

THE TRAVIS BILL

To Secure Four Months Schools in Every County

FINE LEGAL ARGUMENT

On Rights of Married Women—Henderson Bill Defeated. Aycock Visits the Senate—Measures Passed.

During legal argument, particularly on the best law to be adopted who are members of the principal committee was one of the principal speakers yesterday in the upper house of the General Assembly.

Senator Travis introduced a bill providing four months of school in every county in the State. The bill will be found in the report.

Senator Brown, designed to prohibit the sale of cigarettes in the State, was made the special order for next Wednesday at 12 o'clock.

Several bills of interest were introduced. A number passed their final vote. Governor Aycock paid his visit to the chamber since his inauguration.

Senator Smith formally announced his presence to the presiding officer of the Senate, whereupon the Senate arose to their feet and rendered the customary honors. The Governor's hand of the Lieutenant Governor, who invited him to the floor of the Senate, amid the applause of Senators and visitors.

It was a pretty little incident and fully evidenced the unbounded popularity of the new Chief Magistrate.

Being the anniversary of the death of Gen. Robert E. Lee, the session of the Senate will probably be a brief one. It will meet at 11 o'clock, however, and some business in view will be transacted. The proceedings of yesterday follow.

Proceedings in Hall. Senate called to order at 11 o'clock by Lieutenant Governor Turner.

Prayer by Rev. A. W. Curtis of the Congregational Church.

Propositions were presented as follows: By Mr. Scott: From citizens of Alamance county, against sale of liquor within two miles of Bethany Church, Proprietors and Grievances Committee.

By Mr. James: From citizens of Pitt county, asking that cotton weighers be provided for Greenville, Pitt county.

Leaves of absence were granted till Monday to Senators McNeill and Caldwell.

Reports from various committees were received and bills placed on the calendar.

New Bills. The following bills were introduced: By Mr. Ward: S. B. 132, to amend section 2222 of the Code, in regard to agricultural fairs. Committee on Agriculture.

By Mr. Fosshee: S. B. 133, to amend section 435 of the Code, as to civil procedure in judgments, etc. Judiciary Committee.

Also S. B. 134, to amend section 1405 of the Code, in reference to the sale of decedent's estates after payment of debts, etc. Judiciary Committee. Also S. B. 135, to regulate the sale of personal property by administrators. Judiciary Committee.

By Mr. Crisp: S. B. 136, to place Edith Griffin on the pension roll. Pensions Committee.

By Mr. Arrington: S. B. 137, relating to death penalty. Judiciary Committee.

By Mr. Suggs: S. B. 138, to place W. A. Lassiter on the pension roll. Committee on Pensions.

By Mr. McAllister: S. B. 139, to amend section 1023 of the Code. Judiciary Committee.

By Mr. Marshall: S. B. 140, for the relief of W. F. Wells, a Confederate veteran of Surry county. Committee on Pensions.

By Mr. Smith: S. B. 141, in relation to graduated tax on charters of corporations. Judiciary Committee. Also S. B. 142, providing for the printing of the Acts of the General Assembly. Finance Committee.

ize Ashe county to levy a special tax, committee on Counties, Cities and Towns.

On motion of Senator Henderson, S. B. 49 (Senator London's libel law bill) was ordered to be printed.

Senator Ann was added to the Committee on Propositions and Grievances, on motion of Senator Ward.

Bills Passed. The calendar was then taken up and the following bills disposed of: S. B. 55, H. B. 51, authorizing town of Rocky Mount to issue bonds for municipal improvements. Passed and ordered enrolled.

S. B. 97, to incorporate the town of East Lumberton. Passed and sent to House.

S. R. 146, empowering the Committee on Public Roads to employ a stenographer and typewriter. Passed and sent to House.

S. B. 54, H. B. 86, changing time of holding Superior Court of McDowell county. Passed final reading and ordered enrolled.

S. B. 31, to allow the commissioners of Wilson county to issue bonds (to the extent of \$150,000) to improve county roads, etc. Passed second reading and replaced on calendar, under the rule.

S. B. 35, in relation to the saw-mill industry of Watauga county. Passed and sent to House.

S. B. 49, to prevent hunting on the lands of another without consent of owner in Washington county, was next taken up, but, owing to a disposition to add a number of counties to the bill, it was recommitted (for that purpose) to the Judiciary Committee.

H. B. 113, for the relief of Nannie H. Farham, a schoolteacher of Granville county, by striking out the words "and direct," so as to only "authorize" the county authorities to pay the claim. Passed and sent to House for concurrence in amendment.

S. B. 113, for the relief of Samantha Lyon of Wilkes county, a schoolteacher. Passed and sent to House.

S. B. 3, H. B. 20, to repeal chapter 154, Acts 1890, and wild animals in Graham county. Passed and ordered enrolled.

S. B. 102, H. B. 100, for the protection of live-stock in Clay county (in regard to cutting and sale of wild cherry trees six months in year, on account of bad insects, which eat branches of felled trees, etc.). Passed and ordered enrolled.

S. B. 83, preventing obstruction of streams in Mitchell county by locating factories by depositing shavings in same, was, after several amendments had been ordered adding other counties, re-committed with the idea of reporting a broader bill covering sawdust from sawmills, etc.

S. B. 117, for the relief of clerk of court of Robeson county, was taken up, but replaced on calendar, upon objection to third reading.

A Little Reparto. S. B. 99, providing that D. Worthington of Wilson, be exempted from the law preventing a justice of the peace from practicing law, passed after a breezy little debate between Senators Woodard and Gudger.

Senator Gudger opposed it and could see any reason for such a law; the general law is right and it should apply to all, said he. Then we have a case in which we don't even know whether the man we are asked to empower to practice law has ever taken a law course, etc.

Senator Woodard: You should read up on State history. Worthington was a practicing lawyer before you ever opened your mouth. He was solicitor of our judicial district for years—an office which he filled with credit to himself and the State. Moreover, he was once chairman of the judiciary committee while a member of the Legislature. Lawyer, indeed! He is a veteran in that honorable calling, and this bill is not designed to "empower" him to practice law at all, but simply to arrange so that he can perform the duties of a justice of the peace (at the suggestion and desire of the bar and citizens of Wilson) without surrendering altogether the right to practice law—in cases in which he has not been concerned as a magistrate, of course.

Mr. Gudger recalled the name of the distinguished gentleman, good-looking, and added that he then remembered when he came to his (Gudger's) country in the mountains to recuperate after experiencing an attack of ill health in Senator Woodard's sickly section, etc.

S. B. 114, to exempt train dispatchers from jury duty. Passed and sent to the House.

S. B. 59, to supply Jones county with Supreme Court reports. Passed and sent to the House.

S. R. 85, amending section 8 of chapter 235, Acts 1890, in regard to acknowledgments of husband and wife in legal processes. Passed and sent to the House.

A Lively Legal Discussion. S. B. 29, amendatory of section 1831-32 of the Code, giving the husband the same power now given the wife by law to convey property (of his own) when wife becomes incapacitated in law, by reason of insanity, or in case of abandonment, was next taken up, the bill being on its second reading.

The bill (which was introduced by Senator Henderson) had been favorably reported by the Judiciary Committee, the majority in committee being 6 to 4. But the minority put up a stiff fight against it and finally succeeded in defeating it.

The first attack upon the bill was made by Senator Morrison, one of the members of the Judiciary Committee, who opposed it in committee. He discussed the merits of the bill from a constitutional and legal standpoint, and then stated an argument against it on moral grounds. It was a good argument and unquestionably had its effect upon the Senate.

Under this bill, said he, if a wife comes temporarily demoralized for even thirty days, say, the husband can go to work and dispose of his property without her consent. We cannot reasonably assume that all husbands are chivalric.

(Continued on Sixth Page.)

DULL IN HOUSE

A Lengthy Debate Over a Matter of Law

CONVICTS ON ROADS

Mr. Winston Introduces a Bill Providing that Counties Shall Work Their Convicts. Dog Bill is Up Today

The House had a dull day of it yesterday. Save for an argument on a matter of law, which could hardly be called exciting or sensational, little was done to attract public attention.

Bigger things are in prospect today. For instance, the bill placing a tax on dogs is coming up, with an unfavorable report, provided the body does not adjourn in honor of the anniversary of the birthday of Robert E. Lee.

Mr. Winston of Bertie introduced an important bill yesterday, which provides that the counties in the State shall lease farms for the purpose of working their convicts, and provision is also made that they work the public roads. The bill provides that all convicts who are sentenced to serve terms of ten years and under shall be sent to these county farms for the purpose of improving the county roads.

A bill that resulted in quite a lengthy debate was the one allowing executors of administrators of decedents to foreclose a trust deed. The bill was debated by members of the legal fraternity, and finally passed all of its readings.

MANY BILLS PASS HOUSE. The Proceedings Yesterday—Action on a Number of Bills.

Speaker Moore called the House to order at 11 a. m., and Rev. A. A. Marshall invoked divine blessing.

Petitions were presented as follows: By Mr. Spainhour of Burke: A petition to incorporate Bethel Baptist Church, Burke county.

By Mr. Daughtridge of Edgecombe: A petition from citizens of that county to amend chapter 104, Laws of 1889, in regard to the stock law.

By Mr. Gaither of Catawba: A petition by citizens of Catawba county for relief of D. F. Finger.

By Mr. Spainhour: A petition from citizens of Burke county, asking that W. T. Dale's pension be increased.

Mr. Watts of Iredell asked for leave of absence for Mr. Stubbs of Martin until Monday.

Mr. Pearson of Craven and Mr. Morphe of McDowell were also granted leave of absence.

Mr. Daughtridge of Edgecombe, chairman of the Committee on Agriculture, reported on the bill placing a license tax on dogs on the calendar. There was no objection and the bill took its place on the calendar.

Mr. Daughtridge, chairman of the Committee on Education, asked that two hundred copies of the bill introduced by Mr. McLean, providing for the manufacture of fertilizers by the State, be printed. The bill was ordered printed.

H. R. 290, directing the Sergeant-at-Arms to have portiers suspended across the main aisle of the hall, so as to cut off the cold draught, was adopted.

Mr. Carraway of Lenoir created a laugh in speaking to this bill. He said: "I heartily favor this measure. My head is a target for the cold air. I hope the resolution will be adopted."

S. R. 146, H. R. 204, authorizing the Committee on Roads and Turnpikes to employ a stenographer, passed its second reading. Mr. Carraway urged the adoption of the resolution. Mr. Willard said the bill ought to be referred to the Committee on Finance by reason of the fact that there was opposition to its passage. The bill was given to the Finance Committee.

S. B. 62, H. B. 189, amending chapter 205, Laws of 1890, was accompanied by an unfavorable report, and on motion of Mr. Rountree of New Hanover, was laid on the table. The bill had passed the Senate.

H. R. 28, an act to systematize and regulate special proceedings, was laid on the table, having been accompanied by an unfavorable report from the Judiciary Committee.

A LEGAL DEBATE IN HOUSE. Argument Over Bill Relating to Deceased Mortgages and Trustees.

The bill amending section 1273 of the Code, relating to deceased mortgages and trustees, passed all of its readings, after a lengthy debate, in which the legal members of the House participated. The measure is S. B. 27, H. B. 195. It allows an executor or trustee of a deceased trustee to foreclose a trust deed. The measure was reported favorably by Mr. Connor on behalf of the Judiciary Committee. It was opposed by Mr. Graham of Granville, who said the bill would put the debtor at the mercy of an unscrupulous creditor in many instances.

Mr. Connor of Wilson spoke in advocacy of the bill. He said that most deeds were now making the piece of mortgage, and the present law of the Code contained no provision after the death of a trustee, for the execution or foreclosure of the trust, except by an expensive action to substitute a trustee.

Mr. Britain of Randolph opposed the bill, on the ground that an unscrupulous creditor would prostrate himself to be made administrator for the purpose of opposing a debtor.

Mr. Wright of Rowan said the bill ought to pass. It would take a great many fees from lawyers, but would be of benefit to the people.

Mr. Baldwin of Forsyth said he was opposed to the bill. He was opposed to executors or administrators handling trust funds. A trustee very often had no estate at all, and anybody, on his death, if this bill passed, could administer and have the handling of large funds without being responsible at all.

Mr. Simms of Wake said if a person was incompetent to discharge the duties of the trust, as Mr. Baldwin suggested, the court, on motion, could remove him. Mr. Simms offered an amendment, that application for foreclosure of trust must be made in writing by the creditor. This was accepted.

Mr. Graham offered to amend by adding to the Simms amendment "and written request of debtor."

Mr. Allen of Wayne said this amendment would simply destroy the bill, because no debtor would ever make a request to have his debts sold out. He declared that the bill was a good one, and badly needed.

Mr. Graham said this amendment was for the purpose of allowing a debtor to have a say-so as to who should execute the application for foreclosure of trust must be made in writing by the creditor. This was accepted.

Mr. Smith of Gates approved the amendment, and said for a long time the question has been whether executors and executors of deceased mortgages to foreclose, and he had never heard of any hardship and oppression, but the provision had saved much cost and litigation, and he thought it was a very important and necessary, and ought to pass without this nullifying amendment.

Mr. Allen of Wayne called the previous question. Mr. Graham withdrew the amendment and voted for the bill. The amendment was defeated—yeas 35, noes 58.

The bill then passed its second reading by a vote of 69 to 22. On the third reading the bill was passed with little opposition.

TO PRINT ALL BILLS. Consideration of Bill Requiring Introduction of All Bills in Duplicate.

The bill to facilitate the business of the General Assembly, which was introduced by Mr. Whitaker of Forsyth, and which is known as H. B. 26, was reported by Mr. Connor of Wilson, chairman of the Committee on Rules. The bill which was printed, is as follows: The General Assembly of North Carolina do enact:

Section 1. Petitions, memorials, remonstrances, bills and resolutions may be introduced at any time during the session in a box to be known as the B. I. box, which shall be under the immediate charge of the clerk, and which shall be kept securely locked until all bills so deposited are removed by him, or by a deputy clerk authorized by him. Every bill shall be in duplicate and one copy shall be accompanied by a statement of the title, accompanied by the name of the member introducing it.

Sec. 2. At the close of each day's session all bills so deposited shall be handed by the clerk to the speaker or presiding officer for his examination, after due record has been entered in a book kept for that purpose. Upon the House or Senate being reconvened, the clerk of either shall announce the introduction of all bills thus received by him for their first reading, and thereupon shall refer them to the appropriate committees. The presiding officer, without objection, may order such bills as are of a public nature to be printed.

Sec. 3. Bills shall be printed or written in a legible hand, without material erasure, and shall be accompanied by one sheet of paper, with suitable margins and spaces between the several sections, dates and numbers being written in words at length.

Sec. 4. All bills and joint resolutions reported affirmatively shall be placed on the files and calendars in their order, and when printed shall be placed on the members' desks.

Sec. 5. It shall be the duty of the clerk of both Houses of the General Assembly to have the journals and calendars of both Houses printed daily, and to place a copy of each on the desks of the members. The public printer shall use the same forms as the journals, after being corrected for the usual issues thereof, without additional charge for type composition.

Mr. Connor stated that the committee considered the bill of such importance that it had been decided to have the bill printed. It was sent to the House without prejudice. Mr. Connor said it was the idea of the committee to have the members discuss the bill and then re-refer it. He said there were many excellent features of the bill and some on which he was to be especially that requiring the introduction of bills in duplicate.

Mr. Whitaker of Forsyth, the author of the bill, explained its features. He clearly stated that the printing of the journal each day would enable members to keep up with bills and that the printing of the journal each day would entail little additional cost on the State, as little additional copy would be required for the legislative journals. Mr. Whitaker said that the printing of the journal would enable the members of the Legislature to get the legislative journal within two weeks of the General Assembly.

Mr. Carraway of Lenoir, who is a member of the committee on Claims, opposed the bill. He called attention to the fact that the contract with the Crumps specified that no additional changes in plans, and also that the contractors had further expressly released the government from every claim for loss or damage sustained by them by reason of the government's failure to furnish armor and material. The government held the contractors' receipt in full.

Mr. Steele of Iredell interposed a question whether the receipt was not made under duress.

Mr. Hale of Maine took the floor and said he would prefer that a temporary increase in the army be provided rather than a permanent one. He would, he said, vote for this bill because he could not get anything better. He thought that the argument that the army should be increased according to the increase of population was fallacious.

He said that aside from the emergency in the Philippines 30,000 men would

be sufficient for our needs—15,000 for coast defense, 5,000 in Alaska and the balance on the frontier would be ample. He did not know where the men would come from. With all the war feeling men did not seem inclined to enlist. He declared that it was true that the army should be increased to keep pace with the navy. The fighting of this country would be done on the sea and not on the land. He would vote for this bill, however, because he feared its defeat might result in disastrous consequences to our arms in the Philippines.

Mr. Spooner (Republican) of Wisconsin argued against the prohibition amendments suggested by Mr. Gallinger, as they were not to protect the army. He hoped that Congress would be prepared some time to legislate for the Philippine Islands.

"When?" Mr. Hale asked in an undertone.

"I do not undertake to say when we will be ready to legislate for the Philippines," Mr. Spooner replied. "I say that we will not be ready until we shall have sent there a joint committee of both houses to investigate the situation of the people and the form of government that may be adapted to them. That we have not done."

"Will we do it?" Mr. Hale asked.

"I hope so," Mr. Spooner replied.

"When?" asked Mr. Hale.

"I hope we will provide for it," Mr. Spooner replied, "before this session comes to an end. I have endeavored to propose a resolution of that kind, and shall endeavor to do so, if nobody else does."

"It ought to be done," Mr. Hale remarked.

"Of course it ought to be done," Mr. Spooner said. "Congress ought to know the exact situation in the Philippine Islands."

In the course of Mr. Spooner's remarks the discussion drifted into the question of the proposed native regiments of Filipinos (half the regular forces). Mr. Spooner and Mr. Daniel favored putting the Filipino soldiers on an equality with the American soldiers while Mr. Hale suggested that the advantage would be largely in favor of the Filipinos, who would run no risk from the climate, which was so fatal to Americans.

Mr. Tillman wanted to know whether, if the pay to Filipinos were cut one-half, their pensions would also be cut down one-half.

The debate having closed at 4 o'clock the voting on the bill and the amendments was begun. The first vote was on the amendment offered by Mr. Moore of Florida to strike out the section which authorizes the President to maintain the army at its maximum strength as fixed by this act during the present exigencies of the service or any such time as Congress may hereafter otherwise direct. The amendment was rejected—yeas 26, noes 42—a party vote.

The next vote was on the amendment offered by Mr. Moore of Mississippi, that the act shall not continue in force longer than the first of July, 1903, and that then the strength of the army shall be reduced. The amendment was rejected—yeas 25, noes 39.

WHAT'S THE USE?

Senator Cockrell Asks an Embarrassing Question

ARMY BILL PASSED

Senator Gallinger Wants to Abolish American Gin Mills in Manila by an Act of Congress

Washington, Jan. 18.—When the Senate convened today Mr. Lodge of Massachusetts presented the credentials of his colleague, Mr. Hoar, who was elected recently for a term of six years, beginning on the 4th of March next. This is the fifth election of Mr. Hoar to the Senate. With the expiration of his present term he will have served twenty-four years in the Senate.

When consideration of the Army Reorganization bill was resumed Mr. Gallinger of New Hampshire addressed the Senate in support of his amendments providing for a proper and adequate rank for the veterinarians of the army and for a chief veterinarian who should have the rank of major and be attached to the quartermaster general's department in the War Department.

Mr. Gallinger also vigorously advocated his amendment providing for the revocation of all licenses granted to American saloons in the Philippines and providing against the manufacture, sale or importation of beer, wines or distilled liquors in the Philippines.

He told the record showed there had been a steady increase in the export of like liquors from the United States to the Philippines since the American occupation. For the four months last past of which there was a record, liquors to the amount of \$360,337 had been exported from this country to the Philippines, almost one-third of the total exports to the islands for this legislation.

"What is the necessity for this legislation," inquired Mr. Cockrell of Missouri, "when the whole question is within the control of the President?"

Mr. Gallinger replied there was really no necessity, as the power under which the saloons were established in the islands could destroy them. He felt it was for Congress to assert its authority by opposing the amendment as to the control of the islands to its people. Rejected—yeas 22, noes 43.

Mr. Pettigrew moved to strike out the section providing for the enlistment of natives of the Philippine Islands. Rejected—yeas 24, noes 41.

Mr. McComas of Maryland moved to amend by striking out the age limit for volunteer officers to be examined by the War Department for the grades of captain or first or second lieutenants, and the amendment was agreed to.

He also moved to include volunteer officers who served with the grades of captain or first or second lieutenants, and the amendment was agreed to.

Mr. Gallinger moved to amend by inserting a provision revoking and nullifying licenses for the sale of opium, archipelago and prohibiting the importation or sale there of beer, wine or distilled spirits. Rejected—yeas 23, noes 43.

Mr. Lodge offered a similar amendment as to the importation of opium, except for medical purposes, and it was rejected by a similar vote.

Private Bill Day in the House. Washington, Jan. 18.—This was private-bill day in the House of Representatives.

Mr. Rogers of Missouri presented a bill to amend the act of March 3, 1879, which was demanded, some minor business was transacted by unanimous consent.

The House then went into committee of the whole (Mr. Hammon in the chair) for the consideration of bills on the private calendar. The first bill on the calendar was the bill to refer to the Court of Claims the claim of the William Crump & Sons Ship and Engine Company, arising out of the delay of the government in furnishing armor for the New York, Columbia, Massachusetts and Indiana. It was agreed to send other bills to issue duplicate checks and bonds for lost ordinals should take precedence. These were ordered favorably reported.

The Crump bill was then taken up. Mr. Tropp of Pennsylvania, who was in charge of the bill, explained its provisions and its previous history. It has been before several Congresses, and from time to time has passed one or the other House. The claims aggregate \$1,367,244. Mr. Bingham of Pennsylvania spoke in support of the bill.

Mr. Robb of Missouri, who is a member of the Committee on Claims, opposed the bill. He called attention to the fact that the contract with the Crumps specified that no additional changes in plans, and also that the contractors had further expressly released the government from every claim for loss or damage sustained by them by reason of the government's failure to furnish armor and material. The government held the contractors' receipt in full.

Mr. Steele of Iredell interposed a question whether the receipt was not made under duress.

"I have heard an intimation," replied Mr. Robb, "that the great shipbuilding firm of Crump & Sons had been coerced into surrendering a claim for over \$1,000,000 in order to secure an advance of \$150,000. But I do not believe it, and I cannot understand how any gentleman of the floor can believe it. It is ridiculous."

Mr. Dalzell of Pennsylvania made an

(Continued on Second Page.)

be sufficient for our needs—15,000 for coast defense, 5,000 in Alaska and the balance on the frontier would be ample. He did not know where the men would come from. With all the war feeling men did not seem inclined to enlist. He declared that it was true that the army should be increased to keep pace with the navy. The fighting of this country would be done on the sea and not on the land. He would vote for this bill, however, because he feared its defeat might result in disastrous consequences to our arms in the Philippines.

Mr. Spooner (Republican) of Wisconsin argued against the prohibition amendments suggested by Mr. Gallinger, as they were not to protect the army. He hoped that Congress would be prepared some time to legislate for the Philippine Islands.

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The next vote was on the amendment offered by Mr. Moore of Mississippi, that the act shall not continue in force longer than the first of July, 1903, and that then the strength of the army shall be reduced. The amendment was rejected—yeas 25, noes 39.

Mr. Berry of Arkansas offered an amendment to insert a new section providing that within ten days after this bill shall have become a law the President of the United States shall issue his proclamation declaring that the United States government hereby disclaims any disposition on intention to exercise jurisdiction, jurisdiction, or control over the Philippine Islands except for the pacification thereof, and asserts its determination, when that is accomplished, to send the regular army to the islands to its people. Rejected—yeas 22, noes 43.

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