

and Jackson and Lincoln and others among his predecessors. But, Mr. President, let us have no more talk in the Senate and talk in the country about this iron man. He is clay, and very common clay at that.

TILLMAN ATTACKS PRESIDENT. Senator Tillman also made a bitter attack on the President. He referred to the Long amendment, saying that he did so with the purpose of making an explanation. He said that Senators would probably be surprised to know that he had been in conference with the President, and, contrary to his usual practice, read the following statement of his negotiations regarding the bill:

On Saturday, March 31, I was informed by ex-Senator William B. Chandler that President Roosevelt had sent to him a note asking him to call at the White House that evening; that he had obeyed the call and had been in the presence of the President, and that he had been through him to get into communication with me, as the Senator in charge of the railroad rate bill, and with Senators, for the purpose of ascertaining whether there could be such united action among the friends in the Senate of the Hepburn bill as would make a sure majority in its favor and against injurious amendments. Mr. Chandler said the President named various Republican Senators who he thought were true friends of the bill, but said that it might require all the Democrats to defeat amendments.

Mr. Chandler said the President had stated that he had come to a complete disagreement with the Senatorial lawyers who were trying to injure or defeat the bill by ingenious constitutional amendments, naming Senator Knox in particular. The President stated carefully and deliberately the basis upon which he thought there should be a court review, but limiting it to two points: (1) an inquiry whether the commission had violated the constitutional provisions, and (2) whether it had violated the constitutional rights of the carrier. Mr. Chandler stated that the President repeated the same words a final decision that the right of review should be thus limited; that thus far he would go no further; that his decision would be unalterable.

Proceeding, Mr. Tillman said Mr. Chandler had said that the President had assured him that he would be in favor of a restriction against the issuance of ex parte injunctions, to meet the wishes of Messrs. Tillman and Bailey.

After informing Mr. Bailey of the purport of the President's interview, Mr. Tillman said, on the next day, he told Mr. Chandler that in his and Mr. Bailey's opinion there would be no difficulty in coming to an understanding on the basis proposed by the President.

"On the evening of Monday," he went on, "Mr. Chandler told me he had assured the President and asked him not to be disturbed by the newspaper items growing out of the talk about Senator Long's amendment published in the newspapers as one agreed upon at the White House conference on Saturday."

ASKED ALLISON'S INTERVENTION. He then said that he and Mr. Chandler had continued their conferences and on April 5 the ex-Senator had gone to the White House to make a favorable report to the President. On April 8 Mr. Chandler told him that he had conferred with Senator Allison asking him to intervene in the conferences then in progress and that the Iowa Senator had agreed to do so.

Later Mr. Allison had seen the President. On April 11 Mr. Chandler had advised that he (Mr. Tillman) and Mr. Bailey see the Attorney General. Consequently they had met that official on the 15th, finding themselves in perfect accord with him, except as to a small difference in the matter of injunction.

"There was absolute accord from the first," he said, "and the proposition that the court review should be limited to the inquiry whether a commission had exceeded its authority or violated the carriers' constitutional rights." Mr. Moody had then agreed to supply the Senators with a memorandum of his views, and had done so, "and we have the original of it," said Mr. Tillman.

The next day, Mr. Tillman said, he had seen Mr. Moody, and had assured him that the twenty-six Democratic votes could be counted on for the compromise proposed, and had told him that it would be necessary to get twenty Republican votes. "It was understood that we should work together to get the votes necessary to pass the compromise." The Attorney General had expressed doubt of getting enough Republican votes to assure the acceptance of the Bailey non-suspension proviso, but had said that he felt sure of the Governor amendment. Mr. Moody had, he said, assured him that it was the fixed purpose to insist on the Long amendment, and he (Mr. Tillman) had had no suspicion of a change of front until May 4, when the President had his interview with the assembled newspaper men.

The reading of the statement evoked many smiles and some laughter from Senators. There was especial merriment over the statement that the President had been informed at the same time of the President's change of attitude. They had gone together to Mr. Bailey and all three had repaired to the home of Mr. Moody, "the fourth conspirator," and had found him apparently entirely innocent of knowledge of the change. He admitted that he had hesitated about entering upon the negotiation with the President because of his "just indignation for a past wrong," but he had decided to pocket his pride in the interests of a great cause. He also said that Senator Allison had promised him twenty-two votes on the Republican side; hence he had felt justified in his assurances to the President's representatives.

"It would be useless to pursue the argument," said Mr. Tillman. "The Senator from Rhode Island [Mr. Aldrich] has resumed control of the Republicans."

As a slight murmur of mirth ran through the Senate Mr. Tillman remarked: "The Senator need not shake his head; but I simply want to say that he has come nearer being unhorsed and thrown into the ditch than at any time since I have been here."

"This produced an emphasized smile in the Senate. Turning his attention again to the President, Mr. Tillman said if the President had stood fast to his original declaration 'we would have won out.' "As for his treatment of me, I shall say nothing," he added.

He closed by asking whether or not the President should be entitled to the glory of the legislation which was conceived in a Democratic convention. He would leave the answer to the people of the country.

Senator Carter, of Montana, was recognized. He remarked, with a smile which seemed to be understood, that if William B. Chandler, formerly a Senator from New Hampshire, should have the floor of the Senate for the rest of the session much light might be thrown on the subject.

"I should be delighted to hear from Senator Chandler," interjected Mr. Tillman, "and should also be glad to hear from the President and Mr. Moody."

BAILEY-CARTER DISPUTE. Mr. Carter, after saying he believed the President had been consistently in favor of the House bill, made a rejoinder to a remark he ascribed to Senator Bailey, who had, he said, referred to him (Carter) as an insignificant member of the body. He would rather be a humble citizen than to be afflicted with going through the world "wrapped in a mantle of egotism and strutting through an atmosphere of vanity, considering all other men puny."

Senator Bailey at once replied. The Senator from Montana had misquoted him, he said. He had not referred to Mr. Carter as a humble or inconspicuous member of the body, but that his services

in behalf of this bill had been inconspicuous. "The Senator might just as well treat himself to the novel sensation of being accurate once in a while," said Mr. Bailey.

Never, he continued, no matter what might be said on the floor of the Senate, should he allow himself to be provoked to violent controversy. He reviewed his interviews with the Attorney General, and then said there was one great moral to be drawn from the unfortunate circumstances of this bill. That was the danger of the result of interference with the legislative branch of the government by the executive. However bad the present situation was, he believed that the future would draw a valuable lesson from the history of this experience.

DOLLIVER ATTACKS THE SENATE. There was a slight stir in the Senate when Senator Dolliver took the floor. He said he would not speak if he had not been called as a witness by Senator Tillman. He did not intend to scold, but he could not forbear to say that Congress had spent nearly a year endeavoring to settle questions and negotiating important matters of railroad legislation. He had endeavored to have action taken at the last Congress, but without success. He declared the pending bill had had much criticism from the friends of the bill, and from its enemies. He referred to the discussion of constitutional questions, saying that the Senate was the last refuge of the technical lawyers.

"The poor bill would have been entirely defeated," he declared, "if the lawyers had not devoted so much time to one another. It was a perfect Kilkenny cat affair. These rivalistic amendments were co-operating to bring the bill to business by the prospect of the passage of the bill." He was glad that the President had taken a hand in the matter, and he believed that the most superb moral leadership the American people have had.

Mr. Allison, he said, had been his guide and counselor ever since he had been engaged in considering the question. Mr. Allison had been for more than thirty years engaged in the public service, and he (Mr. Dolliver) did not intend to sit silent and hear the charge made that Mr. Allison had been trapped into doing something that he did not understand. He declared that, while not a constitutional lawyer, Mr. Allison had a broader and better comprehension of legislation than any man of the present generation. He asserted that the only effect of the Allison amendment would be to put affirmatively in the bill what was already in it. Nor did he believe the President had been misled, for he also was surrounded by constitutional lawyers, legal sharps, if you will. He had no question, therefore, of the soundness of the new propositions, and he was willing to accept them.

CLAPP DEFENDS MR. ROOSEVELT. Senator Clapp also defended the President against aspersion, saying he had achieved the greatest of all the many moral victories that had stamped him as an ideal American citizen. He also contended that the right to go into the courts under the Constitution had always been in the bill. He prophesied that when the hysteria of the hour should have passed away it would be found that in the essentials of the bill there had been nothing new, and that the President might have kept aloof, but that would have been a cowardly action, inconsistent with his character. Also, he might have taken a stand for the House bill, but that, too, would have been inconsistent. Either course might have brought more favor, but the President had not considered that feature, and had taken a firm stand, enduring the greatest of all tests—that of being greater than self.

Senator Long gave the genesis of the Long amendment, saying that it had been prepared by conference with Senator Allison, and that at first it was in the language of the Allison amendments. He said that he had nothing to do with it, and that he conferred jurisdiction in the courts, and he was not opposed to defining that jurisdiction.

Senator Long said he had considered the Allison amendment. That provision was, he said, entirely satisfactory because it was not considered to be essentially different from his own amendment. "It is very evident that the grand old Republican party has been in a bad way," he said, "and Mr. Lodge came into the Senate chamber. He said he had not heard Mr. Tillman, but that he had heard Mr. Bailey. He could hardly believe that part in which ex-Senator Chandler was quoted by Mr. Tillman as saying that the President had been misled by constitutional lawyers, Senator Spooner and Senator Foraker, Senator Lodge continuing, 'Senator Long said to me in a stenographic shorthand the exact sentence used by Senator Tillman, and called up the White House on the telephone, asking the most rapid way of reaching the President.'"

TILLMAN CHARGES DENIED. "I read the sentence to the President," said Senator Lodge, "and he said in reply that the statement which I read to him—attributed to him by Mr. Chandler—was a deliberate and unqualified falsehood; that Senator Foraker's name was never mentioned at all in the conversation; that Senator Spooner's name was only mentioned by him to express a cordial approval of Senator Spooner's amendment. As to Senator Knox, he said that he did not sign the bill, and that he had no part in the amendment, but thought that he made a very strong argument for granting affirmatively the jurisdiction to the courts, and that he had contributed to the late Senator from New Hampshire."

As Mr. Lodge seemed to have finished, Mr. Bailey asked if the Senator would tell the Senate whether it was admitted by the Executive that the alleged conference took place. Mr. Tillman moved that the Senator from South Carolina, replied Mr. Lodge, "for I did not hear the Senator from South Carolina, and I do not read one word of it. I imagine to-morrow, when he read the statement in full, he will make a reply which will satisfy the curiosity of the Senator from Texas."

"It was not a matter of curiosity," responded Mr. Bailey. He explained that if it were true that the President had not held the conference, he ought to go into the Record, because he took issue with the Senator from South Carolina, and as willing as the Senator from Massachusetts that the President of the United States should have the full benefit of the truth.

"I think it also important," he continued, "for those of us on this side who had no communication to know whether an ex-member of this body assumed an authority not granted to him." Mr. Lodge made the remark in closing that it was the object of the Senator from Texas, from what he (Lodge) had read, that the President had said that he had a conversation with ex-Senator Chandler on the subject, "as he has had with dozens and scores of Senators of both parties in this chamber."

ALLISON AMENDMENTS UP. The Senate when it met to-day almost immediately entered on the consideration of the remaining Allison amendments relating to the jurisdiction of the federal courts over the orders of the Interstate Commerce Commission. The first of these pertained to the venue of courts and provided that, in cases where two or more carriers were affected, the venue should be in the district where either had its principal office, or in the district where either was domiciled, a provision in the language of the Long amendment limiting injunction proceedings to the district where either had its principal office, or in the district where either was domiciled. The Maryland Senator was cut off before he had finished, Senator Aldrich insisting on the enforcement of the rule limiting the duration of speeches.

Mr. Tillman said that the amendment offered by Mr. Rayner was not his provision, but, even if it were, the whole subject would be covered by the amendment relative to injunctions to be offered later by Mr. Allison.

Then followed the defence of President Roosevelt by Senator Carter and the attack on him by Mr. Bailey, which have been told. After his speech Mr. Bailey, in reply to Senator Aldrich, expressed the opinion that the bill as it stands in the Senate was better than as it passed the House. The Rayner amendment to the Allison amendment was then voted down and the controversy proceeded on another amendment suggested by Mr. Bacon, making the proposed court review apply only to "orders and requirements not involving the exercise of discretion by the commission." This was lost, 46 to 22.

ATTEMPT TO RESTRICT JUDGES. An amendment was suggested by Mr. La Follette prohibiting federal judges who hold railroad stocks

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or bonds or who use or solicit passes from presiding in cases under the proposed law. "I have some respect for the judiciary," said Mr. Hale, and moved to lay the amendment on the table. The motion prevailed, 40 to 27. Messrs. Gallinger, La Follette and McCumber voting with the Democrats in opposition.

Senator Simmons presented another amendment, saying that he did so only for the purpose of making a speech. He declared that the House bill had not been improved and that every effort had been made in the Senate to improve that measure. He predicted that if the bill passed without restriction upon the suspension of the orders of the courts it would be a victory for the railroads. He then withdrew his amendment.

An amendment was offered by Senator McClaurin prohibiting judges holding railroad stock from sitting in railroad cases, and Senator Hale gave notice of a motion to lay on the table. Senator Hale declared that "the proposition that a federal judge would sit in a case when he is a partner in interest with one of the litigants is monstrous." He added that "any judge so doing is subject to impeachment." He then moved to lay the amendment on the table. The motion was carried, 49 to 22.

The Allison court review amendment was adopted without division, as amended. The provision reads: The venue of suits brought in any of the circuit courts of the United States to enjoin, set aside, annul or suspend any order or requirement of the commission shall be in the district where the carrier against whom such order or requirement may have been made has its principal operating office, and may be brought at any time after such order is promulgated, and if the order or requirement has been made against two or more carriers, in the district where any one of said carriers has its principal operating office; and if the carrier has its principal operating office in the District of Columbia, then the venue shall be in the district where said carrier has its principal office, and jurisdiction to hear and determine such suits is hereby vested in such courts.

Senator Bacon's court review amendment and his impounding provision were offered and disagreed to. The Allison amendment extending the expediting act to hearings on applications for writs of habeas corpus was adopted. Next was offered the Allison proviso to the court review amendments, which has been in effect since the passage of the act, and offered as a substitute his amendment providing for notice to the adverse party in application for injunction, but it was disagreed to.

PROVISO ALSO CARRIED. Senator Bailey spoke on the Allison proviso, which he declared was a recognition at last by the Republican party that courts can be enjoined from issuance of injunctions under certain conditions for five days at least. He demanded the rollcall on the proviso. It was adopted, 73 to 3. The three negative votes were Clarke, of Arkansas; Morgan and Pettus. The proviso as adopted follows:

Provided, that no injunction, interlocutory order or decree suspending or restraining the enforcement of an order of the commission shall be granted except on hearing after not less than five days' notice to the commission. An appeal may be taken from any interlocutory order or decree granting or continuing an injunction in any suit, but shall lie only to the Supreme Court of the United States. Provided, further, that the appeal must be taken within thirty days from the entry of such order or decree, and it shall take precedence in the appellate court over all other causes, except causes of like character and criminal causes.

The final Allison amendment, which struck out a few lines at the end of the section and was purely formal, was agreed to. This completed the adoption of the compromise proposition submitted by Mr. Allison, relating solely to the court features of the bill.

Senator Culberson moved Section 5 of the bill, extending the time for the filing of complaints for overcharges from two to three years. At the suggestion of Senator Dolliver, he changed the amendment so that such complaints should be brought within three years. The amendment was then adopted.

Senator Culberson moved to amend the bill so that the courts be supplied with jurisdiction in the cases taken up from the Interstate Commerce Commission, and that was the pending amendment when the Senate adjourned.

Senator Tillman moved that when the Senate adjourned he be understood to move Monday. He said he intended to follow that with a motion to lay on the table the bill before the adjournment on Monday. Senator Hale objected on the ground that such an agreement might prejudice consideration of the bill, which creates the tribunal that is to administer the provisions of the bill, and he desired to provide for a well paid, intelligent committee, and would consent to no agreement to vote until Section 5 had been passed.

Mr. Nelson moved to change the time until 11 o'clock on Monday, and in this form the motion carried.

CANAL TYPE DEADLOCK. Senator Carmack's Vote May Decide Committee for Sea Level.

Washington, May 12.—The Senate Committee on Intercommerce Canals is in a deadlock on the question of the type of canal to be recommended. The question was taken up to-day, and the vote showed five for a sea level canal and five for the lock type. There were two absentees, Senators Gorman and Carmack. The latter telegraphed from Tennessee, instructing the chairman to count his vote for the sea level type, which would have made a majority against the lock canal desired by the administration.

After debating for an hour over the question of accepting the vote of Senator Carmack, the committee adjourned until Wednesday.

There are three plans before the committee. Only two of these are being considered seriously—the sea level canal, endorsed by the majority of the board of consulting engineers, and the lock type referred to, which is indorsed by the administration. The third plan is the Morgan type, which practically has been rejected by the committee.

Investigations extending over the present session of Congress have been conducted by the committee, but only a small portion of the inquiries have been made. The meeting to-day was not held until last night, and some of the friends of the sea level project have intimated that the haste was for the purpose of getting a vote before the return of Senator Carmack. It was known that he favored the sea level type. The vote at that time was as follows: For sea level—Kittredge, Platt, Ankeny, Morgan and Tallaferra. For lock type—McClaurin, Carmack, Knox and Simmons.

An effort was made by Senator Kittredge to have Senator Carmack's vote counted, but objection was made. It was argued that this course would be unprecedented, inasmuch as the Tennessee Senator had not attended any of the hearings. Senator Gorman, who has been ill since the hearings were begun, has made no return for his name being voted.



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