Mr. BATE (when Mr. TURLEY's name was called). My colleague [Mr. TURLEY] is in attendance upon the Committee on Privileges and Elections. If he were here, he would vote "yea."

Mr. VEST (when his name was called). I am paired with the Senator from Minnesota [Mr. NELSON]. I do not think he has voted. I believe, however, he would vote "yea." I will vote. I vote "yea."

Mr. WARREN (when his name was called). I am paired with the senior Senator from Washington [Mr. TURNER]. I do not know how he would vote. If I were at liberty to vote, I should vote "yea."

The roll call was concluded.

Mr. McMillan. I am paired with the Senator from Massachusetts [Mr. HOAR]. I do not know whether or not he has voted.

The PRESIDENT OFFICER (Mr. Gallinger in the chair). The Chair is informed that the Senator from Massachusetts has not voted.

Mr. Pettus. Then I must not vote. If I had the right to vote, I should vote "yea."

The result was announced—yeas 39, nays 1; as follows:

YEAS—30.

Allison, Foraker, McCumber, Simon, Spooner, Stew.

Bate, Gallinger, Martin, Sullivan, Tilton, Thurston.


Cockrell, Hawley, Pettigrew, Thurston, Tilton, Thurston.

Cullom, Hoar, Platt, N. Y., Tilton, Tilton.

Deloe, Kansas, Keen, Rawls, Vest, Wetmore.

Fairbanks, McComas, Ross, Seward, Spooner, Tilton.

NAYS—1.

Platt, Conn.

NOT VOTING—46.

Aldrich, Cutler, Lindsay, Proctor, Quayles, Scott.


Berry, Hedgepeth, Frys, Mallory, Taft, Tilton.

Burrows, Bear, Hazel, Nelles, Tilton, Tilton.

Butler, Cairfrey, Harris, Morgan, Nelson, Wellington, Wolcott.


Clay, Mont, Jones, Ark, Pentus, Pentus, Tilton.


The PRESIDENT OFFICER. No quorum has voted. The Secretary will call the roll.

Mr. CLAY. I will vote to make a quorum.

Mr. COCKRELL. Call the roll.

Mr. CULUM. Call the roll.

The PRESIDENT OFFICER. The Chair will inform the Senator from Georgia that it is too late now. The roll will be called.

The Secretary called the roll, and the following Senators answered to their names:

Bacon, Fairbanks, McCumber, Scott, Sewell, Shoup, Spooner, Stewart, Seward, Spooner, Spooner.


Butter, Foster, Frye, Martin, Martin, Spooner, Spooner, Spooner, Spooner.

Cockey, Gallinger, Gallinger, Gallinger, Gallinger, Spooner, Spooner, Spooner, Spooner.

Cockrell, Hawley, Hawley, Hawley, Hawley, Spooner, Spooner, Spooner, Spooner.


Cullom, Jones, N. Y., Jones, N. Y., Jones, N. Y., Spooner, Spooner, Spooner, Spooner.

Daniel, Kean, Kean, Kean, Kean, Spooner, Spooner, Spooner, Spooner.

Davis, Ky, Ky, Ky, Ky, Ky, Spooner, Spooner, Spooner, Spooner.

Elkins, McComas, McComas, McComas, McComas, Spooner, Spooner, Spooner, Spooner.

The PRESIDENT pro tempore. In answer to the roll call 56 Senators have responded. There is a quorum present.

Mr. TILLMAN. I adjourn the Senate in regard to the yeas and nays, and I withdraw the demand.

The PRESIDENT pro tempore. The Senator from South Carolina withholds the demand for the yeas and nays. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. CULUM. The amendment offered by the Senator from Connecticut in reference to the appointment of judges is pending. I hope that will be taken up for consideration. I desire to say while I am on my feet that I have determined, so far as I am personally concerned, to take no objection to the adoption of the amendment. I wish to add a slight amendment to the amendment, and I will call the attention of the Senator from Connecticut to it:

That the President shall nominate and, by and with the advice and consent of the Senate, appoint the chief justice and justices of the supreme court and judges of the circuit courts.

After the word "courts" I wish to add:

Who shall hold their respective offices for four years, unless sooner removed by the President.

Then it goes on:

And the governor shall nominate and, by and with the advice and consent of the Senate of the Territory of Hawaii, etc.

Mr. PLATT of Connecticut. There is no objection to that. It supposed it was included on the next page, in line 7, but there is no objection to having it in both places.

Mr. CULUM. Is it included there?

Mr. PLATT of Connecticut. There may be a question whether it is included there or not.

Mr. CULUM. I think it is a little doubtful whether it is included there.

Mr. SPOONEY. I think the Senator from Connecticut will conclude that the next page refers only to appointees of the governor.

Mr. PLATT of Connecticut. That is possible. I supposed it referred to all of them, because the original language was that all except the chief justice and associate justices of the supreme court should hold office during good behavior. That, you think, might apply to all of them, and there is no objection to having the language where it is suggested by the Senator from Illinois.

The PRESIDENT pro tempore. The Senator from Connecticut offers an amendment, or sundry amendments, all, however, looking to the same end. Shall they be treated as one amendment?

Mr. CULUM. I think they ought to be regarded as one amendment.

Mr. PLATT of Connecticut. They have been so considered in the discussion.

The PRESIDENT pro tempore. Without objection, they will be treated as one amendment. The question is on agreeing to the amendment of the Senator from Connecticut.

The amendment was agreed to.

Mr. PERKINS. Mr. President, I propose the following amendment:

Mr. CULUM. If I may be allowed to proceed, I desire to strike out—

The PRESIDENT pro tempore. The Senator from California has offered an amendment.

Mr. CULUM. Oh, excuse me.

Mr. PERKINS. I trust the Senator from Illinois, after hearing this amendment read, will accept it.

The PRESIDENT pro tempore. The amendment of the Senator from California will be stated.

The SECRETARY. Amend by adding at the end of section 100 the following:

And the coasting trade between the islands aforesaid and any other port or harbor of the United States shall be regulated in accordance with the provisions of law applicable to such trade between any two great coasting districts.

The amendment was agreed to.

Mr. HANSBROUGH. Mr. President.

Mr. CULUM. Allow me to offer an amendment.

Mr. HANSBROUGH. I yield to the Senator from Illinois.

Mr. CULUM. I desire to strike out of the bill all section 86 in reference to impeachment, etc. Those provisions of the bill providing for impeaching a supreme court judge go out of the bill as a result of the fact that the judges of the supreme court and circuit courts are appointed by the President and will be subject to removal.

The PRESIDENT pro tempore. The Senator from Illinois moves an amendment to strike out the whole of section 86 relating to impeachment.

Mr. CLARK of Wyoming. I call the attention of the Senator to the same provision, which is in section 81 on page 38, as it is left in the bill:

Except the chief justice and justices of the supreme court and judges of the circuit courts, who shall be removable by impeachment only.

Mr. CULUM. I thought that was out.

Mr. CLARK of Wyoming. No; it is in the reprinted bill, page 38, lines 4, 5, and 6.

Mr. CULUM. These lines ought to go out. I am referring to section 86.

The PRESIDENT pro tempore. The question is on agreeing to the amendment striking out section 86.

The amendment was agreed to.

The PRESIDENT pro tempore. What is the next amendment?

Mr. CULUM. On page 39 of the new print, section 81, the word "officers" is in lines 4, 5, 6, and 7.

Mr. PLATT of Connecticut. After the word "officers."

Mr. CULUM. After the word "officers." I move to strike out:

Except the chief justice and justices of the supreme court and the judges of the circuit courts, who shall be removable by impeachment only.

The word "officers" to go out.

The PRESIDENT pro tempore. The Secretary will read the proposed amendment.

The SECRETARY. After the word "officers," line 4, page 39, strike out the following:

Except the chief justice and justices of the supreme court and the judges of the circuit courts, who shall be removable by impeachment only.

The amendment was agreed to.