Hansbrough,	Patterson,	
Culberson,	Harris,	Perkins,	

Beveridge, Clark, Wyo. Deboe,	Dietrich, Foster, Wash. Kean,	Kittredge, McComas, Millard,	Pritchard, Proctor, Scott.
NOT VOTING—22.			
Burnham, Burton, Clapp, Daniel, Dryden, Gamble,	Hale, Hanna, Heitfeld, Jones, Ark. Jones, Nev. McLaurin, Miss.	McLaurin, S. C. Mason, Morgan, Penrose, Platt, N. Y. Quay,	Simon, Spooner, Tillman, Wellington.

So the resolution was agreed to.

Mr. PLATT of Connecticut. Mr. President—

Mr. BURROWS. Mr. President, I rise to a question of privilege. I ask that the words of the senior Senator from South Carolina [Mr. TILLMAN], which could not be heard in this part of the Chamber, be taken down.

The PRESIDENT pro tempore. The words spoken by the senior Senator from South Carolina will be read from the desk. The Secretary read as follows:

Mr. TILLMAN (when his name was called). Mr. President, among gentlemen an apology for an offense committed under heat of blood is usually considered sufficient.

Mr. TILLMAN. Mr. President, the words uttered by me were not intended to be offensive, but if they are so considered, I very gladly withdraw them.

Mr. TELLER. The Senator from South Carolina was not called to order by anybody. I think we had better proceed regularly.

Mr. BURROWS. It was impossible to hear the Senator from South Carolina; and at the earliest opportunity, as soon as the roll call was completed and the result announced—

Mr. BERRY. The Senator from South Carolina has withdrawn the words.

Mr. BURROWS. I did ask that the words be taken down and read at the desk.

Mr. TELLER. Has the result been announced?

The PRESIDENT pro tempore. Yes; the result of the vote has been announced.

Mr. BURROWS. If the Senator from South Carolina has apologized for the words just used by him—

The PRESIDENT pro tempore. The Senator has withdrawn the remarks. Is there objection on the part of the Senate to the withdrawal? The Chair hears none.

Mr. DIETRICH. I object, Mr. President.

Mr. PLATT of Connecticut. Mr. President, I do not wish to interrupt the present proceedings, but I desire on a proper occasion to ask the indulgence of the Senate for a single moment to explain my vote on the resolution. If the proceedings which have intervened are not completed, I will waive my request for the present.

Mr. TELLER (to Mr. PLATT of Connecticut). Waive it now. The PRESIDENT pro tempore. The proceedings are completed.

Mr. PLATT of Connecticut. Mr. President, I voted reluctantly for the resolution which has just been passed. I did so because except by the passage of the resolution I saw no way in which the Senate could inflict any punishment upon the Senators who were guilty of disorder and a breach of the privileges of the Senate. I do not regard the punishment sufficient. I think that the punishment should have deprived them for a limited time from participating in the proceedings of the Senate, and I think that some discrimination should have been made in the amount of punishment thus inflicted.

I merely wish to make this explanation of my vote.

Mr. DIETRICH subsequently said: Mr. President, I wish to explain my vote upon the resolution of censure against the Senators from South Carolina. The reason why I voted "nay" was because I did not believe the junior Senator should have been censured at all and that the senior Senator should have been more severely censured.

AMENDMENT OF THE RULES.

Mr. HOAR. I desire, in connection with the matter which has been pending, to propose an amendment to the rules. I should like to have it read and referred to the Committee on Rules.

The PRESIDENT pro tempore. The proposed amendment to the rules submitted by the Senator from Massachusetts [Mr. HOAR] will be read.

The proposed amendment to the rules was read, and referred to the Committee on Rules, as follows:

Resolved, That the following be adopted as an additional rule:

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

"No Senator in debate shall utter any reproach upon the character or history of any State of the Union."

It shall be the duty of the Chair to enforce the foregoing rule.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed

the bill (S. 3107) to authorize the construction of a bridge over the Missouri River at or near the city of Kansas City, Mo.

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

A bill (H. R. 6300) to provide for the erection of a dwelling for the keeper of the light-house at Kewaunee, Wis.;

A bill (H. R. 7933) providing for the commutation for town-site purposes of homestead entries in certain portions of Oklahoma;

A bill (H. R. 10372) to transfer to the Secretary of the Interior such supervision of the Government Hospital for the Insane, Freedmen's Hospital and Asylum, and the Washington Hospital for Foundlings as may have been conferred upon the board of charities of the District of Columbia under the act approved June 6, 1900, creating such board;

A bill (H. R. 11241) to amend an act entitled "An act to regulate in the District of Columbia the disposal of certain refuse, and for other purposes," approved January 25, 1898;

A bill (H. R. 11400) to amend an act entitled "An act in relation to taxes and tax sales in the District of Columbia," approved February 28, 1898;

A bill (H. R. 11471) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1903;

A bill (H. R. 11474) for the acknowledgment of deeds and other instruments in the Philippine Islands and Porto Rico affecting land situate in the District of Columbia or any Territory of the United States; and

A bill (H. R. 11611) to divide the State of Texas into four judicial districts.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 5833) temporarily to provide revenue for the Philippine Islands, and for other purposes; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. PAYNE, Mr. DALZELL, and Mr. RICHARDSON of Tennessee managers at the conference on the part of the House.

The message also announced that the House had agreed to the concurrent resolution of the Senate to print 3,500 copies of the report of the Schley Court of Inquiry, with an amendment; in which it requested the concurrence of the Senate.

PERMANENT CENSUS OFFICE.

Mr. QUARLES. Mr. President, I desire to present the conference report on the permanent census bill, which I ask to have read.

The PRESIDENT pro tempore. The conference report submitted by the Senator from Wisconsin will be read.

The Secretary read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10908) to provide for a permanent Census Office, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 3, 4, 5, 9, 11, 17, 18, 20, 22, 27, 30, 32, and 34.

That the House recede from its disagreement to the amendments of the Senate numbered 7, 10, 19, 23, 24, 25, 26, 28, 29, 31, and 33, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$6,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: Strike out of the matter inserted by said amendment the word "Bureau" and insert in lieu thereof "Census Office;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$2,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendments of the Senate numbered 11, 12, 13, 14, 15, and 16, and agree to the same with an amendment as follows: Strike out all of the amended section and insert in lieu thereof the following:

"SEC. 5. That all employees of the Census Office at the date of the passage of this act, except unskilled laborers, may be appointed by the Director of the Census with the approval of the head of the department to which said Census Office is attached, and when so appointed shall be, and they are hereby placed, without further examination, under the provisions of the civil-service act approved January 16, 1883, and the amendments thereto and the rules established thereunder; and persons who have served as soldiers in any war in which the United States may have been engaged, who have been honorably discharged from the service of the United States, and the widows of such soldiers, shall have preference in the matter of employment; and all new appointments to the permanent clerical force in the Census Office hereby created shall be made in accordance with the requirements of the civil-service act above referred to."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment, as follows:

Strike out all after the words "such classes," in line 4 of the matter inserted by said Senate amendment, and insert in lieu thereof the following:

"and the Director of the Census is authorized and directed to collect statistics relating to all of the deaf, dumb, and blind, notwithstanding the restrictions and limitations contained in section 8 of said act entitled 'An act to provide for taking the Twelfth and subsequent censuses: Provided, That in taking the census of said classes the inquiries shall be confined to the following four questions, namely: Name, age, sex, and post-office address;'"

and the Senate agree to the same.

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and the Senate agree to the same.

J. V. QUARLES,
L. E. MCCOMAS,
JAMES P. TALLAFERRO,
Managers on the part of the Senate.

A. J. HOPKINS,
CHARLES A. RUSSELL,
F. M. GRIFFITH,
Managers on the part of the House.