senger and freight charges on railroads—to the Committee on Commerce.

By Mr. PERRY: Petition of business men of Greenville, S. C., against the passage of a bill to prevent the adulteration of lard—to the Committee on Agriculture.

By Mr. PHELAN: Papers in the claim of Leger Restles; of Needham Branch; of W. D. McCallum, administrator of Malcolm McCallum; of Benjamin F. Rutherford; of Francis Molitor; of Mary E. O. McGregor; of Mary A. Branch; of Carsen R. Dalton; of Martha M. Parker; of James G. Phelan, of the city of Memphis; of Lewallen Rhodes, and of Mariama Stephenson, of Tennessee—to the Committee on War Claims.

Also, petition of Jane S. Underwood, widow of O. K. Underwood, of Shelby County, Tennessee, for reference of her claim to the Court of Claims—to the Committee on War Claims.

By Mr. POST: Petition of Duncan H. McPhail and 18 others, citizens of Peoria, Ill., for a Government telegraph—to the Committee on the Post-Office and Post-Roads.

By Mr. RANDALL: Resolutions of the Anglers' Association of Eastern Pennsylvania, to limit the fishing for menhaden to a line 3 miles from the coast of the Atlantic Ocean—to the Committee on Merchant Marine and Fisheries.

By Mr. REED: Petition of Robert McArthur and others, citizens of Saco and Biddeford, Me., for improvement of Saco River—to the Committee on Rivers and Harbors.

Also, petition of the Boards of Trade of Saco and of Biddeford, Me., in favor of same—to the Committee on Rivers and Harbors.

By Mr. ROGERS: Petition of Joseph W. Leverett, of Johnson County, Arkansas, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. SENEY: Joint resolution of the General Assembly of Ohio, opposing the reduction or removal of the duty on wool—to the Committee on Ways and Means.

By Mr. STEELE: Petition of John T. Suttor and 100 others, citizens of Dunkirk, Jay County, Indiana, for a pension to William P. Gordon, minor child of William H. Gordon, late of Company A, Eighty-fourth Indiana Volunteers—to the Committee on Invalid Pensions.

By Mr. STEPHENSON: Petition of August Gebauer, for removal of charge of desertion—to the Committee on Military Affairs.

Also, petition of John Schubert, for a special-act pension—to the Committee on Invalid Pensions.

Also, memorial of the Junior Order of United American Mechanics, relating to foreign immigration—to the Committee on Labor.

Also, memorial of the Lake Carriers' Association, for a naval reserve—to the Committee on Naval Affairs.

Also, memorial of ex-soldiers, sailors, and marines, for increased rating for deafness—to the Committee on Invalid Pensions.

By Mr. J. W. STEWART: Petition of the Vermont Women's Christian Temperance Union, officially signed, for a national prohibitory constitutional amendment—to the Committee on the Judiciary.

By Mr. TOOLE: Petition of citizens of Boulder, Montana Territory, for a law prohibiting the sale of intoxicating liquors in the District of Columbia and the Territories—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. WHEELER: Papers in claim of Elizabeth Booker, of Cherokee County, and of George W. Burrow, of Jackson County, Alabama—to the Committee on War Claims.

By Mr. WHITTHORNE: Petition of James T. S. Greenfield, of Tennessee, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. WILKINSON: Petition for a pension to Jane M. Fillmore, widow of John M. Fawell—to the Committee on Pensions.

By Mr. YOST: Petition of Mrs. T. M. Randolph, widow of Edward Randolph, for reference of her claim to the Court of Claims—to the Committee on Claims.

The following petitions for an increase of compensation of fourth-class postmasters were severally referred to the Committee on the Post-Office and Post-Roads:

By Mr. BUTLER: Of citizens of Furnace, Johnson County, and of Washington College, Tennessee.

By Mr. T. J. JOHNSTON: Of W. B. Sutton and others, of North Carolina.

By Mr. LAFFOON: Of N. B. Nixon and others, of Pen, Christian County, Kentucky.

By Mr. McCLAMMY: Of citizens of Walter, Wayne County, North Carolina.

By Mr. RICHARDSON: Of W. R. Kilpatrick and 20 others, Lincoln County, Tennessee.

By Mr. ROWLAND: Of citizens of River View, Mecklenburgh County, North Carolina.

By Mr. SCULL: Of citizens of Pugh, Somerset County, Pennsylvania.

By Mr. WHITTHORNE: Of R. A. Rountree and others, of Maury County, Tennessee.

The following petitions, asking for the passage of the bill prohibiting the manufacture, sale, and importation of all alcoholic beverages in the District of Columbia, were severally referred to the Select Committee on the Alcoholic Liquor Traffic:

By Mr. HEARD (by request): Of 210 citizens of the District of Columbia.

By Mr. KETCHAM: Of 77 citizens of the Sixteenth district of New York.

By Mr. VANCE: Of 212 citizens of the District of Columbia.

HOUSE OF REPRESENTATIVES.

SATURDAY, *February* 4, 1888.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of yesterday was read and approved.

VESSELS IN DISTRESS IN CANADIAN WATERS.

Mr. NUTTING. I rise to a correction of the RECORD. While the Journal says that the preamble and resolution which I introduced yesterday were read, referred to the Committee on Foreign Affairs, and ordered to be printed, I find nothing except the resolution itself printed in the RECORD. The Journal seems to be correct; and I ask that in the RECORD of to-day the whole matter be printed.

The SPEAKER *pro tempore*. If there be no objection, that order will be made.

There was no objection.

The preamble and resolution are as follows:

HOUSE OF REPRESENTATIVES, UNITED STATES,
Washington, D. C., February 3, 1888.

Whereas it is alleged that the Canadian authorities for years have refused and now refuse to allow American wrecking vessels and machinery to assist American vessels while in distress in Canadian canals and waters; and it is alleged further that Canadian wrecking vessels and machinery have been and now are allowed to come into American waters and assist any vessels there in distress—some of the facts in regard to these allegations will appear by the attached letters, which are made a part hereof:

"OSWEGO, N. Y., *February* 1, 1888.

"DEAR SIR: On or about the 30th day of September, 1881, I, being controlling owner of steam-barge Thompson Kingsford, was notified that she was ashore at Wellington, Ontario, and immediate assistance was needed. I informed our wrecker, Mr. Allen, who expressed himself ready to start at once provided the Canadian authorities would give him permission to work in their waters. I therefore applied by wire to the minister of marine at Ottawa, and after a long delay was informed that the assistance needed could be procured at Kingston, and the application was denied. I thought the treatment was severe, especially as my tugs were all ready to go, and we could have got the barge out of danger in twenty-four hours. As it was, during the delay, or rather by the delay in waiting for an answer, she was subjected to a severe gale, causing great damage and eventually costing us about $1,200 more than it would if we could have done the work ourselves.

"Again, on or about the 19th day of August, 1882, the same barge was sunk in the bay of Quinte by collision, and I again made application to go to her relief with my own appliances, and was again refused.

"To sum the matter up, the Canadian Government have persistently refused to allow us to use our tugs or wrecking appliances in their waters under any and all circumstances.

"JOHN K. POST.

"Hon. N. W. NUTTING,
"*Washington, D. C., House of Representatives.*"

"OSWEGO, N. Y., *February* 1, 1888.

"DEAR SIR: At the suggestion of Mr. Allen, I make the following statement: On or about the 3d day of November, 1882, the schooner Camanche, of which I was controlling owner, was sunk in the Welland Canal, near Port Colborne. Although Buffalo was but 20 miles, and assistance could have been procured in six hours, we were told that American assistance would not be permitted, although at that moment the steam-pumps were loaded and ready to come. The result was we had to wait for assistance from Amherstburg, nearly 300 miles distant, and causing a delay of three days. Owing to the delay, the vessel's cargo swelled and sprung her entire deck up, and almost ruined the vessel.

"The treatment by the Canadians in this case was very unfair, and not at all as we treat them.

"ALBERT QUONCE.

"Hon. N. W. NUTTING, *Washington, D. C.*"

Therefore,

Resolved, That the Treasury Department of the United States is hereby requested, if not inconsistent with the public good, to transmit to this House with all convenient speed any and all correspondence, orders, and information in its custody in regard to the refusal of the Canadian authorities to allow American wrecking vessels and machinery to assist American vessels while in distress in Canadian waters, and as to whether Canadian wrecking vessels and machinery have been and are permitted to operate in American waters.

DEFICIENCY APPROPRIATION FOR POSTAL EXPENSES.

The SPEAKER *pro tempore* laid before the House a letter from the Secretary of the Treasury, submitting a deficiency estimate from the Postmaster-General of appropriations to pay clerks in post-offices, and for rent, fuel, and light; which was referred to the Committee on Appropriations, and ordered to be printed.

LIGHT-STATION AT TWO HARBORS, MINN.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of the Treasury, transmitting a letter from the Light-House Board recommending legislation for the establishment of a light-house station at Two Harbors, Minn., instead of a light-house, as provided in the sundry civil appropriation act of August 4, 1886; which was referred to the Committee on Appropriations, and ordered to be printed.

CLAIM OF FREDERICK FRERICHS AND GEORGE E. HINDEE.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of the Treasury, transmitting urgent deficiency estimates of appropriations to pay judgments of the Court of Claims in favor of Frederick Frerichs and George E. Hindee; which was referred to the Committee on Appropriations, and ordered to be printed.

PAY OF ADDITIONAL JUDGE, SECOND JUDICIAL CIRCUIT.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of the Treasury, submitting an urgent deficiency estimate of appropriation for salary of additional judge in the second judicial circuit; which was referred to the Committee on Appropriations, and ordered to be printed.

ROOMS FOR HOUSE COMMITTEES.

The SPEAKER *pro tempore* also laid before the House a letter from the Clerk of the House in reference to renting certain rooms for committees; which was referred to the Committee on Accounts.

Mr. WHITTHORNE. I ask that this communication of the Clerk of the House be referred with instructions to the Committee on Accounts to report at as early a day as practicable.

The SPEAKER *pro tempore*. If there be no objection, that order will be made.

There was no objection, and it was ordered accordingly.

LEAVE OF ABSENCE.

Mr. BARNES, by unanimous consent, obtained leave of absence for one week, on account of sickness and business.

JOHN C. WEAVER.

Mr. LANDES. I ask unanimous consent for the present consideration of a bill now on the Calendar of the Committee of the Whole House—the bill (H. R. 108) for the relief of John C. Weaver.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to John C. Weaver, of Dennison, Clark County, Illinois, the sum of $600, out of any moneys in the Treasury not otherwise appropriated, as compensation for a substitute furnished the Union Army during the war.

The SPEAKER *pro tempore*. Is there objection to the present consideration of the bill?

Mr. TAULBEE. I would like to hear the report read before consent is given.

The SPEAKER *pro tempore*. The report will be read, the right to object being reserved.

The report (by Mr. O'NEALL, of Indiana) was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 108) for the relief of John C. Weaver, report as follows:

The facts out of which this claim for relief arises will be found stated in House report of the Committee on War Claims of the Forty-ninth Congress, a copy of which is hereto appended and made a part of this report.

Your committee adopt the said report as their own, and report back the bill and recommend its passage.

[House Report No. 3423, Forty-ninth Congress, first session.]

The Committee on War Claims, to whom was referred the bill (H. R. 5949) for the relief of John C. Weaver, having considered the same, respectfully report:

The claimant was drafted into the military service of the United States September 29, 1864—under the President's call, dated July 18, 1864, for 500,000 men for the term of one year—from Wabash Township, Clark County, Eleventh Congressional district of Illinois; examined, accepted, and held to service by the board of enrollment of said district November 12, 1864; sent to and received at draft rendezvous, Camp Butler, Springfield, Ill., November 22, 1864; assigned and forwarded to the Fiftieth Regiment Illinois Volunteers December 2, 1864; delivered at headquarters Provisional Division of the Cumberland, Nashville, Tenn., December 8, 1864. He was mustered out and honorably discharged (a private, Company F) July 18, 1865.

Immediately upon being so drafted, and as soon as the claimant reached Springfield, Ill., he procured one William Matheney to go as his substitute, and paid said Matheney for going into the military service of the Government as such substitute for said claimant the sum of $600.

It appears from the records of the War Department that William Matheney was enlisted December 6, 1864, for one year as a substitute for John C. Weaver: that he was accepted by board of enrollment of said district, sent to and received at draft rendezvous, Camp Butler, Illinois, December 6, 1864, assigned and forwarded to the Fifty-third Regiment Illinois Volunteers December 9, 1864, and delivered at headquarters Provisional Division of the Cumberland, Nashville, Tenn., December 13, 1864. He was mustered out and honorably discharged with his company (C) July 22, 1865.

The evidence clearly shows the claimant was compelled to perform this service for the Government without any fault or negligence on his part, but solely through the mistake or fraud of the agents of the Government, and that he has never been repaid from any source any part of the said sum of $600 which he was compelled to expend in order to procure said substitute.

Your committee have no hesitation, under the facts, in recommending that said claimant be allowed and paid the said sum of $600, and accordingly report in favor of the passage of the bill.

Mr. TAULBEE. I do not desire to object to this bill.

There being no objection, the House proceeded to the consideration of the bill, which was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. LANDES moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BAPTIST FEMALE COLLEGE, LEXINGTON, MO.

Mr. WARNER. I ask unanimous consent to take up from the Private Calendar and put on its passage now the bill (H. R. 2601) for the relief of the Baptist Female College, of Lexington, Mo.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the Baptist Female College, of Lexington, Mo., out of any money in the Treasury not otherwise appropriated, the sum of $4,000, compensation for rent of the college building while used by the United States Army for four years from 1861.

The amendments reported by the Committee on War Claims were read, as follows:

First amendment: In line 6 strike out the word "four" and in lieu thereof insert the word "three;" and after the word "thousand," in the same line, insert the words "one hundred and sixty-seven;" and in the same line, after the word "dollars," insert the words "and sixty-seven cents."

Second amendment: Add at the end of the bill the following: "*Provided*, That the said sum be accepted in full payment of all claims against the United States down to the date of the passage of this act."

There being no objection, the House proceeded to the consideration of the bill.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The SPEAKER *pro tempore*. The question is, Shall this bill as amended pass?

Mr. ALLEN, of Michigan. Mr. Speaker, can we not have the report read?

The SPEAKER *pro tempore*. The report will be read.

The report (by Mr. THOMAS, of Wisconsin) was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 2601) for the relief of the Baptist Female College, of Lexington, Mo., respectfully report as follows:

The facts out of which this claim for relief arises will be found stated in House Report No. 3135, of the Committee on War Claims of the Forty-ninth Congress, a copy of which is hereto annexed and made a part of this report.

Your committee adopt the said report as their own, and report back the bill and recommend its passage with the following amendments:

First amendment: In line 6 strike out the word "four" and in lieu thereof insert the word "three;" and after the word "thousand," in the same line, insert the words "one hundred and sixty-seven;" and in the same line, after the word "dollars," insert the words "and sixty-seven cents."

Second amendment: Add at the end of the bill the following: "*Provided*, That the said sum be accepted in full payment of all claims against the United States down to the date of the passage of this act."

[House Report No. 3135, Forty-ninth Congress, first session.]

The Committee on War Claims, to whom was referred the bill (H. R. 7321) for the relief of the Baptist Female College, of Lexington, Mo., have had the same under consideration, and report as follows:

About July 1, 1861, the properly constituted military authorities of the United States took possession of the Baptist Female College building and grounds, at Lexington, Mo. This was a large educational institution owned and controlled by the Baptist Church organization. This property was not situated in a seceding State. It was used as barracks for the troops of the United States, to the entire exclusion of the owners, until September, 1864, a period of three years and two months, and besides being thus occupied by the United States the property was greatly damaged. Finally claim was made to the Quartermaster's Department for compensation, but payment was refused for want of proof of loyalty.

While it was pending before the Quartermaster's Department it was referred to Maj. J. M. Moore, quartermaster, for investigation. We quote as follows from his report:

"The building was taken possession of by United States troops on July 1, 1861, and not vacated until September, 1864. The damage sustained by the building by reason of its occupancy by the Government will not fall short of $10,000."

It was not the policy or practice of the Government to pay rent for public buildings used during the war, but in meritorious cases to restore them to their former condition, ordinary wear and tear excepted. But in the case of the Frederick Academy of the Visitation, Maryland, the Quartermaster-General reported to the Secretary of War, "it is difficult to draw the line between public and private in case of schools;" whereupon the Secretary approved the payment of rent, which has since been allowed by the accounting officers of the Treasury.

Your committee believe this to be a parallel case, and that the claimants herein should be allowed rent for three years and two months at the rate of $1,000 per annum, which the evidence shows to have been a reasonable rent, and reject all claims for damages.

Your committee therefore recommend that the bill do pass with the following amendments:

1. In line 6 strike out the word "four" and in lieu thereof insert the word "three," and after the word "thousand," in the same line, insert the words "one hundred and sixty-seven," and in the same line, after the word "dollars," insert the words "and sixty-seven cents."

2. Add at the end of the bill the following: "*Provided*, That the said sum be accepted in full payment of all claims against the United States down to the date of the passage of this act."

Mr. ALLEN, of Michigan. Mr. Speaker, I do not interpose any objection to this bill.

The SPEAKER *pro tempore*. The question is on the passage of the bill as amended.

Mr. SPRINGER. One word before the question is taken upon the passage of the bill.

I did not offer objection to bringing up the bill for consideration, but merely wish to state to the House that I can see no difference between the principle involved in the pending bill and the claim of William and Mary College, in Virginia, which was decided adversely by a very large majority on a yea-and-nay vote in the Forty-fifth Congress after a long and exhaustive debate.

Mr. DOCKERY. I think the gentleman objected the other day to such a bill on the ground of location?

Mr. SPRINGER. No, sir; I have made no such objection.

The SPEAKER *pro tempore*. The question is on the passage of the bill.

The bill as amended was ordered to be engrossed for a third read-

ing; and being engrossed, it was accordingly read the third time, and passed.

Mr. WARNER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

B. M. PARISH.

Mr. CARUTH. I ask unanimous consent to take from the Private Calendar the bill (H. R. 322) for the relief of B. M. Parish, and pass the same with amendments.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and is hereby, authorized and directed to pay to B. M. M. Parish, of Barren County, Kentucky, out of any moneys in the Treasury not otherwise appropriated, the sumof $1,590, for property taken and used during the late war.

Mr. BURROWS. Before consent is given for the consideration of the bill let the report be read.

The report (by Mr. PENINGTON) was read, as follows:

This claim was presented to the Forty-ninth Congress, and a report was made in regard to it by the Committee on War Claims. As the examination by your committee has led them substantially to the same results with those arrived at by the committee of 1886, they do not think it necessary to recapitulate the facts, but refer to that report, and herewith annex a copy for information.

Your committee recommend that the bill referred to them do pass with the following amendment:

In lines 6 and 7 strike out the words "one thousand five hundred and ninety," and insert in lieu thereof the words "six hundred and thirty-five."

[House Report No. 1443, Forty-ninth Congress, first session.]

The Committee on War Claims, to whom was referred the bill (H. R. 4512) for the relief of B. M. M. Parish, having considered the same and accompanying papers, submit the following report:

The committee find the facts to be stated in House report No. 2360, Forty-eighth Congress, second session, which report is hereto annexed and made a part of this report, and is as follows:

"The petition filed in support of this bill alleges a claim against the Government of the United States for corn, hay, and wood taken by the Army during the late war. Claim stated at $1,596.

"Claimant is a farmer, and resides on his farm of 400 acres, in Barren County, Kentucky. In October, 1862, at the time General Bragg was retreating from Kentucky, immediately after the battle of Perryville, General Rousseau's division of the United States Army, in following the retreat of Bragg, encamped on claimant's farm and remained three days, and whilst there took from him the stores charged for, and for which no vouchers or receipts were given.

"Claimant filed his claim in the War Department for adjudication. The Quartermaster-General referred the case to a special agent of the Quartermaster's Department for investigation and report. On October 18, 1874, he submitted a report thereon. He finds the claimant to have been loyal, and he recommended settlement of the claim, as follows:

For 700 bushels of corn, at 50 cents per bushel	$350
For 6,000 pounds hay, at 75 cents per 100 pounds	45
For 80 cords of wood, at $3 per cord	240
Total	635

"The Quartermaster-General, on January 8, 1881, considered the claim and recommended that it be disallowed, for the reason that he was not convinced of the loyalty of the claimant.

"Your committee do not concur in the recommendation of the Quartermaster-General. We are satisfied that the claimant was a loyal citizen. His loyalty is established by gentlemen well known for their unfaltering devotion to the Union during the late war.

"The committee therefore recommend that the claimant be paid $635, the amount recommended by the agent of the Quartermaster's Department, and report back the bill and recommend its passage with an amendment, as follows:

"In lines 6 and 7 strike out the words 'one thousand five hundred and ninety' and insert in lieu thereof 'six hundred and thirty-five.'"

The committee therefore adopt said House report as the report of this committee, and report the accompanying bill (H. R. 4512) with amendments, and recommend that it do pass.

The SPEAKER *pro tempore*. Is there objection to the present consideration of the bill?

There was no objection.

The amendment recommended by the committee was agreed to.

Mr. CARUTH. I move a further amendment by striking out the initial "M." where it occurs the second time in the name. It should read "B. M. Parish," and not "B. M. M. Parish."

The SPEAKER *pro tempore*. Without objection the amendment will be agreed to.

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The SPEAKER *pro tempore*. The title of the bill will be amended to conform to the text of the bill.

Mr. CARUTH moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PETER MARCH AND OTHERS.

Mr. BUTTERWORTH. Mr. Speaker, I ask unanimous consent to discharge the Private Calendar from the further consideration of the bill (H. R. 3957) for the relief of Peter March, Thomas J. Wright, administrator, and others, and put it upon its passage. This bill, I will state, is for the payment of wages due to certain employés of the Government for twenty-odd years as the report sets forth. It has been reported favorably a number of times and is now on file in the present Congress. It appropriates the sum of $3,050 to pay about thirteen employés of the Government. The amount is confessedly due, and has been for twenty-odd years. The report may be read.

Mr. PERKINS. I ask for the reading of the report.

The Clerk proceeded to read the report.

Mr. PERKINS. I am satisfied with the report as far as it has been read, and do not desire its further reading.

Mr. SPRINGER. I demand the further reading of the report.

The Clerk resumed and concluded the reading of the report. It is as follows:

The money appropriated by this bill has been due the claimants for more than twenty-three years. The bill providing for payment has been favorably reported to the House several times.

The Forty-eighth Congress referred the bill to the Court of Claims for a finding of facts. The finding of the court was reported to the Forty-ninth Congress, and the passage of the bill recommended by the Committee on War Claims; but it was not reached on the Calendar, and came over to this Congress and was placed on the Calendar.

Your committee have considered the findings and report of the Court of Claims, and recommend that the bill do pass.

[House Report No. 1613, Forty-ninth Congress, first session.]

That the Committee on War Claims of the Forty-eighth Congress, not being clearly and fully advised of all the facts in the case, referred it to the Court of Claims for a finding under the provisions of an act entitled "An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government," approved March 3, 1883.

Said claim has been returned by said Court of Claims to the committee, with the following findings of fact filed by the court February 1, 1886:

I.

The steam-boat Prima Donna was chartered November 22, 1864, by Capt. J.V. Lewis, assistant quartermaster, United States Army at Cincinnati, to transport a cargo from Cincinnati to Nashville, and to bring back such freight and troops as the officers of the Quartermaster's Department might send. It was to be a round trip, from Cincinnati to Nashville and return.

II.

There was no written contract or charter-party between Captain Lewis and the owners for the service of the boat. The terms of the agreement were that the Government should pay $200 per day for the services of the boat and crew and management, besides furnishing coal for its running, and the owners were to furnish the boat, manned, equipped, victualed, and officered, and operate and navigate the same, the movements and cargo only being under the direction of the officers of the Quartermaster's Department, while the owners had the entire and absolute possession of the boat, one of whom was on board and navigated the same.

III.

The steam-boat while so chartered carried a cargo from Cincinnati to Nashville, arriving at Nashville November 28, 1864. In pursuance of the original orders given by Captain Lewis for the vessel to return to Cincinnati after delivering the cargo at Nashville, the captain, on December 2, 1864, was ordered by the quartermaster at that place to take on board as many unserviceable mules as she could accommodate, and proceed with the same to Louisville. The captain objected to leaving, and protested against doing so, a report having come up that the Confederate forces were on the bank below Nashville in great numbers, and fully armed and equipped, but the quartermaster reiterated the order to leave. The captain requested a military escort, but the request was refused, and the quartermaster threatened that the captain and crew should be arrested if they did not immediately comply with the order; thereupon the steam-boat yielded compulsory obedience and left Nashville under these orders. About 18 miles below Nashville, on the Cumberland River, at a place called Bell's Mills, she was captured by Confederate forces armed with field-pieces, and the captain and crew were held as prisoners of war. The vessel herself was shortly afterwards recaptured and taken back to Nashville, and on December 17, 1864, was sent to Cincinnati, where she was discharged December 31, 1864, and the owners were paid in full for her services to that date.

IV.

Joseph Scott was captain of said steam-boat, and his wages at the time of capture were $250 a month; Isaac M. Clement was chief engineer, and his wages were $150 a month; David Vaughn was carpenter, and his wages were $75 a month; Barney J. Schooley was steward, and his wages were $75 a month; Frederick Kimmerly was a watchman, and his wages were $50 a month; Peter Marck, Frederick Smith, Owen McNabb, and Thomas Miller were deck-hands, and the wages of each were $40 a month. All of these persons were captured as aforesaid on December 3, 1864, and remained in captivity till the 15th of April, 1865, when they were paroled and released, with the exception of Captain Scott, who was released on the 11th of April, 1865; Barney J. Schooley, who escaped December 25, 1864; and Peter Marck, who was paroled February 22, 1865, and reached his home at Cincinnati March 4, 1865, though not finally exchanged till April 15, 1865. They have received no wages for the time they were in captivity, nor any commutation of rations.

The claims set up in this case were allowed by the Third Auditor, but disallowed by the Second Comptroller on the ground that such payments were not warranted by law.

V.

The claimants' wages and commutation of rations for the period of their captivity would amount to the following:

Joseph Scott, captain, at $250 a month, December 3, 1864, to April 11, 1865, four months and nine days	$1,075.00	
Commutation of rations, 25 cents a day	32.25	
		1,107.25
Isaac M. Clement, chief engineer, at $150 a month, December 3, 1864, to April 15, 1865, four months and thirteen days	665.00	
Commutation of rations	33.25	
		698.25
David Vaughn, carpenter, at $75 a month, December 3, 1864, to April 15, 1865, four months and thirteen days	332.50	
Commutation of rations	33.50	
		365.00
Barney J. Schooley, steward, at $75 a month, December 3, 1864, to December 25, 1864, twenty-two days	55.00	
Commutation of rations	5.50	
		60.50

Frederick Kimmerly, watchman, at $60 a month, December 3, 1864, to April 15, 1865, four months and thirteen days	$221.58
Commutation of rations	33.25
	354.83
Peter Marck, deck-hand, at $40 a month, December 3, 1864, to March 4, 1865, three months and one day	121.33
Commutation of rations	22.75
	144.08
Frederick Smith, deck-hand, at $40 a month, December 3, 1864, to April 15, 1865, four months and thirteen days	177.33
Commutation of rations	33.25
	210.58
Thomas Miller, same rate and time	177.33
Commutation of rations	33.25
	210.58

By the court.
A true transcript of record.
Test:
This 18th day of February, 1886.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

The members of the crew of said steamer first filed their claim with the accounting officers of the Treasury Department, by whom some of their claims were settled and paid, while for some reason not known to your committee the claims comprised in this bill were not paid, and a bill for their relief was presented to the Forty-seventh Congress, and was reported on favorably by the Committee on War Claims, passed the House of Representatives, and failed to secure consideration in the Senate for want of time. A bill for their relief was presented to the Forty-eighth Congress and was disposed of by reference to the Court of Claims, as heretofore stated.

Your committee therefore report the bill (H. R. 6203) providing for the payment of the amount found due said several claimants by said Court of Claims, and recommend that it do pass.

The SPEAKER *pro tempore*. Is there objection to the present consideration of the bill?

Mr. LANHAM. I desire to ask a question of the gentleman from Ohio. Whether this bill was referred in the present Congress, and reported by a committee of this House?

Mr. BUTTERWORTH. Yes, sir; it was introduced during this session, and was reported by the honorable gentleman from Kentucky [Mr. STONE] last week favorably from the Committee on War Claims, and is now upon the Calendar.

There being no objection, the bill was ordered to be engrossed for a third reading; and being engrossed it was accordingly read the third time, and passed.

Mr. BUTTERWORTH moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

TERMS OF UNITED STATES COURTS, MINNESOTA.

Mr. WILSON, of Minnesota. Mr. Speaker, I ask unanimous consent to discharge the House Calendar from the further consideration of the bill (H. R. 5932) providing for the holding of the terms of the United States courts in the district of Minnesota, and put the same upon its passage.

The SPEAKER *pro tempore*. The bill will be read subject to objection.

The bill is as follows:

Be it enacted, etc., That hereafter the regular terms of the circuit and district courts of the United States in the district of Minnesota shall be held at the times and places following: At Duluth, on the second Tuesday in April; at St. Paul, on the first Tuesday in June; at Winona, on the third Tuesday in November in each year.

SEC. 2. That a grand jury and a petit jury shall be summoned for each of said terms, which juries so summoned shall be competent, and are hereby authorized, to sit and act as such juries in either and both of said courts at such term.

SEC. 3. The clerk of the district court shall appoint two deputies, one of which shall reside and keep his office and the records of said courts at Duluth; and the other of which shall reside and keep his office and the records of said courts at Winona.

SEC. 4. That the clerk of said district court shall also be the clerk of said circuit court where the same is held in said district, except at St. Paul.

SEC. 5. That all acts or parts of acts inconsistent with this act are hereby repealed.

SEC. 6. That this act shall take effect on and after —— next.

The SPEAKER *pro tempore*. Is there objection to the present consideration of the bill?

There was no objection.

Mr. WILSON, of Minnesota. I offer the following amendments to the bill.

The Clerk read, as follows:

Strike out of lines 6 and 7 of the first section the following words, "on the first Tuesday in June," and instead thereof insert the words "on the third Monday in June and the second Monday in December."

Strike out of line 7, section 1, the word "third" and insert "second."

Strike out in line 7, section 1, the word "November" and insert "January;" so that it will read:

"At Duluth, on the second Tuesday in April; at St. Paul, on the third Monday in June and the second Monday in December; at Winona, on the second Tuesday in January in each year."

Also, strike out in section 6 the word "next" and insert the words "its passage;" so that it will read:

"SEC. 6. That this act shall take effect on and after its passage."

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. WILSON, of Minnesota, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MEETINGS OF COMMITTEE ON RIVERS AND HARBORS.

Mr. CRISP. I demand the regular order.

I call up the contested-election case of Lowry *vs.* White, but yield to the gentleman from Louisiana, who wishes to make a request.

Mr. BLANCHARD. The gentleman from Georgia yields to me for a moment.

I am directed by the Committee on Rivers and Harbors to ask leave for that committee to sit during the sessions of the House; and I make that motion accordingly.

The SPEAKER *pro tempore*. Without objection the request will be granted.

There was no objection, and it was so ordered.

PROHIBITORY LAWS IN THE DISTRICT.

Mr. GUENTHER. I rise to a question of privilege. I have before me a petition signed by more than six thousand male adult residents of the District of Columbia, protesting in respectful terms against the enactment of prohibitory laws in the District. Yesterday, to see what would become of this petition if I sent it in the ordinary way to the petition-box, I took one leaf containing the body of the petition and thirty-seven names attached and sent it to the petition-box. To-day I see no mention of it in the RECORD. I now claim as my right, under Rule XXII, that at least the body of the petition shall be printed in the RECORD.

The SPEAKER *pro tempore*. The gentleman from Wisconsin requests that the body of the petition, the nature of which he has stated, be printed in the RECORD. The Chair hears no objection, and that order is made.

The petition is as follows:

To the Senate and House of Representatives in Congress assembled:

The undersigned, citizens of the United States and citizens of the District of Columbia, have the honor herewith to protest in the most respectful manner against the enactment by law of any prohibitory liquor legislation for the District of Columbia. The reasons for our protest are as follows:

First. Prohibition does not prohibit.

Second. We have now, and have had for years, for all practical purposes, local option in the District of Columbia, as no one can secure a license without the consent of the owners of real estate or residents within the square where the saloon is situated.

Third. It is discriminating against the commercial and business interests of the District of Columbia, and in favor of neighboring States, cities, and communities.

Fourth. It will lead to indiscriminate illicit distilling and smuggling.

Fifth. It will destroy industries that have in good faith and under the sanction of law grown up in the District for more than a half century, and which have materially aided in the development and prosperity of the District.

Sixth. More than fifteen hundred buildings now owned, rented, and occupied will become vacant, destroying their value and giving no compensation in lieu thereof.

Seventh. The wholesale business, now prosperous, will be diverted to Baltimore. Trade follows liberal laws and deals where it can secure all its wants.

Eighth. The wage-workers not only in the places where liquor is sold and manufactured, but also in all branches of business dependent on the same, will be thrown out of employment by prohibitory legislation.

Ninth. It is a blow at the industrial interests of the country, as the cereals of the farmer enter largely into the products of the brewer and distiller.

Tenth. It will divert, not destroy, the liquor traffic; the drug stores will become the saloon and perjury prove to be the order of the day.

Eleventh. Prohibition has in every instance where tried increased, not lessened, drunkenness. Prohibition is in the interest of immorality, for it creates hypocrisy, perjury, and dishonesty, and makes the home a saloon. The appetite of man can not be legislated away; it must be trained, not restrained. Crime can not be prevented by law; it can only be punished. The traffic of manufacturing liquor must be regulated so as to produce purity, its selling so regulated as to make it respectable.

Twelfth. We are not the upholders of vice, crime, or drunkenness; we are peaceful, law-abiding citizens, proud of our country, and desirous of its prosperity, but not in favor of unnatural laws that will prove a dead letter on the statute-books.

CONTESTED ELECTION—LOWRY VS. WHITE.

Mr. STEWART, of Vermont. I ask unanimous consent to take up a bill from the Private Calendar for consideration at this time.

Mr. CRISP. I call up as a question of the highest privilege the pending election case. I yield thirty minutes to my colleague on the committee, the gentleman from Texas [Mr. MOORE].

Mr. MOORE. At the close of the debate upon the report of the committee the day before yesterday most pregnant and important questions were asked, and they were answered. The distinguished gentleman from Massachusetts [Mr. LONG] I remember as one who asked such a question. The gentleman from Missouri [Mr. BLAND] was another; and yet other gentlemen made this significant and important inquiry of the gentleman from Ohio [Mr. COOPER], who was concluding his remarks: With regard to the names of those who purported to have become naturalized citizens in the county of Allen from 1860 to 1870 inclusive, did there appear on the record in fact any order of the court naturalizing these one hundred and seventy-eight people—a period of time covering ten years and including the date at which Mr. White says

he was naturalized? I say that is a most important and pregnant inquiry. And it was answered, within the hearing of every member of this House, that the records of the court of Allen County were silent as to the naturalization of these one hundred and seventy-eight people.

Am I mistaken? Was not that the question? Was not that the answer? Why was the question asked and why the answer?

Let me be fair and candid about this matter. If it is a fact that the records of the court of Allen County, in Indiana, are so utterly without verification, so utterly without judgments and decrees of court, well might Mr. White say that within that period, "on the 27th or 28th day of February, 1865, I was naturalized, and there is no record of my naturalization." In the ratio and proportion of the want of fidelity in that record is the truth of Mr. White's claim exhibited. In the exact ratio, therefore, in which the record of Allen County is correct, in that ratio Mr. White's statements are not to be credited. I now state to this House that there is a full and complete naturalization record in the case of every one of those one hundred and seventy-eight men. I will show that from the record, and more, there is not a man in Indiana or out of it who has ever produced a certificate of naturalization in that court where the record does not disclose the fact of complete naturalization, except the one unfortunate fatal mistake for Mr. White.

There is one name, I am fair in stating, that is in this condition. But I tell the House it will appear from that record before we are through with it that there will not be left a vestige of a claim for Mr. White. On page 287 appears the name of Gotlieb Laemle. So far from that being a defect in the record it comes to us with absolute force of proof of the verity of the record. Laemle in 1854 received a certificate of naturalization, and that certificate recites the reason why no record in 1854 should be made of it, and that is, it came within one year of the filing of his declaration. Therefore he should not have been upon the record, and some clerk gave him this certificate that he was not entitled to. But when it came to the records of the court Mr. Laemle's name does not appear until 1865. In that year he did have it put upon the record. I say, therefore, that the absence of the name of Laemle in 1854 is a pregnant fact testifying to the verity of the record.

Now, to this record. An examination of it by the House will disclose a most remarkable fact, the fact of a conspiracy; and I think I know what I am talking about. I know I have examined every figure and fact in that record. What does it disclose? There is no dispute about it. Maier, a clerk, testifies that at the instance of Mr. White he was engaged for two weeks making up those three sheets of paper. How did he make it? Here is the testimony. He says, "I took down every name from 1860 to a certain date in 1870, inclusive, that appeared upon the naturalization book." He then begins it; he puts down the names—and I regret that every member of the House has not a copy of this record. I will try to give some description of it. The first name is Adolphus Klein. Then running out a column, "mark," "page;" under the word "page" is "100," signifying that Klein is on the one-hundredth page of a book, a naturalization book. He then makes another column, which he heads "order-book." He follows that down with the names or marks of the order-books "T," "J," "K." Then another column of figures; opposite Klein's name "70," the page of the record of the order-book, which the clerk put in there only to represent that if Klein was naturalized on the date specified, namely, January 16, and there had been an order on the order-book, it would have been on that page. Then another column, which, from beginning to end, is marked "no record." Then another column, indicating the terms of the court by name, "common pleas" and "circuit."

Now, wherefore that arrangement? He goes on in his testimony and tells us that upon the order-book of that court there is not a naturalization of these persons, and that there is no record of it. He combines these two things cunningly to deceive. His statement did deceive part of the majority of the committee; it did deceive every member of the minority on this floor, judging from their statements, and it did deceive a large proportion of the members of this House. A cunning device! He said, "I will take so much of the record from the books of naturalization, and I will take so much from the order-book of the court, and, combining the two, I shall be able to testify that the record of the court discloses no naturalization of these persons." Kern, who was a deputy, has testified to the same fact. Maier testifies again, and I will read to you now from his testimony to show you how he stated it and how he happened to get caught. I am going to read from page 284. Mark you, Maier had testified earlier in this record, but here he is recalled; and when they get through with his direct testimony the following questions are asked him on cross-examination, and then for the first time this fraud, this trick, this deception, begins to be unfolded. The House will indulge me, I trust, if I consume a little extra time in trying to be careful about this statement. I read now from the cross-examination of Maier:

20. Q. You still adhere, then, to the view that there is some legal requirement rendering it incumbent on the judge to note the proceedings of the court on what is called the court docket?

A. I know of no such law, only the practice and custom of the judges, which I suppose is to prevent clerks from writing up proceedings that have not come before the court.

21. Q. How many of the matters contained in the list marked "Exhibit D" are there, if any, which do not appear in the record called the Record of Final Oaths?

(Objected to as immaterial and irrelevant, and for the further reason that there is no such record authorized by law.)

A. Under instructions I commenced with said record of date January 16, 1860, page 100, and took off every name up to and including August 20, 1870, page 188 of said book; during which time there was between one hundred and seventy and eighty names contained in said exhibit, each of which appears in said record.

22. Q. There are, then, none of those but what appear of record in said Record of Final Oaths?

A. The names are copied from the book called Record of Final Oaths, No. 1, Allen County.

23. Q. And that is a record book composed of entries consisting of blank forms filled up in such manner as to adapt them to the particular case, and similar to those set forth in Exhibit V, connected with the deposition of your former deputy, Mr. Jacob J. Kern, is it not?

A. Can't say that it is a record, only that it is a book containing blank forms to be filled up so as to adapt them to any particular case as set forth in Exhibit V.

Turning to Exhibit V, they copy from that book the exact requirements of the law decreeing full naturalization, and the clerk certifies that it is an exact copy from the book.

Mr. MORGAN. Are the judgments of the court ordering naturalization in that book?

Mr. MOORE. I see the point the gentleman is after, and I will answer his question before I get through. Now, gentlemen of the House of Representatives, I say there is not a man, not one—if there is, who is he and what is his name?—there is not a man, I say, who was naturalized in Allen County but that his name appears in the record and his final naturalization is declared, not in the order book, but in a book of final oaths. There is not a case except the one I have told you about, and that case is significant.

Now, how are these books made? I take it that almost every gentleman in this House has been in some State court when people were being naturalized. I happen to live in a district composed largely of foreign-born citizens. The county I live in, an agricultural county, has some 4,000 voters. Having myself presided on the bench for ten years, it is possible that I have personally witnessed the issue of as large a number of naturalization papers as any one here, possibly a larger number than any other member of this House.

The matter is done there exactly as it is done in Indiana. These records are not a part of the regular records of the court. I take it that in Mississippi—and I am somewhat of a Mississippian myself—there are certain orders of a court so formal in their character, being always in exactly the same words—for instance, forfeitures of bonds and proceedings in cases of naturalization—that it is more economical to have the books containing such matters bound as such, being made sometimes by order of the court a part of the minutes, and sometimes not; so that in this department of business those minutes pertaining to forfeitures and to naturalization are made in a moment by filling up the blanks in those books.

Now, this cunning device has been discovered; but in it is another fact overwhelming when the records of Allen County are attacked for a proper and intelligent purpose, to destroy their verity; and in proportion as their verity is destroyed so becomes important and of probable truth the statement of Mr. White. But when Mr. White is the only man in the county of Allen who says, "I obtained a certificate, but it is lost," and yet his name is not recorded among the names of those made citizens by that court, then his case is peculiar. If Mr. White had said, "I was naturalized, but they gave me no paper," his case would have been stronger. Why, sir, these blanks are filled up, and one of them is given to the citizen while the other is retained. Mr. White's position is that the officer of the court gave him one of the certificates and retained in the office the other blank. Where is that blank? Let it be produced.

Mr. White gives as the date of his naturalization the 27th or 28th day of February, 1865. If on that date there was an odd blank in that book it might correspond with the certificate alleged to have been received by Mr. White; but if there is no blank in that book it does not correspond with the assumption that one blank was filled up and another not filled up. Who will explain this?

Turning to that date you find that on the 27th day of February Mr. Wellman was naturalized; and that is all right. On the 28th of February Caspar Shoep was naturalized; and there is his testimony; he is all right in the record. But Mr. White is out of the record. There is nothing, except what he says, to show that he was ever in the court or that his name was ever upon the record.

Mark you, silence is sometimes an overwhelming answer; and the silence of a record answers any man who says there is a record when there is no record, with this limitation and exception, that if, on examining the records, you find them so defective that they can not import their own verity, then human testimony can begin. A record that does not exist is as much verified by its non-existence as a record that does exist to verify what the record says. That is law.

Now, gentlemen, I desire to look briefly (for I must be brief) at what I concede to be the law. I state to you that in the provision of our Constitution in reference to naturalization are the strangest words to be found in any ordinance or law. The provision is that Congress shall have power—

To establish—

That is the first time such language was used—

To establish an uniform rule of naturalization—

The only time that the word "rule" is expressed and emphasized in that instrument. In the same clause there follows this language:

And uniform laws on the subject of bankruptcies throughout the United States.

Why in all other ordinances but this are "laws" spoken of; and why did the framers of the Constitution in writing this ordinance use the phrase "establish an uniform rule of naturalization?"

Ah, those compatriots knew what they meant, and they verified their meaning in the cases submitted to them. Let me emphasize this by reference to a historical case.

Mr. Gallatin, than whom there was no grander man in that great era, left Geneva and came to the United States in 1780. He served as a professor in the grand corporation of the Cambridge University, the oldest, as it is to-day one of the most honorable, of such institutions of learning in this country. He goes into the province of Maine and down into Virginia purchasing great tracts of land; he goes into Pennsylvania purchasing a farm. He serves as a soldier in the American Revolution, devoting to the cause of the colonists his fortune as well as his personal military service. He sits in the grand convention that ordained and amended the constitution of Pennsylvania. Three times he was elected to the Legislature. Thirteen years he had spent in this country, his residence here antedating the adoption of the Constitution; but under a memorial presented to the Senate of the United States, those Senators, standing at the very birth of the Government its sponsors, said to Mr. Gallatin, "You have not been a citizen of this Republic for nine years."

That is about as strong a case (to claim no more for it) as Mr. White's. I allude to it for this purpose—that we may begin at the right point. Ours is the only Government that ever naturalized foreigners save by some supreme act of parliament. We proposed to make the acquirement of citizenship easy. Until recently the law provided that the alien seeking citizenship should go into a court of record and file his declaration. That had always been the law up to two years ago, when Congress amended it so that parties are now allowed to go before a clerk of the proper court and file their declaration. But Congress has never modified the other provision, requiring that there shall be a court of record with a clerk and a seal. There is your "uniform rule." Congress thought it best and most economical to the citizen to intrust the State courts as well as the Federal tribunals with jurisdiction of this matter.

When we look to the act of Congress we find they did enact an uniform rule of naturalization, and declared that no alien should be naturalized in any other mode. This mode is prescribed with great care. It expressly provides the admission shall be before a court of record of common-law jurisdiction, with a clerk and seal. Yet we find there is no record, nor paper, nor decree, in the court of Allen County, Indiana, naturalizing Mr. White, where he claims he was naturalized. Yet the same record fails to show, as before demonstrated, that the omission applied to any other naturalization in that court.

No case has yet been cited where parol evidence was admitted to supply a record or decree. The case *In re* Coleman, 15 Blatchford's Circuit Reports, 406, is cited as sustaining the position of contestee. This decision was rendered by an eminent jurist, and investigates very thoroughly the entire law and decisions upon that question. In Coleman's case there were the original oath of renunciation and the oaths of the witnesses, as required by law, and in the book of naturalization the decree of naturalization, and the eminent chief judge decided these proceedings were a substantial compliance of law.

In Spratt *vs.* Spratt, 4 Peters, 393, the court decided there was a sufficient judgment of record. In The Acorn, 2 Abbott's U. S. Reports, 434, the court again decided that there was a sufficient record of naturalization. In these cases, nor in any that I can find, no parol evidence was offered or introduced; the sole question being, was there a sufficient record?

For one, Mr. Speaker, I can never, in view of the Constitution requiring that a member of this House shall have been a citizen of the United States for a term of seven years, give my consent to the proposition that Mr. White, the sitting member, who has no record of his naturalization except which he obtained the day before his election, has the qualifications prescribed by the Constitution.

Can any man upon this floor account for the fact that Mr. White did, on the day before his election, obtain his final papers, if in fact he had been fully naturalized in 1865?

Is the question of citizenship of aliens in this country to be so dwarfed that, instead of looking to the records of the courts where the Constitution and laws wisely confide their keeping, we look only to the vague and indefinite statements of witnesses? Have our citizens of foreign birth no higher security for their rights as citizens than that which resides in the bosoms of men? No, Mr. Speaker, the solemn records and judgments of courts declare and fix those rights. Strike them down, and instead of improving the rights of citizenship of our foreign-born citizens you destroy them. Yea, you do more; you introduce confusion; you invite fraud, of which no man sees its ultimate effect.

[Here the hammer fell.]

The SPEAKER *pro tempore*. Thirty minutes of the hour have expired.

Mr. CRISP. I yield thirty minutes to the gentleman from Virginia [Mr. O'FERRALL].

Mr. O'FERRALL. Mr. Speaker, I would have been perfectly willing to have remained silent and said nothing in regard to the questions involved in this case, if I had not been a member of the Committee on Elections, whereby the duty devolved upon me of discussing the majority report, in which I united.

It is a fact, sir, familiar to many at least, that so far as my appointment on that committee was concerned, it was not desired by me. It was not the character of work I liked; it is contrary to my tastes. But as I am a member of that committee, standing here in my place, I shall endeavor to discharge my duty at all times, and hew to the line of right, let the chips fall where they may.

I may be compelled, sir, in the discussion of this case to criticise a gentleman who sits as a member upon this floor, and if so, I have only to say he has placed himself in a position which calls for criticism and I am not responsible for it.

It is admitted, sir, that James B. White, the sitting member, is a gentleman of foreign birth; that he came to this country in 1854, after having attained the age of eighteen. Then, in order to be eligible to a seat on this floor, he must have been a citizen of the United States seven years before the commencement of the present Congress on the 4th day of last March. I undertake to say that the testimony in this case, as shown by the record, does not sustain any such pretension as that. There is no record of that fact; that is admitted. There is no trace of any record of that fact; that is admitted.

The contestee seeks to prove his naturalization by parol testimony, but the record in this case shows this state of facts: Some days before the Congressional election in November, 1886, when it was ascertained there was no record evidence of his naturalization, two gentlemen of high respectability and honor in the State of Indiana, Andrew J. Moynihan and Robert C. Bell, visited him, and laid that question before him, desiring to do him no injustice, knowing that it would be to the disadvantage of the Democratic party and operate as a boomerang on that party if the charge were made and it was not true. Mr. White, on that occasion, insisted that he had been naturalized; he also insisted that he was naturalized in order to vote for John C. Frémont; that he was a young man when Frémont was a candidate and he believed that if Frémont was not elected the country would go to the dogs, using his own language.

It is a historical fact that Frémont was a candidate for President in 1856, which was only two years after Mr. White came to this country. So that would not do. Then he said he was naturalized in 1857 or 1858 in the common-pleas court of the county of Allen, in the State of Indiana. They told him that there had been a careful examination made of the record of that court, and that there was no record of that fact and no trace of any record.

Before they parted with him, Mr. Speaker, they suggested to him that possibly he might have taken out naturalization papers somewhere else. "No, I did not," he replied. "But you might have taken out naturalization papers in order to secure a passport to Europe on some trip you made abroad," these gentlemen said. Mr. White replied no, he never secured any naturalization papers except in 1857 or 1858. It will be observed that his direct attention was called to the fact, whether, in order to make his trip to Europe, he might have taken out naturalization papers to secure a passport, but he replied he could recall no occasion when he had taken out papers except in 1857 or 1858.

Now, Mr. Speaker, on finding there was no record or trace of record of any naturalization, then he decided to change his tactics, and all over that district he had placards printed, "I was a soldier and am a citizen," thereby falling back on the act of Congress, believing that as he had been a Union soldier during the late war the act of Congress constituted him a citizen without going through the forms of naturalization.

The election came on. However, sir, on the very day before the election, on the 1st day of November, he went 39 miles into an adjoining county—the county of Warsaw, I believe—and there presented himself as one who owed allegiance to a foreign country, and was then and there naturalized. The court of his own county of Allen was in session on Thursday, the day this question was raised on him. The court was in session on Friday and Saturday following. Three days did he have to go before the court of his own county and take out his naturalization papers, if he was entitled to them, yet he hied off 39 miles to another county, a county outside of his district, and took out his naturalization papers on the day before the election.

Now, Mr. Speaker, he seeks, however, to overcome all of these facts, and how? By introducing one witness, a Mr. Jenkinson, who swears:

I think I saw Captain White naturalized one or two years after the close of the war.

And he fixes the date of the close of the war as the 9th day of April, 1865, the date of the surrender of General Lee.

Another witness is Mr. Pratt, who swears to the same point on which Mr. Jenkinson was examined, and says:

I am of opinion that Captain White was naturalized in 1865.

It will thus be seen that neither Jenkinson nor Pratt swear absolutely to the fact, but give a mere expression of opinion with reference to it, one saying, "I think he was naturalized," the other, "I am of opinion that he was naturalized;" but there is no affirmative fact sworn to by either.

There is one answer to a question propounded to Jenkinson in re-

gard to this matter on which stress is laid by the contestee, and I propose to give him the benefit of that answer in justice to himself. Jenkinson stated that there was one circumstance which impressed him with the idea that White was naturalized, and that was a remark made in his hearing to the effect that it was a very singular thing to find a Union soldier renouncing his allegiance to the Queen of England. Now, the time he claims to have been naturalized was more than twenty-one years before, and that remark might well have been made in connection with some other Union soldier instead of Captain White.

Mr. Speaker, in view of the testimony in this case so far developed by me, I ask if there is a court in this land which would undertake to declare this man to be a naturalized citizen? The record against him, his own statement against him, every fact and circumstance against him, he standing alone in vindication of his claim, upon the depositions of two men, Jenkinson and Pratt, who, as I have shown, when they were swearing in the case, testified, one "I think" he was naturalized; the other, "I am of opinion" he was naturalized in 1865. I repeat, is there a court anywhere which would hold that he was naturalized in 1865, or seven years before the commencement of the present Congress? I can not think so.

But there is another fact to which I wish to call your attention briefly. In the conversations which the contestee had with the two witnesses, Moynihan and Bell, to whom I have already referred, he said, after reflection, that Mr. Nelson was clerk of the court, and that Chittenden was in the office with him at the time he was naturalized.

The evidence on this point shows clearly that in 1858 Nelson was clerk of the court in which White declared his intention, and that Chittenden was deputy, and his papers or declaration of intention were in Chittenden's own handwriting. But it also appears from this testimony that Nelson's term of office expired in 1862, three years before the date contestee claims now to have been naturalized, and never had any connection with the clerk's office after that time; and also that Chittenden's connection with that office ceased at the same time, and that he never had any connection with it after 1862, but that he was clerk of the city council of Fort Wayne from 1863 to 1869.

Now, the contestee himself, in the first place, fixes the time and place and court in which he was naturalized: fixing the time at 1857 or 1858; the court, the common-pleas court of Allen County, Indiana, and names the clerk as Nelson and the deputy clerk Chittenden. But all the facts go to show that his testimony in that respect was not correct, and hence that he was not naturalized at that time—he only declared his intention.

Another thing, Mr. Speaker, and I refer to it reluctantly, for I have already stated I do not like to criticise the contestee himself or his testimony; it is a most disagreeable duty to me, but he has made statements in connection with the subject of his naturalization that to my mind at least weaken his own testimony to such an extent as to render it, in my judgment, unworthy of credit. On the Saturday night preceding the election, when he knew he did not have any naturalization papers, he said on the stump to his supporters, "You put your ballots in for me on the 2d, and I will show my papers on the 3d."

Nearly four weeks after the election, and when he had time to cool and was not in the fervor of a political contest, he said to Mr. M. V. D. Spencer, "I have my naturalization papers; they are more than seven years old, and if you want to see them you can." He knew at the moment that he did not have such papers; that they were not in his possession; but yet that statement appears as a part of the testimony. According to the record in this case no human eye ever rested upon that paper, if it existed, outside of the eye of the contestee himself. Receiving that paper, as he claimed after the election, in 1865, from that time up to 1887, when his deposition was taken, quite twenty-two years, no human eye ever looked upon the paper so far as the evidence shows. There were his children and family, his clerks, his employés, his neighbors all around him, and yet not a solitary witness is brought forward to testify that he had ever seen or heard of the existence of such a paper.

It seems to me, sir, that an alien sufficiently attached to the institutions of this land to link his destinies fully with this people, ought to look with pride upon the evidence of citizenship and to treasure it with sacred care, and not place it where the rats might gnaw it, the moths destroy it, thieves steal it, or the elements rot it. It seems to me he ought to have a place for it and to be able to say, "I know I saw this paper which made me a citizen of the grandest government ever vouchsafed by God unto man at least once in twenty-one years."

But not so with the contestee. If he ever had what purported to be his full naturalization papers, according to his own evidence, he had no place for it, and paid no more attention to it than if it had been a trifling rag, instead of the evidence of high American citizenship. He knew not where it was or where it ought to be, where he had put it, or what had become of it. So far as the evidence shows his eye had never rested upon this important paper from the time he says he received it in 1865 down to the hour he was examined and his deposition taken.

If he cared so little for the muniments of citizenship, he must have cared little for citizenship itself, except so far as it enabled him to vote and hold property, and he could do both under the laws of Indiana by virtue of his declaration of intention alone.

But, Mr. Speaker, I care not if the parol testimony introduced by the contestee was as clear as the noonday sunbeams and as certain as the life we live, it could not be used for the purpose of proving naturalization. If that paper which the contestee claims to have had ever existed, it could only have existed as an exemplification of a record, for it was not a record itself. If there is no record there can be no exemplification of a record, and the evidence shows clearly that there was no record, and hence there could be no exemplification. The gentleman from Texas [Mr. MOORE] referred so fully and so well to the fact that every single witness who was introduced to prove that he had been naturalized in this county, and had his certificate in his possession, that his name appears upon the record-book of the clerk's office of the court of common pleas, Allen County, Indiana, called the "Book of Final Oaths," except James B. White, the contestee, whose name is not there. I shall not consume the time of the House in referring further to it. And now, coming back to the point that it is inadmissible to prove naturalization by parol testimony, I will show you that it is admitted, and must be admitted, that naturalization is in itself a judicial act, and must be a matter of record to give it legal force and effect.

It must take place in a court of record. What is a court of record? According to Blackstone it is "a court where the acts and proceedings are enrolled in parchment for a perpetual memorial and testimony."

According to Webster it is "a court whose acts and judicial proceedings are enrolled on parchment or in books for a perpetual memorial; and its records are the highest evidence of facts, and their truth can not be called in question."

Wharton in his Law of Evidence, section 1302, says:

A court of record is required to act exactly and minutely, and to have record proof of all its important acts. If it does not, these acts can not be put in evidence.

Under the naturalization laws of the United States, the proceedings of naturalization are required to be in a court of record and to be recorded. The statute itself has this direct requirement. It is mandatory.

In the case of Elliott *vs.* Piersel, 1 Peters, 329, the Supreme Court of the United States declared this doctrine:

What the law requires to be done and appear of record can only be done and made to appear by the record itself or an exemplification of the record.

In this case naturalization does not appear by the record, and there being no record, there could be no exemplification of a record.

In Desty's case, 8 Abbott, New York, the court held that—

When the record fails to show proceedings necessary to the issuance of a certificate, the court can not make up the record *nunc pro tunc* and issue a certificate.

So that if the contestee had appeared at any time since 1865 in the very court in which he claims to have been naturalized, and had proved by parol testimony as strong and convincing as was ever presented to a court, that court could not have entered a *nunc pro tunc* order because the record failed to show that at any time within the history of the court any proceedings of naturalization in connection with him were had.

Mr. Speaker, these authorities could be multiplied and piled one upon the other until they would present a memorial column almost towering heavenward erected to the wisdom and policy of the doctrine that you can not make a record by parol testimony.

There are cases, sir, in which the records were not full—the orders not written out in full—wherein the courts have held that there was enough on the record to satisfy the court that there had been naturalization proceedings, enough upon which to base a *nunc pro tunc* order, or that there was enough on the record to show that the last things in order, for instance, the taking of an oath, had been done, and it was to be presumed that the requirements leading up to that point had been complied with else the court would not have administered the oath—the oath being the last step in the proceedings. Such was the case of Campbell *vs.* Gordon, 6 Cranch, 176.

In the case of Coleman *vs.* Davenport, decided in 1879 by Judge Blatchford, there was a book called "Naturalization Index" upon which Coleman's naturalization appeared, and Judge Blatchford held that it was a record. So that was decided upon a record.

There is no case, Mr. Speaker, that I have been able to find that contravenes the doctrine that you can not make a record by parol testimony; or where the record declares by the absence of any entry that certain proceedings were never had, you can not show by parol that they were had.

There is one case which runs on all fours with the case under discussion. I refer to the Swinburne case, decided by the supreme court of West Virginia, the opinion being delivered by the president of that court, Judge Green, who is, in my opinion, one of the brightest ornaments of which the judiciary of this country can boast.

It was alleged that Swinburne, who was an alien, had been naturalized in the circuit court of Kanawha County, Virginia, now West Virginia, in 1856 or 1857. There was no record of it. Parol evidence was offered to prove naturalization. Judge Green, delivering the opinion of all the judges, said:

I have thus far, as did the county court of Kanawha, considered this case as if all this parol evidence introduced by the defendant as tending to prove that in 1856 or 1857 Ralph Swinburne was naturalized before the circuit court of Ka-

nawha was admissible; but it seems to me clear that none of this evidence was admissible. It had, when viewed in its legal aspect, no tendency even to prove what it was introduced to prove. The naturalization of a foreigner is, by the laws of the United States, a proceeding in a court of record in which the court, upon certain facts being satisfactorily proven and a certain oath taken by the applicant, by its judgment declares that the alien is admitted to be a citizen. (See Rev. Stats. of U. S., 2d edition, sec. 2165.)

If the records of this court at the time when it is claimed that an alien was thus admitted to citizenship is produced and shows that he was not only not so admitted but not admitted at all, how can any parol evidence on any conceivable legal principle be admitted to prove a fact which it is conclusively shown can not possibly exist? The defendant's counsel refer to the following authorities to show that in this case such parol evidence was admissible: Nalle's Representatives *vs.* Fenwick, 4 Rand., 585—588; Sasportas *vs.* De la Motta, 10 Rich. (S. C.) Eq., 38; Campbell *vs.* Gordon, 6 Cranch, 176; Blight's Lessee *vs.* Rochester, 7 Wheat., 536; and an opinion of Judge Blatchford in the United States circuit court for New York, decided June, 1879, and reported in the New York Herald, a newspaper. None of these cases seem to me to touch the subject under consideration.

Plain, direct, and emphatic language is used by this learned judge. Nothing is left to inference.

"Where the record shows that Swinburne was not only not so admitted, but not admitted at all, how can any parol evidence on any conceivable legal principle be admitted to prove a fact which is conclusively shown can not possibly exist?" says Judge Green. How precisely does this language apply to this case! Change the name of Swinburne for White and you have a decision in this case by this court.

This proceeding might be regarded as in the nature of a trial by record. Robert Lowry charges James B. White with being an alien. White pleads naturalization, which is a plea in the nature of a plea of a matter of record; Lowry rejoins, "No such record." Then, according to Blackstone, the trial is by inspection of the record itself, no other evidence being admissible, and upon inspection of the record it is found that there is no such record as that pleaded, and of course the plea fails and judgment must be entered up accordingly of "No record; still an alien."

Freeman on Judgments lays down the doctrine that the entry of a judgment *nunc pro tunc* is always proper when a judgment has been ordered by the court, but the clerk has failed or neglected to copy it into the record. But an entry must be found somewhere in some book or record required to be kept by law in that court.

I conclude, then, that there being no entry on any book or anywhere in the court of common pleas of Allen County, Indiana, there was nothing upon which a *nunc pro tunc* order could have been entered, and that this Congress will not by virtue of its plenary power, which has been invoked, declare that James B. White became a naturalized citizen of the United States seven years before the commencement of this Congress when there is not a court in the land which would so declare. I do not understand that it has ever been held that Congress in the exercise of its plenary power will disregard settled principles of law, trample under foot mandatory statutes or constitutional provisions; I do not understand that Congress has the plenary power to admit a gentleman to this floor as a member who has not the constitutional qualifications of being twenty-five years of age, seven years a citizen of the United States, and an inhabitant of the State in which he shall be chosen. Congress can not in the exercise of its plenary power put its foot upon the Constitution. In my opinion, Gladstone or Bismarck would be as eligible to a seat on this floor as the contestee.

I conclude, second, that when a foreigner is required to become a citizen of the United States through a court of record, he can not be made a citizen by the mouths of any number of witnesses, or by a mere clerical act of a clerk of a court.

If by the mouths of witnesses citizens could be made, then perjury would be at a premium and fraud upon the elective system would hold high carnival. If a clerk could by the issue of certificates make citizens, then, on the eve of elections, if he were corrupt, voters could be manufactured by the wholesale and turned in like a deluge upon the polls.

Now, Mr. Speaker, it is unnecessary for me to refer to the remark which has been made here that great hardship will result to the contestee in this case in the event the majority report is adopted. It is enough for me to know what the law and the Constitution of my country are. It is no hardship to require a man, in order to secure a high privilege, to comply with the law which confers that privilege. I yield to no man in my regard for the foreign-born citizens of this land. In my veins courses Irish blood; I am proud of it, and there is not money enough in the universe to purchase one drop of it. My grandfather was a full-blooded Irishman, and was almost present at the laying of the corner-stone of this Republic, and yet he was required to comply with the naturalization laws of the country. If one who was almost present at the birth of the Constitution was required to go into a court of record and there to renounce all allegiance to any foreign prince, potentate, state, or sovereign, and swear fidelity to that Constitution and then to exhibit record evidence of that fact in order to enjoy benefits under it, in an humble way, it is no hardship to require a man, more than a hundred years later, to go through the same proceeding in a court of record, and to submit record evidence of that fact in order to hold a high and dignified position upon the floor of the House of Representatives of the United States, and to sit in the councils of the nation and among its law-givers.

Our naturalization laws are liberal enough. They are plain and simple and easily understood. No man need err in their construction or application. To hold with the minority of the committee would be in effect to wipe from the statute-book every vestige of these laws.

Is this House prepared to do this? Is it prepared to break down all the laws of evidence and destroy all the safeguards which the naturalization laws throw around the subject? For one I am not. As high as the privilege of a member of this House to a seat on this floor may be, and as much as we may regret the necessity of unseating a gentleman chosen by the people to represent them, it is far better that he should lose his seat than that great fundamental principles should be disregarded and scattered to the wind.

Allusion has been made, sir, to the contestee as a Union soldier. I want to say for myself that that fact has weighed in his favor with me and not against him. Though for four years I stood on the opposite side in that conflict of arms which reddened our land with blood and bathed it in tears, filled it with graves and draped it in mourning, fighting for what I had been taught was right, in the discharge of what I conceived to be my duty, and though I am proud at this hour of the prowess of the Confederate soldier, yet I turn at the same time with admiration to the Union soldier who was true to the flag that floated over him, true to the cause that he espoused, true to the teachings of his fathers, and with all the earnestness of a warm nature, I grasp his hand as a brother whose courage on the field and magnanimity in victory have added renown to the name of the American soldier and extended the circlet of glory about his head.

It may be a weakness in me, sir, or it may not be, but whenever I am brought in contact with one who was a soldier on either side, my heart warms up to him; I feel that we were once fellow-sufferers, and that for four years at least the same stars shone down upon us by night in the bivouac, the same sun scorched us by day on the march, the same snow chilled the marrow in our bones, and the same dangers confronted us. But, sir, duty was ever the talismanic word of the true soldier, and duty has been and shall ever be my talismanic word as a Representative on this floor. Then, in the discharge of my duty, unpleasant as it may be, I shall vote for the report of the majority of the Committee on Elections in this case. [Applause.]

Mr. ROWELL. In the time that I had allotted to myself for the discussion of this question I had not designed to discuss the facts in the case, because the proof of the fact of the naturalization of Mr. White amounted to such a moral certainty that I did not suppose it would be necessary to dwell upon that question. I had designed to devote my time to the discussion of the law. But it does seem that the gentlemen of the majority have so far weakened in their opinion of the law that they find it convenient to discuss more elaborately the question of fact, and to insist that this contestee has not proved that he was a naturalized citizen seven years before the commencement of his term of office. Therefore I shall have to use a very few minutes on that branch of the case.

This is a somewhat remarkable contest. A gentleman, an ex-member of the House, an ex-circuit judge, the nominee of his party in a district ordinarily with 3,000 Democratic majority, is defeated at the polls by 2,500 majority at an election where nearly 35,000 people voted; at an election where there is not a whisper against its character; where there was a full poll, a fair and free vote, an honest count, and an honest return. Yet that gentleman, disregarding the popular will, almost as if in contempt of it, asks this House to give him the privilege of representing a people who had declared that they wanted another. Be it said to the credit of the committee he found little comfort there, unless there is comfort in a report that while it fails to give him the seat deprives his more fortunate and popular competitor of that seat, and deprives the people of the Twelfth Congressional district of Indiana of the representative of their choice, unless the report shall be rejected.

Now, Mr. Speaker, we ought to give effect to the popular will if we can do it consistently with the law and without violence to the facts; and in what I say I shall attempt to elucidate the facts and the law, believing as I always shall in every recurring contested-election case that every one here is sitting as a judge to do equal and exact justice.

I do not want this contestee punished because he was popular at home. I do not want him punished because without his fault he was born in a foreign land; nor yet do I ask that he shall be seated unless he is entitled to his seat. That he is an American in all that goes to make up American manhood will be admitted everywhere. He came to this country in his youth. He has spent all the years of his mature manhood here. He married here; his children were born here. All of his financial interests are and have been in this country. He demonstrated his patriotism in the best way that men may demonstrate that feeling by periling his life and shedding his blood upon the field of battle that the national unity might be preserved. Mr. White swears distinctly and absolutely that in 1865 he appeared in the court of common pleas of Allen County, Indiana, with his witnesses; that he proved his good disposition toward the Constitution and the laws and his right to citizenship by two credible witnesses; that he took the oath of renunciation and allegiance, and that he received from the court his certificate of naturalization.

There is no uncertainty about his testimony. It is clear, distinct,

and unequivocal. The circumstances are given, the reasons for taking out the papers at the time.

This testimony must be accepted as conclusive, or it must be rejected altogether. You must either accept it or hold that Mr. White has been successfully impeached in one of the methods of impeachment recognized in the law. He either lies or he has told the truth. He either commits perjury or he was naturalized. There is no escaping that. He proves by a man of eminent character, Mr. Jenkinson, substantially the same facts, and in a way that makes Jenkinson a perjurer, unless Mr. White was naturalized. He confirms his own and Mr. Jenkinson's testimony by that of Mr. Pratt, ex-sheriff of Allen County, and sheriff at the time of naturalization.

And what is offered in opposition? Notwithstanding the fact that Mr. Lowry had known for weeks that there was no record remaining in this court of Mr. White's naturalization—notwithstanding that Bell had known that fact—it was kept back until five days before the election, after every weekly paper supporting Mr. White had gone to press and to the country. And then Mr. White is telegraphed for, is brought back from his campaign, and Bell and Moynihan confront him, spread around him the meshes of the net prepared for him, and make the charge that he is not a citizen. He says, "I am a citizen; I was duly naturalized; Jenkinson was with me when I was naturalized." That is the material fact. Bell says he fixed the time in 1857 or 1858, but Bell conveniently forgot the important part of that conversation, that Jenkinson was present. Moynihan recollects this and Bell forgets it, and both may have mistaken the reference to 1858.

There happened to be two other witnesses to that conversation, White and his son, but both give a version different from the version given of it by Bell and Moynihan, the two men who had brought him back from his campaign in the district on the eve of the election with a view to demoralizing his lines and securing to Mr. Lowry the election. These witnesses seem to have been ignored by the majority. What is the object of the testimony produced? It is simply to impeach Mr. White. That is all. There was a legitimate way to impeach him. There were thousands of people in the Twelfth district of Indiana that knew whether he had a reputation for truth and veracity or not. They are not called here—not one of them—to discredit Mr. White, or to say aught against his integrity as a man or his truthfulness as a witness. Why, sir, in view of the fact that in a district with 3,000 against him politically, 2,500 men who did not agree with him politically have testified to the good character that he had built up in more than thirty years' residence among them, that sort of criticism is the criticism made by the criminal lawyer trying to save the neck of a guilty client, and not the legitimate criticism of a lawyer intending to elucidate the truth. Nor has it any bearing on this case according to the laws and rules of evidence.

Leaving that point, I come now to the record. Here are one hundred and fifty cases in which the only record is a duplicate certificate of naturalization; but each of those one hundred and fifty copies declares that the record of that case is in a certain book; and when you turn to the book there is no record there. Therefore the recital of a record is a falsehood.

There is upon that record a case where a naturalization was made in 1854 and the record made in 1865. The record does not include any of the cases where there was no record at all. In three different cases it has been proved there was no record—not the scratch of a pen. In Sardinghausen's case Mr. Lowry himself testifies that he examined all the books in the case and there was no scratch of a pen; nothing to show that any naturalization had taken place, and when Sardinghausen's attention is called to it, and his certificate of naturalization is delivered to Bell, this same Bell in the course of two days comes back from that same court with this same clerk, bringing a certified copy of the record. This undisputed fact speaks for itself and for the unreliability of the record either in what is put in or what has been left out.

Read the memoranda in the testimony of the clerk, and you find that this record is sometimes false, more often faulty, frequently without anything upon the record to show the case; forged decrees of divorce; records made years after the action purporting to have been taken; records of naturalization made at times when no court was in session; and all by this deputy clerk, Nelson, and yet it is seriously claimed that such a record or absence of record impeaches Mr. White. I leave that part of the case because I have not time to discuss the evidence. I propose to discuss the law of the case.

Mr. Speaker, we are a part of the legislative branch of this Government. There is a judicial branch; there is an executive branch. We are passing upon a statute passed by Congress and approved by the President. I ask gentlemen whether they will accept the interpretation of that statute from the judicial branch of this Government or whether they will go down into a State court and let the decision of such a court overrule the decision of the Supreme Court of the United States?

I undertake to say that the Supreme Court of the United States has absolutely, positively, and without possible question, decided that the certificate of naturalization, whether there remain a record or not, is conclusive proof of such naturalization, not to be attacked collaterally at any time or place. That being true, it ought to be an end of the discussion so far as the law is concerned, and there is no need to invoke the plenary powers of the House on this question of eligibility to prevent this great wrong, seemingly attempted in this contest.

There is a principle of law that universal acceptance is persuasive of what the law is. From 1795, when this naturalization law first went into force, down to the present day it has been the almost universal custom of all courts to issue to the applicant for naturalization a certificate of naturalization, under the seal of the court, as his commission of citizenship, reciting the facts that proof of residence, good character and disposition was made, that the oath of renunciation and allegiance was taken. Now, I call attention to the fact that you may hunt the statutes through from beginning to end and you will find no syllable or letter authorizing the issue of that certificate, unless the certificate is a duplicate record of the proceeding. It is not a certified copy of the record. Nowhere in any court does it purport to be a certified copy. But it does purport to be an original certificate under the seal of the court, accepted everywhere as original, primary proof of naturalization, not because it certifies a copy of a record, but because the court has issued it as the record of a fact. Passports have been granted for ninety years past upon the production of such certificates. The protection of the United States has been invoked time out of mind in the protection of foreign-born citizens, on their presenting just such a certificate. The American people would spring to arms in the twinkling of an eye if a foreign Government should, willfully and intentionally, lay violent hands upon an American citizen possessing such a certificate.

But early in the present century this question came up in the Supreme Court. A court in Virginia had decided a certificate not good naturalization. The case to which I refer is in 6 Cranch. In the court of Suffolk there is a minute of the judge upon his court docket, which says that William Currie——

Mr. CRISP. A minute?

Mr. ROWELL. Yes, sir, a minute.

Mr. CRISP. There is no such minute here.

Mr. ROWELL. This minute or memorandum states that William Currie, a native of Scotland, who had emigrated to Virginia, took the oath. Do I need to say to the lawyers of this body that such a minute is not a record—that if such a minute were made in a common-law proceeding and execution issued upon it, the execution would be invalid. That has been decided so often that it would be almost an insult to quote law upon a question of that kind. But the Supreme Court disposes of that question. There was issued to Currie a certificate simply reciting that he had taken the oath of allegiance and renunciation. It did not recite that he had proved his residence, his good disposition, his correct character. It was simply recited in his certificate that he took the oath of allegiance and renunciation. In this case the court expressly say—it is the unanimous opinion of the Supreme Court—that this certificate, copied into the record in the Supreme Court—not a record in the court below—is proof that the man was naturalized. Parol proof was heard to show that this was the kind of certificate usual in that year, that the court was in the habit of taking the requisite proof in these cases; and the Supreme Court say the oath would not have been administered if the court had not been satisfied; and so the decision of the court below was reversed, the naturalization was upheld and held good, and that, too, expressly upon the certificate—so stated in the opinion.

And so they reversed the court below. It was a question of the right of property. They appealed it as to the naturalization.

Then as late as the 91st United States, that court has used this language:

A certificate—

Mind you, a certificate—

A certificate of naturalization issues from a court of record when proper proof of residence has been made of five years, and the applicant is of the age of twenty-one years, and is of good moral character; the certificate is against all the world a judgment of citizenship, from which may follow the right to vote and to hold property. It is conclusive as such.

Now, gentlemen say the question of naturalization was not involved in the Tisdall case in 91 United States. I have noticed when lawyers find a case against them they always talk of *obiter dicta*. Why everything a court says, except the mere judgment for the plaintiff, or for the defendant, may be called *obiter dicta*. But this is a case involving the admissibility and the weight of testimony; and the court in pronouncing judgment as to the admissibility and weight of testimony went on to illustrate the law and used this language. Suppose it is *obiter dicta*, it is the language of great jurists speaking about matters of law, members of a court sitting on the most exalted bench in the civilized world, language to go into the law-books and receive the criticism of judges and members of the legal profession everywhere. *Dicta*, though it may be, it is *dicta* coming with such weight to this House you dare not raise a technical objection to it.

I shall not stop to read from them, but the text-books have copied this language and laid it down as law. I say the text-book writers on this question lay down the law with reference to proof of naturalization just exactly the same as I have defined it here. All of them—my time will not permit me to read from them.

I come to another case, a case over in New York, involving the valid-

ity of five or six thousand naturalization papers issued in 1868. Was there a record? No part of one; only an index-book. John Swiss, Switzerland; John Roe, witness; a date, and nothing more—in other words, an index-book. Will anybody say that is a record or any part of a record? A United States circuit judge, now an honored member of the Supreme bench, Justice Blatchford, decided the naturalization was proved on such a certificate of naturalization as the one in this case, or substantially so. And he further declares that the act of the clerk commanded by the statute is to be not only considered ministerial but merely directory; and if directory, of course everybody will acknowledge that the failure to make a record can not invalidate any naturalization.

It is an act, says the court, the applicant has nothing to do with. It is separated from the man himself. It is directory and the clerk may neglect to write it down. It does not invalidate the naturalization if the certificate is issued. Citizenship is a personal right, which, once acquired, can only be taken away by the act of the citizen himself.

Now I come to this question of record. As I said awhile ago, this certificate really was what it purports to be, an original document, issuing out of the court as a commission of citizenship. The record usually kept in the Western and Northern States, where there are a large number of people to be naturalized, is always almost exclusively another copy of the same oath without anything else on it. As suggested by my friend from Texas [Mr. MOORE], it is a blank taken out of a book of blanks—one blank torn out of a book of blanks. Another book of similar blanks filled up makes the clerk's record. What is it, then, but a duplicate record? The record was kept in the court and a duplicate record was given under the seal of the clerk to the applicant.

Do I need to quote the law that when duplicates are issued one is of as much dignity as the other, one is as much primary proof as the other?

Mr. BAKER, of New York. Will the gentleman allow me——

Mr. ROWELL. Certainly.

Mr. BAKER, of New York. Allow me, by way of suggestion, to refer to what the gentleman from Virginia [Mr. O'FERRALL] said, that the certificate was an exemplification of the record, and inasmuch as there was no record there could be no exemplification of any record. I should like to hear the gentleman on that point.

Mr. ROWELL. A certificate does not purport to be an exemplification of the record; it purports to be an original paper. These original certificates are held by millions of naturalized citizens in this country. They do not purport to be a certified copy or exemplification of the record, but the original paper, signed by the clerk and sealed with the seal of the court, and as the commission of absolute citizenship.

Mr. CRISP. Will the gentleman yield to me for the purpose of asking him a question?

Mr. ROWELL. Certainly.

Mr. CRISP. Can you conceive of a case in which the record of the court or any part of the record of the court is turned over to an individual to be carried by him in his pocket?

Mr. ROWELL. I can conceive of a case where a decree has been prepared, approved by the court, and the approval indorsed upon the decree. Suppose, as the attorney in the case, I had prepared the decree and obtained the approval of the court? I put it in my pocket and carry it off, and it is a record just as much as if I had left it with the clerk.

Mr. CRISP. But does not the gentleman understand that in the case to which he refers the paper belongs to the court?

Mr. ROWELL. Certainly.

Mr. CRISP. And such papers are entered upon the minutes and are filed away in the court, and that no man is entitled to keep possession of those papers in his pocket, for they could be recovered by the court on a rule at any time?

Mr. ROWELL. Certainly; but that is an entirely different question. I am not saying whether a man ought to take away a record of that character or not; but I argue, in response to the gentleman's question, from universal custom, that the courts have so interpreted the rule and given out the records.

Now, there is a great mistake in the minds of men as to what constitutes a record. Some think that there is no record unless it is where the case is docketed, an order-book kept, an extension of a judgment upon a book—that it takes all these things to make a record. To record a proceeding is to take it down in writing. The proper place for a record is in the custody of the clerk, in order that it may be identified or certified.

But if it goes out of the custody of the clerk it is still a record. The court, in 6 Cranch, approved in 7 Cranch, and affirmed in 91 United States, have decided that this very certificate is conclusive evidence of naturalization, not to be attacked collaterally and without reference to any record, and Blatchford, justice, has decided, in the New York Coleman case, that that clause in the statute requiring the clerk to make a record of the proceeding is not a mandatory part of the statute. But now you quote West Virginia and Georgia, and the circuit court of the District of Columbia, six years before the decision in Cranch, to overturn in the House of Representatives the decision of the Supreme Court of the United States; and for what purpose? For the purpose of depriving the people of the Twelfth Congressional district of Indiana of their chosen Representative in Congress. For the purpose of making out the man whom they have so trusted to be a liar and unworthy of credence, you have invoked a doubtful technical rule to do injustice. Everywhere the courts will invoke a technical rule to prevent robbery and injustice. Everywhere it is the boast of modern courts that they push away the cobwebs and technicalities they may find coming between them and the doing of equal and exact justice, unless the technicalities are so thoroughly imbedded in the law as to compel obedience or legislative correction.

But this American House of Representatives, invoking a technicality upon this question of evidence, undertakes to defeat justice and seeks to deprive the Twelfth district of Indiana of its Representative and the people of their choice, and this Representative of the seat to which he was duly elected. And that technicality stands repudiated by the court created to interpret United States statutes—a court whose interpretation is authoritative—a court vested with power to review an appeal and overrule the decisions of the very courts you rely upon in this very class of cases.

He is to be punished for the negligence of a ministerial officer, a clerk of the court in Allen County, whose pigeon tracks are all over that record in forgery and fraud. I repeat it, all over it in forgery and fraud.

This is your impeaching evidence; this is the record which is to make Mr. White a liar. It is on a par with your claim that taking out the papers a second time tends to prove that they were not taken out a first time, in the face of the fact that Mr. White then and there declared that they were his third papers.

In the great city of Chicago there are 30,000 voters just in the condition of this man, with every record of every court burned, the clerks of the courts dead, their own houses burned almost before they could escape from them, the papers all burnt up, and I pledge you that not one of them ever saw a record so as to be able to testify to its existence. More than one member of this body, many hundreds of men occupying high positions in the American Government, are precisely in the condition of this contestee, and yet you say it is dangerous to invoke parol testimony. Why, Mr. Speaker, you hang a man on parol testimony.

Is it more dangerous to invoke parol testimony to establish a fact of this character to sustain and vindicate the popular will than it is to hang a man? You supply most solemn records, when they are destroyed, upon parol testimony. You prove the contents of the most important documents, when lost or destroyed, upon parol testimony. It is necessary in all human affairs so to do, to prevent injustice and wrong, and, although witnesses may sometimes speak falsehood, and writings may sometimes be forged, yet the courts will continue to adjudicate cases and ascertain facts under these rules of evidence, even if this House should determine that foreign-born citizens are not entitled to the benefit of such evidence when they happen to be popular enough to secure an election to this body.

Why it is said that Mr. Pratt, one of the witnesses in behalf of the contestee out there in Indiana, is not to be believed, because he did not work for and support Mr. Lowry at that election, but was a strong supporter of the contestee. If that be true, sir, there are more than 2,500 able-bodied Democratic liars in that district who did the same thing. [Laughter and applause.]

It is said that Mr. Jenkinson is not to be believed because he is sixty years old, and that, therefore, he can not remember the circumstances of twenty years ago. I tell you, gentlemen, there is no pretense to impeach the testimony of Mr. Jenkinson except on account of his age; and if he be impeached on that ground there are a great many men around me here who are in the same situation, and on that account are in danger of being discredited. There is no other reason for discrediting him, except they say he was in very bad company. [Laughter.]

He was with White at the time he took out his papers, and, like "poor dog Tray," is to be kicked out and punished because he was in bad company, and his testimony is to be characterized as perjury.

Now, sir, in the time that I reserved for myself I have had thus hurriedly to examine these questions. I want to say a word in answer to a statement that you have not any proof of the contents of the paper, and that the testimony given by the contestee, showing his recollection to be unreliable, is such that you can not believe him. Does anybody doubt, when we produce the kind of certificates issued in that court, and he swears he got his naturalization papers, that that is the kind of naturalization certificate he got?

Are you raising that sort of a technical objection to the proof of the contents of the certificate? What proves to the moral sense, what carries with it conviction, is conclusive evidence——

Mr. OUTHWAITE. Will the gentleman yield to me for a question?

Mr. ROWELL. Yes, sir.

Mr. OUTHWAITE. Are you not assuming that this clerk, whom you have attacked as unworthy of credence, did in this case issue the proper paper to this man?

Mr. ROWELL. I am; because it is in proof that was the only kind issued; because had he not issued the proper paper he would have been caught in the act. Nor am I assuming that this clerk intentionally left

this off the record. Here are twenty or thirty cases out of the one hundred and fifty where in the record of the oath there is a failure to fill up the blank certificate at the end of it. Making out a certificate of naturalization, or making a memorandum on a piece of paper to take with him to court, he loses it, forgets it, and it fails to go on record. And all foreign-born citizens are to be told, "If you did not see to it that the clerk put down what was exactly right you shall not occupy a seat in Congress if the partiality of your people has elected you to it."

Mr. OUTHWAITE. You said he would have been detected if he had not issued the right kind of a certificate. Will you point to the testimony of any witness who read that paper or saw it?

Mr. WILSON, of Minnesota. Would it have made the least difference if the clerk had issued the wrong papers?

Mr. ROWELL. Not one single bit. If the clerk had perpetrated a fraud—and the question of my friend from Ohio is on a par with the technicalities erected in this House for the purpose of turning a foreign-born citizen out—would he not have been detected? Would a clerk be likely to issue a false certificate into the hands of a man and take the chances of being detected? However such technicalities may appear to the mind of my friend from Ohio, whom I honor very much, I think that kind of argument does not strike the intelligent critic of evidence as being very weighty in overthrowing moral proof. It is on a par with attempting to criticise what a man says on the stump.

Mr. OUTHWAITE. If the gentleman will allow me, I will say I only suggested it to correct a presumption; I was putting one presumption against another.

Mr. ROWELL. The presumption that a clerk issued a certificate purporting to be a naturalization certificate into the hands of an intelligent man implies that he did not try to palm off a bad certificate upon him. And yet you ask me to point to the evidence that anybody read this certificate. I have heard judges remark that courts are presumed to know something when attorneys insisted upon proving things of common knowledge. I shall presume that the members of the House know something, and will take it for granted that the clerk did not palm off a fraud upon Mr. White in place of a proper naturalization certificate.

They say that Mr. White is not worthy of credence. He is impeached for something he said on the stump. Now just stop, Mr. Speaker and gentlemen, at that point. If we all have got to have the brand of liars put upon our brows because we sometimes make a mistake in what we say on the stump, how many here who talk at all would go out of this House with the brand of liar written all across their foreheads! [Laughter and applause.]

That is on a par with all the criticisms which have been made. Ah! they talk about Spencer's evidence. Spencer is called in the last ten days, when the mouth of White and the mouths of his witnesses have been sealed; when no question as to language, time, and place has been put to him; and then Spencer comes in and undertakes to recount testimony that my friend from Ohio, sitting on the bench, would not have permitted had a litigant attempted to bring it into court as impeaching testimony. And yet it seems to be the monument raised up here for men to look at. What for? To impeach Mr. White; to impeach the man that in the Twelfth district of Indiana, where he had lived for thirty long years and done business, was elected by 2,500 majority by Democrats and Republicans alike; where he took over at least 2,500 Democratic votes—the best Democrats in the district.

That is the kind of man whom you seek to impeach by saying he declared on the stump that he had his papers, when within three or four days of the election this was suddenly sprung upon him, "You are going to be charged with not being naturalized; the voters are to be prevented from voting for you; and a placard is to be posted at every poll in the district for the purpose of breaking down your lines, driving off your friends, and so securing the popular vote for the man the people do not desire to elect." He undertakes to stem the tide, to rearrange his lines; and what does he say? "I am a citizen of the United States." Oh, it is said he ought to have fallen into the pit dug for him; like the silly fly he ought to have walked into the web of the spider.

Under what obligation was he to go into details with the enemy who had concocted a plot and kept it secret until it was too late for him to answer? Mr. Speaker, I can not believe, I shall not believe unless compelled, that gentlemen who have been deemed worthy of a seat in this exalted body, worthy to represent the American people in making its laws, are so regardless of the rights of citizenship, so regardless of the voice of the people, so regardless of the protection due to the thousands upon thousands of naturalized citizens of this land, that they are going to erect this barrier against Mr. White in his claim to retain his seat. Mr. Speaker, how much time have I occupied?

The SPEAKER *pro tempore*. The gentleman has occupied forty-two minutes. He has four minutes remaining.

Mr. ROWELL. Just a word more; this is important. It is important to all of us.

Mr. BOOTHMAN. Will the gentleman permit a question?

Mr. ROWELL. Yes, sir.

Mr. BOOTHMAN. How do you account for the loss of Mr. White's second papers?

Mr. ROWELL. Oh, I can not stop now to talk about that. His store, full of oil, was burned up, and the employés had to run for their lives. Perhaps that accounts for it; I do not know. I had a commission in the Army; I can not find it; I looked for it last fall and could not find it. I guess I had a marriage certificate. Under the laws of Illinois, if I want to get married I have to go to the county clerk and prove to him that I and my intended are competent to enter into the marriage contract, and get a license. I have to present that to one qualified to perform the marriage ceremony and he must return it and the clerk must record it. Suppose that in returning it should get lost in the mails; suppose a clerk, like the one in this case, should be careless, are my children to be bastardized and is my estate to be confiscated because of the negligence of that clerk? And are the naturalized citizens of the United States, when a Chicago fire occurs, when losses happen, when clerks are careless, are they to be debarred of that right of right, the right to be citizens of this Republic? I will not believe it. It can not be done. [Applause on the Republican side.]

Mr. ROWELL. Mr. Speaker, I now yield fifteen minutes to the gentleman from New York [Mr. COCKRAN].

Mr. COCKRAN. Mr. Speaker, I have listened with great attention to the speeches which have been contributed to this discussion by both sides of this House. I have read with great interest the speeches which were delivered at the session of this House last Thursday, and I think it but fair to the side with which I am affiliated, to state at this stage of the proceedings the conclusion which I have reached.

I believe, Mr. Speaker, that in discussing a question of great public policy, one that involves the sovereignty of the people, we are not bound by the technical rules which have been prescribed for the determination of disputes between citizens when they are compelled to submit their contentions to tribunals organized for the purposes of settling them. We are here, as I take it, on a broader basis. We have to inquire, in the first instance, whether the people of this district in Indiana have lawfully expressed their choice. Now, the only question in dispute is that which goes to the qualifications of the sitting member, under the laws and Constitution of this country, to occupy the seat to which he was undoubtedly elected; and the objection which has been advanced to his claim is one which, in my judgment, turns upon a question of fact.

I do not believe that there is any fair question of law before this House. I do not regard a record as anything but the proof of a judgment. The judgment is the act of the court, which stands independent of anything that a clerk may do or fail to do. Now, there is no record of what this court has done. We are therefore driven to inquire into the facts of the transaction, and Captain White stands before this House declaring upon his oath that in 1865 he attended before a court in this county in Indiana where his naturalization is said to have taken place, accompanied by witnesses; that he complied with all the requirements of the law, and that a certificate of naturalization was issued to him by a competent authority. Holding the views that I do of the record, there is nothing left for me to decide but whether I will believe the statement which is made by Captain White under the solemnity of an oath, and which is corroborated by a character against which not one word has been uttered in the course of this debate. [Applause on the Republican side.]

Mr. Speaker, on this side of the House we claim to represent popular sovereignty in the fullest meaning of the term. To our party belongs the mission of extending to its utmost limits the power of the people at the ballot-box, and so far as the people of the Twelfth district of Indiana could speak, they have declared their wish, their will, their command that Captain White shall be their Representative throughout all the sessions of the Fiftieth Congress. [Renewed applause.]

Against this command of the people, against this decision, solemnly recorded at the ballot-box, we have a number of circumstances advanced by the Committee on Elections which it is asserted form in law a reason why the decision of the people should be reversed.

I for my part accept the statement which has been made by the gentleman from Illinois [Mr. ROWELL]. I believe that either Captain White was naturalized in Indiana or he has committed perjury. I believe that he is a duly qualified member of this House of Representatives, or else his place is at the bar of a criminal court to answer an indictment for crime.

Holding that view, Mr. Speaker, to what circumstances must the mind be directed in order to ascertain the legitimate course for a member of this body to pursue under the solemn obligations of his oath of office? He must look to the character of the person upon whose statement he proposes to base his action. This man comes here with thirty years of honorable life to give weight to his statements. He comes here with a history which is a part of the history of this country. He has held high and important offices. He has discharged all the duties of citizenship. He has shed his blood for his country. [Applause.] And now my voice will not cast a vote which will make the wounds he received in honorable service bleed afresh by reason of the ingratitude of his fellow-citizens. It will rather be my pride, as I hope it will be in my power, to cast a vote which will show that he who risks his life in defense of this land merits and receives a reward which will serve him

like an armor invulnerable to the shafts of the enemy when in any crisis of his career he has to place his character in the balance against those who would impugn his integrity. [Applause.]

Mr. Speaker, in what I say I but express my own loyalty to the laws. I do not believe that the political effect of this vote would sway a single member on this side of the House so far from his sense of obligation to his conscience as to cause him to cast a vote with a view merely to its political effect in the future. But if such a suggestion enters the mind of any Democrat here, let me say to him that the best way to avoid any possible influence which the decision of this case may have upon a Presidential election, is to so comport ourselves in the discharge of our duties that no Presidential election will ever come into this House, but that the votes of the people will decide in favor of that party which I believe is pledged to every system of good government that ought to win the confidence of the electors. [Applause.]

Believing as I do, while there floats over my head that flag which Captain White and his comrades have kept aloft in the breeze over every part of this country, extending the power of Congress to every section of the Union—while I thus feel grateful to the heroes who preserved that power intact and who cemented with their blood this Union under which we live, I shall not cast a vote which I would regard as treason to my constituency and which would pronounce a soldier of the Union guilty of perjury and unworthy of association with honorable men. [Applause.]

Mr. CRISP. What disposition does the gentleman from Illinois [Mr. ROWELL] propose to make of the remainder of the hour?

Mr. ROWELL. How much of the hour remains?

The SPEAKER *pro tempore*. Seven minutes.

Mr. ROWELL. I yield that time to the gentleman from Minnesota [Mr. WILSON].

Mr. WILSON, of Minnesota. Mr. Speaker, when I read the report and the briefs in this case, they led me to doubt the conclusion of the majority of the committee; but on account of the great respect which I have not only for the legal ability but for the honesty and impartiality of that majority, I reread and reconsidered this case to see if my first impression was not wrong. But a reconsideration has not changed my conclusion. A conclusion of this kind, Mr. Speaker, of course, ends for any member of this House all discussion. We sit here as judges, and we are not honest men if we do not vote as we believe, irrespective of any party consideration whatever. [Applause.]

Mr. Speaker, I wish to give in a very few minutes (for I have but a few) the reasons which have led me to the conclusion at which I have arrived. There are two questions here—one of fact and one of law. The question of fact is, did the contestee in this case go before a court of record and make the proofs which the statute required him to make in order to become a citizen of the United States? Secondly, the question of law is, if he did this, the record being wanting, is it competent to prove the fact by parol? As to the first, the question of fact, I have carefully considered the evidence in the case, and to me it seems to be satisfactory that the contestee went before the proper court and made the requisite proof and took the oaths required. Let me add that in reaching this conclusion I have proceeded upon the principle that when a man has received a majority of all the votes cast in his district, every presumption not absolutely unreasonable must be entertained in his favor. We have no right to unseat a man who has been sent here by the majority vote of his constituency unless some rule of law stands in the way and is conclusive against him.

I merely repeat what has been before said when I remark that either Mr. White is a perjurer and his two witnesses are perjurers, or else he went to the proper court and made the requisite proofs in order to secure the rights of citizenship. Mr. Speaker, when I turn to the testimony of those who attempt to contradict him I am but the more confirmed in the belief that he did this; for though this matter was sprung upon him but two or three days before the election and without any notice in advance, he at once said, "I have my naturalization papers; I am a citizen." There was no hesitancy—no dodging of the issue. When it is suggested to him, "You must not only have your first papers, but your second papers," he says, "I know that; and I have them." When it was stated to him, "The records of the court show the issue of no papers to you; may you not have obtained them elsewhere?" does he like a dishonest man try to catch at this straw? No; he says, "I obtained all my papers in this county," though he knew that the records could be examined at once. Those are not the words of a man who did not believe what he said. This man knows just what the facts are; he does not forget—he can not forget. The facts, therefore, I think are clearly in his favor.

Now, Mr. Speaker, we come to the legal question, and if there is anything settled by the court which has the right to settle the law absolutely and finally, it is settled that the thing which this man did constituted him a citizen. Let it be borne in mind, this man says that when he went before the court with his witnesses and made the requisite oaths, he got his certificate of naturalization. There are hundreds in this room who know the steps taken on such an occasion, and they know that the rule is uniform that the certificate of naturalization is given when the proofs are made and the oaths taken.

Some one has suggested here, as a reason why we should unseat the contestee, that there is no definite proof of the form of the certificate which he received. I see no force in this objection; I have seen hundreds, I think I might say truthfully thousands, of those certificates of naturalization issued and I have had reason to examine some of them; but if I were asked, especially if the question were sprung upon me suddenly, I could not answer specifically, nor could I, after time to reflect, give the very terms or words of them. How many here could give the precise form of their title deeds? They could readily answer that they had a deed in the usual form, just as the contestee has sworn that he received a certificate in the usual form, but beyond that they could not go. Had the contestee been more particular and positive in his statement as to the very form of his certificate he would only have cast a doubt on his veracity and have given ground to suspect that he was drawing on his imagination for his facts.

We all know that the certificates issued on such occasions are essentially alike, and no one here has doubted, nor does it admit of doubt, but that such a certificate issued to the person naturalized after he has, on his part, complied with the statute, is all that is required to confer on him and prove citizenship. The contestee has sworn positively that he did, as is the usual if not the uniform rule in such cases, receive such a certificate, and that it is lost. The case of Campbell *vs.* Gordon (6 Cranch, 176) as has been stated by the gentleman from Illinois [Mr. ROWELL] is, therefore, on all fours with this.

The facts in that case are as follows: A citizen of Virginia died intestate, without issue, leaving a landed estate in Virginia. His brother, who, like this contestee, was a native of Scotland, having removed to this country, and became, as he alleged, naturalized, died, leaving a daughter; she claimed the land by descent from her uncle.

The SPEAKER *pro tempore*. The gentleman's time has expired.

Mr. WILSON, of Minnesota. I do not wish, unnecessarily, Mr. Speaker, to trespass upon the time of the House, and I will therefore only state this single point. [Cries of "Go on!"] If her father had been naturalized she inherited the estate; if not, it had escheated, and the question involved in her case was the validity of her title, and that was conceded to be valid if her father had been legally naturalized; his naturalization was, therefore, the single question in the case.

The record in that case shows that a certificate of naturalization had been issued to her father in essentially the same form of the certificate issued to the contestee in this case, and in that case there was no other record. It is true there were certain memoranda made by the clerk, in these words: "At a district court held at Suffolk, October 14, 1795, William Currie, native of Scotland, migrated into the Commonwealth, took the oath, etc." This is not a record of naturalization; indeed, it is not a record at all, or in the nature of a record.

It is merely a memorandum made by the clerk for his own convenience. The only record there was in that case was the certificate in substantially the same form of the certificate in this case, and the court held that the evidence established the fact of naturalization. The opinion of the court was delivered by Mr. Justice Washington, Chief-Justice Marshall and the other members of the court concurring.

It is true that in the case cited the certificate issued by the clerk to the person naturalized was produced in court, whereas in this case it is not produced; but the contestee has accounted for its non-production and has proven its loss. And no lawyer or intelligent layman would doubt but that it is legally competent to show by parol the existence of a record and its loss or destruction, and when that is proven it is competent to show its contents by parol. The case cited and this case are, therefore, not distinguishable; for the existence, the loss, and the contents of the certificate being proven, as a matter of evidence the parol proof of the contents has the same probative force as the certificate would have had if presented.

Let me read briefly from their opinion:

> In support of the first objection it is contended, that although the oath prescribed by the second section of the act of Congress entitled "An act to establish a uniform rule of naturalization, and to repeal the act heretofore passed on that subject," passed the 29th of January, 1795, was administered to said William Currie by a court of competent jurisdiction, still it does not appear, by the certificate granted to him by the court, and appearing in the record, that he was, by the judgment of the court, admitted a citizen, or that the court was satisfied that, during the term of two years, mentioned in the same section, he had behaved as a man of good character, attached to the Constitution of the United States, and well disposed to the good order and happiness of the same.
>
> It is true that this requisite to his admission is not stated in the certificate; but it is the opinion of this court, that the court of Suffolk must have been satisfied as to the character of the applicant, or otherwise a certificate, that the oath prescribed by law had been taken would not have been granted.
>
> It is unnecessary to decide whether, in the order of time, this satisfaction, as to the character of the applicant, must be first given, or whether it may not be required after the oath is administered, and, if not then given, whether a certificate of naturalization may not be withheld. But if the oath be administered, and nothing appears to the contrary, it must be presumed that the court, before whom the oath was taken, was satisfied as to the character of the applicant. The oath, when taken, confers upon him the rights of a citizen, and amounts to a judgment of the court for his admission to those rights. It is, therefore, the unanimous opinion of the court that William Currie was duly naturalized.

Now, the court must have been satisfied. Why? Because by the parol evidence received it was proved that the man had been naturalized.

Mr. CRISP. Will the gentleman from Minnesota yield to me for a moment?

Mr. WILSON, of Minnesota. Yes, if my time will permit.

Mr. CRISP. Where do you get the idea that it is based on the po-

sition that the record was proved by parol evidence? There is no parol evidence in it. He infers from the fact that he did take the oath that he did everything else preliminary to the taking of the oath.

Mr. WILSON, of Minnesota. Let me answer the question of the chairman of the committee from the book itself. The report shows that parol evidence was given, that was one of the errors complained of, and every lawyer knows that when you take memoranda like these and supplement them by parol, so as to show a judgment, it is all parol. For if, as you claim, you can not show what the judgment was by parol, then it follows that you can not add one iota to it by parol.

But, Mr. Speaker, let us look for a moment at the consequences of the action here proposed. In portions of the country perhaps more than half the people are of foreign birth. Shall we say here, by our action on this case, that a mistake of a clerical officer of any one of our courts, over whose actions they have no control and for whose errors they are not responsible, may disfranchise them, may make their actions, which would otherwise be patriotic and legal, unpatriotic and criminal? Such action on our part would justly alarm hundreds of thousands of people.

I can never assent to a position which would make the rights of so many people dependent on either the intelligence, the honesty, the vigilance, or the accuracy of a mere clerical officer. It gives me pleasure to believe—I think I may safely say know—that such is not the law of our country. If I did not feel sure that it is not, I should, at the earliest possible moment, introduce a bill to change the law.

In what position would we place the contestee by such a vote?

If he was in a court of law, an error in the record could be corrected so as to prevent injustice, *nunc pro tunc;* or, if he was in a court of equity, that court would act on its maxim that that should be considered as done which ought to be done, and as such an error ought to be corrected, and the proper entry made, the court would consider it as made.

But here, in the House of Representatives of the United States, which should in such cases be guided by the broadest principles of equity, the vote we are asked to give would deprive the contestee of the rights which he would be entitled to either in law or equity.

The SPEAKER *pro tempore.* The time of the gentleman from Minnesota has expired.

Mr. CRISP. I now yield twenty minutes to the gentleman from Ohio [Mr. OUTHWAITE].

Mr. OUTHWAITE. Mr. Speaker, in the brief time allotted to me, as a member of this committee, I propose to take the position, and attempt to demonstrate it to every fair-minded man on the floor of this House, without being committed (as gentlemen in favor of the contestee seem to desire to commit all of us favoring the report of the committee) to the proposition that the contestee was guilty of perjury—I propose to maintain that the evidence upon which this claim is set up, that he was naturalized on the 28th day of February, 1865, is insufficient because it is contradictory and destructive of itself.

In considering this case I was not actuated by the question as to whether there were many foreign-born citizens in my district, nor whether there were many soldiers in my district. I esteem both of these classes of my fellow-citizens as I would be esteemed by them. I was appointed a member of this committee by the action of this House, not of my choice. I remember that upon the threshold of my membership I took the solemn oath to sustain the Constitution of the United States; and with the recollection of that oath upon my lips I came to consider this case and all of the difficult questions, either of law or of fact, involved therein in the spirit of such judicial fairness as they ought to command. But at the same time I came to consider it with the sympathy and feelings akin to those which were manifested by many members on the floor of the House but a few moments ago when the fact was alluded to that this contestee had shed his blood for the preservation of the Constitution. Of what value is that Constitution to us, of what value is it that men shall shed their blood for its preservation, unless it be preserved in the purity of its provisions without regard to conditions, or policies, or parties?

All provisions of the law favoring the naturalization of aliens who were soldiers are to be heartily approved. But those provisions do not apply to this case. The law does not go so far as to make such soldiers citizens without having complied with its plain requirements.

I do not forget, sir, that upon one occasion a battle-scarred veteran of three wars was elected to this House as a member, backed by a majority three times as large as that of this contestee, and by that party over there he was sent back and his district turned over to his opponent. I allude to the case of the gallant General Shields, when he came here as a Representative from the State of Missouri. [Applause.]

I remember, also, that upon a former occasion, at an earlier day, when he was elected to the United States Senate from the State of Illinois, he was virtually sent back to the people by the Senate; because at that time he had not yet been naturalized. I remember that the records show that Albert Gallatin, who was here at the birth of the Republic, was deprived of his seat on the same ground.

Mr. GUENTHER. Did General Shields ever claim that he was naturalized?

Mr. OUTHWAITE. He did not claim it upon the first occasion of which I speak, and upon the record was not sent back on that ground. He was sent back because your party had a majority in this House. [Applause on the Democratic side.]

Mr. CONGER. And that is the reason you are going to deprive White of his seat, is it?

Mr. OUTHWAITE. No, sir.

Mr. JACKSON. Is that the reason you propose to send this man back?

Mr. OUTHWAITE. No, sir.

I shall continue my argument now, Mr. Speaker, if gentlemen will permit.

The testimony does not show that the contestee in this case ever appeared in a court of record and was naturalized.

Mr. LONG. Is not the fact shown that he was naturalized?

Mr. OUTHWAITE. No, sir; it is not shown that he was naturalized, except as to the fact of naturalization in a county outside of his district and but the day before he was elected; and that naturalization is not according to the requirements of the Constitution, which provides that he shall have been a naturalized citizen for seven years prior to his becoming a Representative in Congress.

Mr. JOSEPH D. TAYLOR. Will the gentleman pardon me for interrupting him?

Mr. OUTHWAITE. I can yield for no more questions, as I have but twenty minutes.

Let us look at the circumstances of this case; let us look at the conduct of the contestee in this matter. Let us do it intellectually, without any criticism or insinuation against his moral character.

Three days before the election came on, two gentlemen came to him and said, "We understand you have not been naturalized." What was his answer? Gentlemen say we must believe his testimony. Now I read from his testimony as to what he said on that occasion:

I said that was all nonsense; that I had been naturalized years ago; that I took part in the Frémont campaign and was an earnest worker for Frémont, believing like other young men that the salvation of the country depended on his election, and I was very enthusiastic and voted for him.

Let us now consider carefully the testimony of these two gentlemen on this point.

MR. BELL'S TESTIMONY.

Page 155:

"You say you took them out in 1857 or 1858. May you not have taken out the other papers in Kosciusko County?" He said, "No, sir; I did not. I took them out here." Then I said, "Before you did that in 1857 or 1858, you must have declared your intention at least two years before." He said, "Yes, I did; I am not mistaken about that. I took them out in order to vote for Frémont. I was young then, just a boy. It was in the days of border ruffianism, and I supposed that unless Frémont was elected the country was gone to the dogs, and I am not mistaken about that. I took out my papers in order to vote for Frémont, and all I took out were taken out here in this county."

MR. MOYNIHAN'S TESTIMONY.

Page 157:

On the 28th I had such an interview with Captain White, in company with Mr. Bell. We related to him the information given to us, that he was not a fully naturalized citizen. We misunderstood the proposition as first given us, understanding it that he had taken his first papers in Kosciusko County, and we put it to him in that way. He replied that he had never taken any papers in Kosciusko County. We then questioned him as to his taking out papers of naturalization. He replied that along about 1856 or 1857 he had taken out papers. He said that he believed Mr. Jenkinson was clerk. Mr. Chittenden, he understood, was in the office. I wish to say, rather, that Mr Jenkinson was in the office with him or accompanied him to the office either in the capacity of a friend or attorney. We asked him if he recalled having taken out two separate papers, explaining to him the necessity of such a procedure. He said that he had not or could not recall any occasion for taking out papers other than those referred to, about 1856 or '57, urging at the same time that he took the papers out then in order to vote for Frémont, candidate for President, saying that there was considerable feeling, that he was a young man and there was some belief then that unless Frémont was elected the country, to use his own expression, would go to the dogs, and border ruffianism would be upon us. He said that he had not paid much attention to papers at that time, being, to use his own expression, a young buck, full of life, and looking only to the immediate surroundings. We asked him if at any time in going to Europe or abroad he could recall having taken naturalization papers outside of Allen County, and he said he did not; that he took no papers outside of Allen County.

6. Q. Mr. Moynihan, did you, as city editor of the Sentinel, in so far as you did publish the item referred to as Exhibit G, make a true and conscientious report of what you said to White, of what Mr. Bell said to White, and of what Captain White replied to you?

A. I took notes of the dates and main facts and drift of the conversation between us. I did not write this first article; it was written by Mr. Bell. Afterwards, in referring to his eligibility, I did make use of my information in the editorial columns, and to the best of my knowledge and belief this article marked Exhibit G is a true and fair exposition of the conversation and interview had with Captain White.

7. Q. Did you, in Exhibit G, publish any statement as having been made by Mr. Bell or yourself or by Mr. White to you or to Mr. Bell in the conversation referred to that was not made?

A. To the best of my knowledge and belief there was nothing here in the article marked Exhibit G but what is a fair and just outline of the conversation and interview had with Captain White.

Q. 8. Is it substantially what was said between you?

A. It is.

Why did this gentleman revert to the Frémont campaign, if he did not intend to be understood then that he was naturalized in 1858?

Here follows part of the article alluded to by Mr. Moynihan:

Not desiring to do Captain White an injustice, a reporter of the Sentinel sought an interview with him to-day before publishing the facts, in order to ascertain whether he had any papers in his possession to show that he had been naturalized. He promptly said that he had not. It is due to him to say that he asserted that he felt sure that he had taken out the necessary papers. That it was

done in this county and not in Kosciusko, where he had once lived, and where the records have also been carefully searched. At the time of the interview the reporter had understood that the declaration of intention was made in that county. This was an error on his part. Captain White asserted that he had taken out final papers in 1857 or 1858, and that his first papers were taken out so that he could vote for Frémont in 1856. The records show that in this he was mistaken. He did not apply for his first papers until 1858, two years after Frémont ran. So if he voted for Frémont he did so illegally. Neither could he have taken out final papers in 1857 or 1858, because that could not be done until two years had elapsed after taking first papers.

It is altogether certain that Captain White, like thousands of others, only took out his first papers, and as these allowed him to vote, paid no attention to and neglected full naturalization.

The captain doubtless remembers taking out his first papers, and that is all he did. He stated very frankly that it was a matter that he had not thought of nor given any attention.

There are suggestions of the solution of Mr. White's unexplained and unexplainable course that do not involve him in perjury or any other evil conduct.

That is his first position. That is equivalent to his saying to these men, "I had made my declaration of intention before 1856, the year of the Presidential election." That can not be questioned. Then what does he say? He goes on to say that he took out his second papers in 1857 or 1858. There is his own testimony and there is not any question about it. It is corroborated by Moynihan; it is corroborated by Bell; it is corroborated by his son. He made that statement or the equivalent of that statement that he voted for Frémont and took out his other papers in 1857 or 1858.

Mr. GALLINGER. Did the contestee admit that before the committee?

Mr. OUTHWAITE. That is his testimony, his deposition as it appears in the record. Immediately there was a consultation of his friends held. Lawyers were called in; politicians were called in. He had gone to his home and made a search for this certificate and he states that he did not find it; that he did not find his marriage certificate; that he did not find his honorable discharge. Let me say to you that no man can find in the record any statement that those papers were together with his naturalization papers. He says himself that he does not recollect whether he sent home his honorable discharge or not.

But then what occurred? When this consultation was held did he at any time say to any of his friends that he was naturalized in 1865? No; not once. Did he send any one to the court to see if the record would show that he was naturalized in 1865? No; he made publications in the paper and asserted that he was a citizen because he was a soldier. He did not at any time or place in the presence of any witness brought here say anything at all about 1865 until he did so on the stand in March of the year following.

Gentlemen on the other side say, "What about it if he did make a mistake at that time?" There was not any mistake. He said, "I voted for Frémont." He might as well have said, "I declared my intention prior to that election, or else I committed a crime against this country. I voted for Frémont; I took out all my necessary papers in 1857 or 1858."

Now with those facts staring us in the face we are led to consider the evidence which shows or tends to show his intention to create the impression that he did take out naturalization papers in 1865.

I have here the excerpts I have made from the record, which I shall not stop to read, and in printing them I shall not put in a word which does not occur in the record.

MR. WHITE AS TO DATE OF NATURALIZATION.

Page 28, question 10:

"A. Resigned that position in 1864 at Atlanta, Ga., and came home the following December of that year; remained at home until the latter part of February, 1865; I then started for Europe, and early in March, being in New York for that purpose, received a telegram to come home, that my wife was very ill; I did come home; remained with my wife."

Page 229, question 22:

"A. In the year 1865, in the latter part of February, about the 28th day of that month, I had determined to make a trip to Europe, and had talked with some of my friends in relation to it, amongst them Mr. John Brown, who advised me before doing so to take out my second papers in order to get a passport. I went with Mr. John Brown, accompanied with Mr. Alexander Muirhead, for that purpose. I told them to go to the court-house, and I would get the Hon. Isaac Jenkinson as my other witness. I went there with Mr. Jenkinson, and Mr. Chittenden was there in the court-house, and Mr. David H. Colerick was there. Judge Borden was in the court, on the bench, and I told him I wanted to get my second papers. He asked who my witnesses were. I said they were here. Mr. John Brown and Mr. Jenkinson were then sworn as my witnesses. I then took the oath so prescribed for that purpose, to become a citizen of the United States. It was in the court of common pleas. The oath of allegiance was administered to me in open court by Judge Borden, the then presiding judge of the court of common pleas. The principal fact in connection therewith was the fact that I was going to Europe."

INTERVIEW WITH MR. BELL, IN MOYNIHAN'S PRESENCE.

Page 230:

"Our people claim you are not a naturalized citizen of this country, and as such are not eligible for a seat in Congress." I said that was all nonsense; I had been naturalized years ago; that I took part in the Frémont campaign, and was an earnest worker for Frémont, believing, like other young men, that the salvation of the country depended on his election, and I was very enthusiastic and voted for him; that I remembered very well of taking out my first papers in the little brick on the corner of Main and Calhoun streets, then the clerk's office, and that Chittenden was then in office; and the next time, I said when I took out my second papers, Jenkinson was one of my witnesses. Mr. Bell then said, "That can't be so, surely, for the records have been gone over carefully, page by page, not relying on the index, and there is no record of your papers." I said, in reply, "I could not help that; that I did not keep the records, but that I had all my necessary papers."

As to the time and year in which you took out your final papers?

A. Neither the time nor year was spoken of in either case as to when I took out my first or second papers. I claimed then in that interview, as I have done ever since, that I had taken out all my necessary papers; that it was done in Allen County, and not in Kosciusko County.

29. Q. Did or did you not say in that interview to Mr. Bell and Mr. Moynihan that you had taken out all your necessary papers?

A. Yes, sir; I told them that I had taken out all my necessary papers.

Page 231:

A. No, sir; not one word was said as to the time or date in taking out either my first or second papers by me.

38. Q. Did Mr. Bell say to you that you must have taken out your first papers before that in order to vote for Frémont, and if he so stated, what reply did you make to him?

A. No, sir; Mr. Bell didn't say one word as to time in taking out my first papers or as to voting for Frémont. It was myself who said I had voted for Frémont.

MR. WHITE COUNSELING WITH FRIENDS.

Page 232:

Mr. Oppenheim spoke and advised me, as an attorney, that if I could not find them to go to Huntington County or to Kosciusko County and take out another set of papers; that he had been talking with other attorneys, and they agreed that they would do me no harm and might possibly do me good, as I might have trouble in getting the courts here to make a *nunc pro tunc* entry. In talking matters over a little while he left. They advised me and talked matters over, and said, "Nevertheless, that is true; yet you must go to some other county, as the courts are shut down here, and take other papers. They will not hurt you, and may do some good;" that they had not looked up nor had time to look up all the matters pertaining to the case; that in some of their minds they felt that if I took papers now they would relate back, in their judgment, to the time I took the oath when I enlisted. After a good long while's talk I said I did not like to do it, yet would be governed by their opinion, and as they said to go I would go and do so, but I hoped they would make no mistake in the matter. They said, "No trouble about that; they can't do you any harm, and when the campaign is ended there would likely be no more of it."

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PUBLICATIONS BY MR. WHITE.

I said nothing about first papers in 1858 or second papers in 1865, and I had several thousand extra copies of some of those papers circulated through the district to endeavor, if possible, to checkmate the falsehood.

Q. Now answer the question, please, as to whether, during such time between the appearance of the Sentinel article and the election, you published, or caused to be published, any statement in any of the newspapers, whether daily or not, to the effect that you had completed your naturalization, or, in other words, taken out your second papers, on an occasion when you were contemplating a voyage to Europe?

A. No, sir; I published no statement regarding my taking out my first or second papers, or that I had at any time been contemplating a trip to Europe, but I did publish a statement in all the daily papers of this city and assured the people that I was a full citizen of the United States, and that the assertion to the contrary was simply a campaign lie.

Page 188:

MR. JENKINSON'S TESTIMONY.

A. I think Captain White was naturalized within one or two years after his return from the war, at Fort Wayne, and that I was present as a witness or a spectator, I am not sure which; I think I was a witness, though.

Q. 9. Please state before what court or judge such naturalization took place.

A. I am not sure; it was in the court-house at Fort Wayne, and I think before Judge Borden, but I am not sure that it was before him.

3. Q. If the contestee was naturalized at the time you say he was, please state who were the witnesses.

A. My impression is that a gentleman named John Brown and myself were the witnesses. Now, that is my impression, but it is a very strong impression. I wanted to say impression because I do not want to say positively. I might have been there as a friend of Mr. White's or something of that kind; my impression is that I was there as a witness, but I am not positive as to that; I might have been there as Captain White's friend.

Q. 4. At the time was the court in open session, transacting business?

A. My recollection is that the judge was on the bench and the court officers were there, but that there were not many others there.

Q. 5. Are you sure that Judge Borden was on the bench at the time?

A. No.

Q. 6. If Judge Borden was not presiding on the bench at the time, please state the name of the officer that was.

A. I am not sure who was judge at the time, but it was the judge of the court that was presiding, whoever that was; I can't remember who was judge at that time.

Q. 7. Was the clerk of the court present, recording the proceedings that was being transacted before the court?

A. I have no recollection now of who were and who were not present, except that it was in court at the time, and can not remember about the clerk any more than I can about the sheriff or any other officer; I only know it was in court and officers were there; it is a good long time ago.

Q. 8. Who was clerk of the court at that time?

A. I don't remember now.

Q. 9. Was this in the common pleas or in the circuit court?

A. I should think circuit court. I don't know anything about common pleas now.

Q. 10. Why do you say you don't know anything about the common pleas court now?

A. What I had in my mind was, I can't remember now just at what time the common pleas court existed. I know they were in existence at one time.

Q. 11. Are you in doubt now as to whether there was in existence at the time you speak of even a common pleas court for Allen County?

A. I don't know whether there was or not.

Page 449:

Q. 12. State all who were present at the time you claim the contestee was naturalized. Please do not omit any one who was present at that time and give their names.

A. Well, besides the judge and officers of the court, whom I am confident were present, there were present Captain White, John Brown, E. L. Chittenden, and myself. I don't think there were any others, except those interested in the proceeding. I can not now recall who the officers of the court were—not from recollection.

Q. 15. At what term of court did this supposed naturalization of the contestee take place?

A. That I can not tell.

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Q. 16. Did it occur in the spring, the summer, the fall, or in the winter?
A. I can not remember that at all.

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Q. 40. If E. L. Chittenden, of whom you have spoken, was present on the only occasion of the kind on which you were present, in what capacity was he acting?
A. I couldn't be sure as to what purpose he was there, as I am not sure of many of the details that occurred at that time. I am impressed with the idea that he was there.
Q. 41. Was not he acting as deputy clerk, and did he not fill out a paper that was signed and sworn to by Captain White at the time; and was not that paper simply a declaration of intention to become a citizen?
A. I can't be sure as to what capacity he was there in, if he was there. I have no recollection of any papers being filled out at that time, and there is one incident connected with the occasion which satisfies me that the purpose was not a mere declaration of intention. I have no recollection of any papers being drawn up or signed or sworn to on that occasion.

Page 191:

Q. 44. If there were but one occasion on which you and E. L. Chittenden were present with Captain White at the court-house when he was taking any step in regard to naturalization, and that was on the 24th July, 1858, what would you say in reference to there being still another instance of a similar character when you were present?
A. I remember no such occasion in 1858. If there were but one occasion, and if E. L. Chittenden and myself were present on that said occasion in July, 1858, I don't think I was present then on any other occasion.
Q. 63. Persons whom you speak of as being present at the time of the occurrence are all dead, are they not?
A. I don't know that they are all; I know that three of them are dead that I supposed were present; the others I can not tell about.
Q. 64. Who are the living?
A. I don't know, as I said before, who was present except the officers of the court; I don't know that any are dead but the three, and I can't name any others but Captain White and myself; I suppose all the officers of court are not dead.
Q. 65. Who were the officers of the court then present?
A. I am not sure who they were at that time.
Q. 66. What is your recollection?
A. I think Borden was judge, and I don't remember the others.
Q. 67. You don't even remember who was clerk or sheriff, or acting as such?
A. No; I do not.
Q. 68. Do you say positively that Borden was judge, and present acting as such; judge of the court of common pleas?
A. No; I do not.
Q. 69. Can you state with certainty who was the judge, or of what court he was the judge?
A. No; I can not.
Q. 70. Are Judge Borden, Mr. Chittenden, and Mr. Brown, all of whom you have spoken, deceased?
A. I believe they are all dead.
Q. 71. If it were some other judge than Borden who acted, is he still living?
A. I can't say; I don't remember who were the judges about that time.
Q. 72. How many judges at that time held court in Allen County?
A. I am not sure of any but the judge of the circuit court.

Page 196: W. T. PRATT'S TESTIMONY.

6. Q. Where has Captain White resided since you first became acquainted with him?
A. He resided here all the time, with the exception of the time he resided at Warsaw, Kosciusko County, Indiana. I do not know how long he was there; two or three years; till the war broke out.
7. Q. Where did he reside during the years 1864, 1865, and 1866?
A. I do not know whether he had got back from the war in 1864 or not, but his family resided here, in the back part of what used to be called Spencer's out lot, on Douglas avenue; his family resided there—his wife and children. He came home wounded, and I went up to see him, and that is the way I know he lived there.
8. Q. Did he return to Fort Wayne at or before the termination of the war?
A. He returned to Fort Wayne, but I do not know whether it was at or before the termination of the war.
9. Q. What official position, if any, did you hold in Allen County, Indiana, during the years 1864, 1865, and 1866?
A. I was sheriff of the county.
10. Q. Who was judge of the court of common pleas of said county during said year?
A. Judge Borden.
11. Q. State whether or not, as sheriff, you were present and usually attended the sessions of said court.
A. Yes, sir.

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12. Q. You may state what, if anything, you know in regard to the appearance of the contestee, James B. White, in the said court of common pleas for the purpose of being naturalized.
A. I am of the opinion that Captain White, Isaac Jenkinson, David H. Colerick, and I think some one else went up, and Judge Borden swore them in open court.
13. Q. Did said parties appear in said court as witnesses in a cause then on trial in said court, or in relation to an *ex parte* matter then presented to the court by said persons?
A. That I do not know. There was no case on trial at the time.
14. Q. State your best recollection and impression as to whether John Brown was present at the same time in said court.
15. Q. I mean John Brown, the miller, a brother-in-law of the contestee.
A. I do not remember.
16. Q. State whether there were others than the three you have named present at the time, and, if so, your best recollection as to who else were present.
A. There were others present, but I could not undertake to say who they were.
17. Q. What is and has been your best recollection and impression as to whether or not the contestee was then naturalized in said court?
A. Until this question came up here I had no opinion about it, and it had passed out of my mind; but remembering the circumstance and the custom of taking two witnesses, my opinion is that he was naturalized at that time.
18. Q. You may state whether or not you recollect the fact of an oath being administered to the contestee, James B. White, in the court at that time, and, if so, you may state if you recollect who administered that oath.
A. I think there was, and that Judge James W. Borden administered it.
19. Q. You may state as nearly as you can at which time and in what year the contestee, James B. White, appeared in said court, as you have heretofore stated.
A. I do not remember the season of the year. My impression is that it was the latter part of 1865 or the early part of 1866. My impression is that it was the latter part of 1865.
(Objected to by counsel as being immaterial and incompetent.)
20. Q. State when you were first elected sheriff of Allen County.
A. In 1862.
21. Q. When did your term of office commence?
A. It commenced the latter part of October or first part of November, 1862.
22. Q. How long did you continue in office?
A. Four years.
23. Q. State whether or not there was any other person than the contestee and those who attended him, who had at the time any business to be then transacted before the court.
(Objected to by contestant on the ground of being incompetent and immaterial.)
A. I do not remember.

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How many other persons appeared in said common pleas court during the years 1865 and 1866 for the purpose of being naturalized?
A. I do not remember.
30. Q. Out of that good many, please name a single other person who appeared in said court for the purpose of having naturalization in either of those years.
A. I do not remember any.

Does he give any sufficient or satisfactory reason for his opinion in this case? The answer must be, None whatever.

Who are his witnesses? Whom does he call to prove these facts? First, he calls a Mr. Jenkinson to state in his behalf what occurred. In his own testimony he says:

I started to go to the court for the purpose of being naturalized, accompanied by Mr. John Brown and Mr. Muirhead.

There are two persons, sufficient to make the proof; why need he go after Mr. Jenkinson? Nowhere in the evidence does Mr. Muirhead again appear. He says he goes for Mr. Jenkinson and brings Mr. Jenkinson there. Now, the testimony of Mr. Jenkinson shows that he did not know what year this was; that he did not know what season of the year it was; that he does not recollect, but he thinks and has impressions, etc.

And what is more, although he had been a lawyer at that bar, although he was the editor of a leading newspaper at that time, Mr. Jenkinson can not tell in what court this occurred. But stay. Oh, yes; he tells you the court; he says it was in the circuit court. Mr. White and Mr. Pratt say it was in the court of common pleas. Mr. Jenkinson says, "I do not know anything about the common pleas court, and do not even know who was the judge of the common pleas court." Yet the man before whom these papers were said to have been taken out was the judge of the common pleas court, and the contestant in this case was the judge of the circuit court at that time. Read that testimony and you will find it is exactly as I have stated. They do not agree as to the court. Then Mr. Pratt says that Colerick and Jenkinson were the witnesses; that they were sworn. Jenkinson says he thinks he and Brown were the witnesses. White says they were Brown and Jenkinson; but after having heard the testimony of Pratt four or five days afterwards for the first time, he swears that Colerick was present at that time.

Here is what Jenkinson said, in his own language:

There was present Captain White, John Brown, and E. L. Chittenden, and myself. I do not believe there were any others except those interested in the proceeding.

In another part of his testimony he says:

I do not think there were any others there than those interested in the proceedings except officers of the court.

And he makes Mr. Chittenden an officer of the court at the time that he appears, although Mr. Chittenden was not an officer of the court in 1865. If gentlemen are going to insist that this man was naturalized in some court, pray tell us which court. Was it the circuit court? I ask the gentleman from Minnesota [Mr. WILSON], who says that he has read the record.

Mr. WILSON, of Minnesota. The court of common pleas. He so swears.

Mr. OUTHWAITE. But does not Jenkinson, his other witness, upon whom he relies, swear that it was in the circuit court?

Mr. WILSON, of Minnesota. He says that he will not swear which it was, and I say that a man like Jenkinson would be quite likely to make such a mistake twenty-three years after the event. The courts are of co-ordinate jurisdiction.

Mr. OUTHWAITE. The gentleman says Jenkinson would be likely to make such a mistake; he would be just as likely to make a mistake as to his having been there at all in 1865.

There is another thing to which I wish to call the attention of the House.

Mr. BOOTHMAN. Will the gentleman permit a question?

Mr. OUTHWAITE. Not at present. When Captain White wants to impress upon this House that he recollects so distinctly that he took out his last papers, he says the fact that he was going to Europe was the chief fact in connection with the matter. In the conversation with Bell, in the presence of Mr. Moynihan, his attention had been called to the fact that he might have taken them out somewhere else when he attempted or intended to go to Europe. In his testimony he says that he went to New York in the latter part of February or the first part of March. If he went to New York the latter part of February, it was on the 28th day of February, and I challenge anybody to say that he would have forgotten that fact at the time when he was questioned

as to his naturalization, and from then on up until the time when he came upon the witness stand, and he never applied for the passport, which was his chief object in becoming naturalized.

Gentlemen say that he was advised to go and take out papers in the other county. Why? He says in his own testimony that it was with the idea that perhaps they might relate back—relate back to what date? To 1865? Oh, no. That they might relate back to the time when he took his oath as a soldier in the Army. The doctrine of relation was to be applied to some date. Now, why was it that that date was not the time at which he claimed he had taken out his other papers? Why did his mind run back to 1861 instead of 1865? Why did his recollection pass beyond the date now claimed as the one at which he took the oath of allegiance.

There is no difference, no question of difference, between him and the other witnesses as to the fact that he did claim that he was naturalized in 1857 or 1858. The testimony of all the witnesses corroborates that. He said, "I took out all the necessary papers at that time." He repeated that; he emphasized it; he dwelt upon it; and he stated, as the thing which forced it upon his recollection, the fact that he was at that time an enthusiastic supporter of John C. Frémont, and had voted for him in 1856.

[Here the hammer fell.]

Mr. GROSVENOR. Will the gentleman allow me to call his attention to what appears to be a misstatement of fact on his part, made inadvertently, no doubt?

Mr. OUTHWAITE. My time has expired, and I do not know that I have the right to yield to the gentleman.

Mr. GROSVENOR. I want to call my colleague's attention to what seems to be an erroneous statement of fact made by him in regard to the treatment of General Shields. General Shields never was a member of this House. I find a record here which shows that General Shields was expelled from the Senate of the United States upon a report made by Mr. Mason, of Virginia.

Mr. OUTHWAITE. That does not answer the fact that he was driven out of this branch of Congress by the votes of your party after he had been duly elected by the people.

Mr. GROSVENOR. General Shields was never put out of Congress by a Republican House. He never was in the House of Representatives. He filed papers and contested the seat of Mr. Van Horne of Missouri, in the Thirty-ninth Congress. His contest failed. That is all. He thought he was elected and tried to get in, but the House decided he was not elected.

Mr. GROSVENOR. But he had first been put out of the Senate by a resolution reported by Mr. James Mason, a Democrat of Virginia, and demanded upon the motion of John C. Calhoun, declaring his pretended election null and void.

Mr. OUTHWAITE. Oh, Mr. Calhoun was not living at the time I speak of. It was after the war, after General Shields, like the contestee in this case, had participated in the war for the Union.

Mr. GROSVENOR. I understand that to be your statement, but the statement I am making shows you are wholly mistaken.

Mr. OUTHWAITE. I do not yield for any more such statements. [Laughter.] Mr. Speaker, I ask leave to print in the RECORD the quotations from the testimony which I have referred to but have not read.

There was no objection.

[Cries of "Vote!" "Vote!"]

Mr. CRISP. I now yield twenty minutes to the gentleman from Pennsylvania [Mr. MAISH].

Mr. MAISH. Mr. Speaker, after listening to the speeches made here on behalf of the contestee, I almost feel as if I owed an apology to the House for having agreed to the majority report. [Laughter and applause on the Republican side.] It has been contended here that it is a reproach to occupy the position occupied by myself and the gentlemen with whom I have agreed in bringing in that report. Much has been said in this case that I think would have been more appropriately spoken in another arena. I fancy, sir, that such speeches were made in the campaign out of which this contest came. If the personal claims of the contestee were the question before this House, if its decision depended upon his personal qualifications or his military services, I would be willing to admit that his friends in this House had presented for him a very strong case.

I would say further that if I had been in the position of the contestant in this case, if I had received the disapprobation of my fellow-citizens as he did in the election, I would have bowed gracefully to the result and would not have brought the case here. [Applause on the Republican side.] But, Mr. Speaker, the case has been brought here. It is conceded that it is properly and legally before this House; and ours is the responsibility to dispose of it.

I have been taught to believe that the Constitution of my country ought to be implicitly obeyed. I have also been taught to believe that the laws of my country should be strictly followed. According to my view of this case, the act of Congress prescribing the mode by which aliens may be admitted to citizenship requires them to appear before a court of justice having a clerk and common seal, and requires that a record of the proceedings shall be made.

I hold that all the authorities adduced in this House do not show anything to the contrary. The certificate issued by the court is merely an instrument of evidence. To contend that the certificate is the record is, in my judgment, to imitate the emphatic style of the gentleman from Illinois [Mr. ROWELL], preposterous. If the position of that gentleman is correct, a court may have its records all over the United States, and, for that matter, in foreign countries, too. But the courts have held, and, as I maintain, properly held, that the certificate of naturalization, the exemplification of the record—call it by whatever name you please—is nothing more than an instrument of evidence, which shall be sufficient evidence of the fact of naturalization. Not a single authority, not a single case, whether from a United States court or a State court, has been produced here to sustain the position of the friends of the contestee. I maintain there can not be found a case involving proof of naturalization in which there was not either some record made—a small record, it may be, but at least a record—or the certificate of naturalization was produced.

Now, when the citizenship of this contestee was challenged he went to the court in which he claimed to have been naturalized and failed to find any record. The powerful presumption of fact from the absence of the record is, I think, that the naturalization did not take place. As was said by my colleague on the committee, the gentleman from Texas [Mr. MOORE], the absence of any record, the fact that no record was made, is the most powerful evidence that the party was not then and there naturalized, as he claims. Now, how do gentlemen propose to meet this absence of any record—this omission, as they claim, of the clerk to make the record of Mr. White's naturalization?

Mr. CUTCHEON. Will the gentleman yield a moment for a question?

Mr. MAISH. Yes, sir.

Mr. CUTCHEON. I would like to put this case to the gentleman: Suppose it is conceded that a person appears in the proper court and in a perfectly proper way with his witnesses; that he and his witnesses take the requisite oaths; suppose there is no question about these facts at all, and yet the proper record is not entered; the clerk neglects to make the entry in the records of the court; is the man naturalized or not?

Mr. MAISH. Mr. Speaker, if the applicant for naturalization omits to do what I conceive to be his duty, omits to see that a record of his naturalization is made, and afterward loses the certificate which he takes, he is then, though he may have been naturalized, not in a position to prove it.

Mr. CUTCHEON. That is true; he is not in a position to prove it by ordinary evidence; but that does not answer my question.

Mr. MAISH. He is not in a position to prove it at all.

Mr. CUTCHEON. My question is simply whether the man did become a naturalized citizen by virtue of the facts I have supposed to exist, without reference to the evidence.

Mr. MAISH. He became a naturalized citizen, Mr. Speaker, when he was naturalized; but how are you going to establish the fact that he was naturalized when all the instruments of evidence by which he might prove the fact are missing, as in this case?

Mr. CUTCHEON. Then that brings us to the point to which I wanted to call attention—that this is a question of fact only, not a question of law.

Mr. MAISH. Well, Mr. Speaker, I think I have answered the gentleman's question. The contestee, finding no record of his naturalization; finding, as he alleges, that he has lost his certificate of naturalization, how does he propose to supply the deficiency? Does he call the judge of the court? Of course not; the judge is dead. Does he call the witnesses who he claims took oath in support of his application for citizenship? He calls one witness, who alleges that he was either a witness or a friend. Does he produce the testimony of the clerk? He does not. Does he produce the testimony of Muirhead, who he testified was present when the transaction took place? He does not.

Now, I insist where the certificate of naturalization can not be produced, it is necessary to prove the fact of naturalization by record evidence. The act of Congress provides that the applicant for naturalization can not prove his residence himself, but it is necessary he shall have the testimony of two witnesses to that fact.

Mr. ROWELL. Is it necessary to have two witnesses, or is that only a custom?

Mr. MAISH. No, I think it is necessary.

Mr. ROWELL. My understanding is that it is only a custom.

Mr. MAISH. The act of Congress, I believe, requires the testimony of two witnesses to that fact, but my friend from Illinois may be correct in his understanding of the law. At all events, for the sake of argument, it may be admitted that the fact of naturalization may be established by parol testimony. Will it be pretended by gentlemen on the other side that proof at least as high should be produced to the court as would have been required at the time of naturalization? I say the case of the contestee has utterly failed to meet this requirement. The case rests mainly on his own testimony, which in the original proceedings would not have sufficed.

Now, Mr. Speaker, not a single case, not a single authority, has been shown to this House in which there was not some record evidence that

the party was before the court and that the court acted in the case. In this case, on the contrary, no record whatever exists. In all the other cases in the same court some record, a very meager one in most of them, may be found. If, like the case of Coleman in New York, the contestee could have produced a certificate of naturalization, and if he could have shown, as in that case, that there was some record—evidence giving the name of the applicant, his occupation, the names of his witnesses, his residence, and the certificate of naturalization supplemented by the initials of the judge—I say that if the contestee in this case had produced a case like that I would cheerfully and cordially have voted for him. But the case of the contestee, as presented by him, is utterly wanting in any of these essential requisites. It is like that of two tramps examined in New York some time ago. They were arraigned before the magistrate, who asked one of them, "Where do you live?" He answered, "Nowhere." He turned to the other and said, "Where do you live?" to which he received the reply, "Just above the other fellow." [Laughter.] There is in this case uncertainty piled upon uncertainty, and nothing upon which to found any proof.

Several cases have been produced to show that the fact of naturalization must be proved by record evidence, either by the certificate or the record itself. In addition to the case in 2 Cranch, where the question came squarely before the court and where it was held that the fact of naturalization could not be proved by parol testimony, the case in West Virginia was produced, a case on all fours with the case now before us. I now call attention to a case not yet referred to from the State of Vermont, a State where great lawyers seem to be "native and indued unto that element," the State of Edmunds and Phelps. It was a case of a contested election, and the attempt was made before the court to prove naturalization by parol testimony. The court held in that case, to quote from that opinion:

A certified copy of the record of the court in which one is naturalized is the legitimate evidence of the fact. Parol testimony to prove naturalization is inadmissible.

Mr. ROWELL. What do you read from?

Mr. MAISH. I read from the Atlantic Reporter, volume 6, page 608.

Mr. WILSON, of Minnesota. Was not that a case where there was an allegation of fraud in the records?

Mr. MAISH. It does not appear from the record what the contention was. But what difference does that make? The offer to prove naturalization by parol evidence was refused.

Mr. WILSON, of Minnesota. The gentleman will not deny if this man had a certificate it would be competent and sufficient evidence of that fact.

Mr. MAISH. I say to the gentleman from Minnesota that if the contestee had been able to present a certificate of naturalization, under the seal of the court, I would have cheerfully voted to seat him.

Mr. WILSON, of Minnesota. Now, if my friend will be courteous enough to yield for a moment.

Mr. MAISH. But if the House is ready to cast the question of naturalization upon the uncertain sea of parol evidence, covered over by the slime of perjury and tossed by the billows of partisanship, then I must be content.

Mr. WILSON, of Minnesota. Will the gentleman now yield for a question?

Mr. MAISH. But it will be found supremely impolitic to do so. I can not yield to the gentleman for another question. I do not wish to be discourteous to him, but we have high authority, the highest known to the world, that the office of asking questions is not one of very great distinction.

[Here the hammer fell.]

Mr. CRISP. I reserve the remainder of the time allotted to this side.

The SPEAKER *pro tempore*. The gentleman has one hour and twenty minutes remaining.

Mr. ROWELL. Will the gentleman from Georgia consent to an adjournment now?

Mr. CRISP. I prefer to carry out the arrangement we have heretofore made.

Mr. ROWELL. Then I yield fifteen minutes to the gentleman from New York [Mr. NUTTING].

The SPEAKER *pro tempore*. The gentleman from Illinois has two hours and five minutes remaining.

Mr. NUTTING. Mr. Speaker, I do not believe that there is anybody in this House who is a member of it, and who desires to get at the right—and I believe we all do—but who considers the action that is about to be taken in this matter as very important. I desire for a little time to address myself to the legal proposition which seems to have come up in this case.

I think the first gentleman who talked upon this subject in favor of the report of the majority of the committee took the ground that the law was that the record of a court could not be proved by parol evidence. I can well understand how the gentleman could take that position, for I can not see how it is possible for the majority report in this case, under the facts as developed, to be sustained, unless that is the law.

Now, I do not believe, and in fact I have a right to say that I know such is not the law. I say that because courts in the past have decided it over and over again. I say it because if that was the law it would subvert and undermine the status of affairs in this country in regard to civil, criminal, and political rights, and endanger the entire fabric itself. Let us see whether or not that is true.

Suppose, Mr. Speaker, that a man in a court of competent jurisdiction is placed upon trial, after due indictment, for murder. He is called into court and the indictment is read in which he is charged with killing his fellow-man, and he pleads not guilty to the indictment. Soon he is placed upon trial for his life. His reputation for all the years gone, the reputation of his family, the good name that his ancestors have borne, and that perhaps he himself had theretofore borne, all are in jeopardy, and his life is also in jeopardy. Twelve good and true men constitute the jury who are called to try him under the indictment. Such proceedings are had as that the facts are placed before the jury and the court; and, by and by, after deliberation by themselves, the jury file back into the court-room, and after being asked by the court or by the clerk of the court, "Have you agreed upon a verdict in this case?" announce through their foreman, "We have agreed upon a verdict," and that verdict is that the man is not guilty of the offense wherewith he is charged in the indictment.

Now, I will suppose for a moment that the clerk of the court, either through incompetence or carelessness, or from any other reason that you may assign, fails to put down upon the docket before him the fact that the jury has found the man not guilty on trial. I will suppose, sir, that he does not take the indictment and put upon it the fact that this man, under that indictment, had been put upon trial, and the further fact that the jury on that trial found him not guilty. Time passes. As a matter of fact, with or without an order of the court even, this man passes out of the court a free man. You and I will say he is free indeed, in fact and in law. But time passes and some vicious person or persons, desirous of putting him again in jeopardy of his life, call up the old indictment and ask to have him tried over again for the old offense. He says, "I have been tried for this once and acquitted. I have been put in jeopardy of my life, and have been declared not guilty." "Ah! but there is no record. The clerk is dead, and the books have been searched and no record appears of the fact of that trial and acquittal by a constitutional jury under the laws of the land, and hence you must be tried again."

My friends upon the other side attempt to show and say that the law is that the record of the court is that kind of substance that it must be produced in order to show a class of facts such as that I have narrated here in order to prevent this man from undergoing a new trial. Now, it must be and is the fact that a man who has been placed under these circumstances has a right to say that he has been placed in jeopardy once, and in the absence of a record under such circumstances may show the fact by parol or any other character of testimony. Why do I make this statement, Mr. Speaker? Because I assert, to start with, that the record of a court is not the judgment of a court. When a jury says that a man is not guilty, that is the judgment of the peers of the man, a constitutional jury, and that in fact and in truth is the judgment of the court.

When a judge on the bench, after having examined the evidence in a case which has been brought before him, says, "Mr. Clerk, you enter on the docket that the plaintiff shall recover of the defendant $600 and the costs of the action," the words of the judge are the judgment; and the jotting down by the clerk on his docket is the mere crystallization of that fact; it is a mere entry of the judgment; that and nothing more. And when you have once arrived at that fact that the record kept by a clerk in regard to judgments by the court in actions before the court is mere evidence, then when that evidence is swept away, from any cause, or if that evidence never existed, you can supply its place.

I recollect very well in my own State the case of a man whose title to his house and lot was in jeopardy, and the question on which it all turned was whether certain proceedings in the surrogate court for the sale of the estate to pay debts of the deceased were regular or not. Upon an examination of the record which by the law was required to be kept, it was found there was no record of the case. What did the court do? The court allowed persons who were in the court at the time to come forward and testify that papers were produced which were necessary evidence in the case on which to base the judgment and action of the surrogate. That case went up to the court of appeals, and they finally held it was perfectly proper that where the judgment of the surrogate was based on a presumed record, when that record appeared to be defective or did not exist, its place could be supplied by parol testimony. Was this wrong? Not at all.

I have a case here before me which I will read if any gentleman demands it; a criminal case where a man was acquitted. No record was made, yet afterwards he was allowed to plead the fact of a prior acquittal and prove the fact by parol, and the result was that he was honorably acquitted.

It has been stated here and assumed all the way through that there is no record in this case. I will go a step further. I say there is a record in this case. I say there is evidence of the admission of this man to citizenship in this country. Why do I say that? I say that

because it is an admitted fact and the books of record in Allen County, Indiana, show that this man filed his declaration of intention; and it is there on record; that is part of the record of this man's admission to citizenship. He could not be admitted to citizenship unless he could show that the declaration of his intention had been filed. There is no dispute on the other side and there can be none that this man went into the court in Allen County, Indiana, and that there is now to-day on file in the proper book under the proper seal of the court his declaration of intention to become a citizen. And I say that that is a part of the record. It is like the filing of a complaint in a mortgage foreclosure or equity proceeding to set aside some title to real estate. It is the basis of the whole record; and we have that to base our action upon.

But, furthermore, he has affirmed his intention since that time. He has committed such acts and done such things in his life as to show his intention there was finally carried out. He has lived for a quarter of a century in the midst of a constituency who have shown by their votes that they appreciate this man as a man and as a citizen. They by their ballots show you that they have confidence in him as a man and that they had confidence in him having filed his declaration of intention to be a citizen, that he had become a citizen.

Let me go a little further. What else has he done? Why, sir, in 1861, when it was necessary that a man should have bravery of heart and of mind and strength of muscle and of body to show himself a citizen of the United States, he did this. He went into the Army and there bared himself to the bullets and shafts of the enemy. He stood between you and me on the one hand, and anarchy and the subversion of the Government on the other. I say the best evidence that he intended to become a citizen of the United States is the fact that he fought for it and bled for it.

Now let us see what further appears. Afterward, according to the evidence of perfectly reliable witnesses, he said he desired to carry out his intention. Why? Because he desired to go abroad, where his American citizenship would protect his person and protect his property; and so he bethought himself of carrying out his first intention of becoming a citizen; and he and two men of that county, who are now living, swear that they went into a court of competent jurisdiction and that he did carry out his original design and was made a citizen of the United States of America in fact.

[Here the hammer fell.]

Mr. ROWELL. I reserve the balance of my time.

Mr. CRISP. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 4 o'clock p. m.) the House adjourned.

PRIVATE BILLS AND JOINT RESOLUTIONS INTRODUCED AND REFERRED.

Under the rule private bills and joint resolutions of the following titles were introduced and referred, as indicated below:

By Mr. WHEELER: A bill (H. R. 6607) for the relief of F. Varin—to the Committee on War Claims.

By Mr. POST: A bill (H. R. 6608) for the relief of Edward B. Hughes—to the Committee on Military Affairs.

By Mr. PLUMB: A bill (H. R. 6609) for the relief of Sarah E. McCaleb—to the Committee on Invalid Pensions.

By Mr. HAYES: A bill (H. R. 6610) to authorize the construction of a railroad, wagon, and foot-passenger bridge across the Mississippi River at or near Clinton, Iowa—to the Committee on Commerce.

By Mr. CUTCHEON: A bill (H. R. 6611) granting a pension to Chester Denton—to the Committee on Invalid Pensions.

By Mr. CLARDY: A bill (H. R. 6612) to grant right of way through the Indian Territory to the St. Louis and San Francisco Railway Company, and for other purposes—to the Committee on Indian Affairs.

Also, a bill (H. R. 6613) for the relief of Richard W. McMullin—to the Committee on War Claims.

By Mr. WALKER: A bill (H. R. 6614) for the relief of the heirs of James A. Harrison, deceased—to the Committee on War Claims.

By Mr. DORSEY: A bill (H. R. 6615) granting a pension to Alice Cook—to the Committee on Invalid Pensions.

By Mr. LAIRD: A bill (H. R. 6616) granting a pension to W. J. Turner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6617) granting a pension to Sylvester Sharp—to the Committee on Invalid Pensions.

By Mr. MERRIMAN: A bill (H. R. 6618) for the relief of Patrick McGuire—to the Committee on War Claims.

By Mr. S. I. HOPKINS: A bill (H. R. 6619) for the relief of Eliza A. Cutler Jones—to the Select Committee on Indian Depredation Claims.

Also, a bill (H. R. 6620) granting a pension to Nicholas Russell—to the Committee on Invalid Pensions.

By Mr. FLOOD: A bill (H. R. 6621) for the relief of Robert Ross—to the Committee on Military Affairs.

By Mr. McCLAMMY: A bill (H. R. 6622) for the relief of W. O. Hiatt, Edward Hughes, and J. W. Powell, session clerks, Forty-ninth Congress—to the Committee on Claims.

By Mr. PUGSLEY: A bill (H. R. 6623) to remove the charge of desertion from Jesse Ellis—to the Committee on Military Affairs.

Also, a bill (H. R. 6624) granting a pension to Samuel G. Trenary—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6625) granting a pension to William R. Benjamin—to the Committee on Invalid Pensions.

By Mr. BUTLER: A bill (H. R. 6626) granting a pension to Nanny Smith, of Tennessee—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6627) granting a pension to Mary Broyles—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6628) granting a pension to Elizabeth Ren, of Tennessee—to the Committee on Invalid Pensions.

By Mr. T. H. B. BROWNE: A bill (H. R. 6629) referring the claim of John A. M. Whealton against the United States to the Court of Claims—to the Committee on War Claims.

By Mr. W. C. P. BRECKINRIDGE: A bill (H. R. 6630) for the relief of certain citizens of Cynthiana, Ky., whose property was destroyed by fire on the 11th day of June, 1864—to the Committee on War Claims.

By Mr. MERRIMAN: Joint resolution (H. Res. 102) for the relief of the widow and children of John W. Judson, late agent of the United States at Oswego, N. Y., for public works on Lake Ontario—to the Committee on War Claims.

Changes in the reference of bills improperly referred were made in the following cases, namely:

A bill (H. R. 3107) to increase the pension of James Coey, late major of the One hundred and forty-seventh Regiment New York Volunteers—from the Committee on Pensions to the Committee on Invalid Pensions.

Also, a bill (H. R. 4557) for the relief of George F. Chilton—from the Committee on the Post-Office and Post-Roads to the Committee on Claims.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. E. P. ALLEN: Petition of William A. McCorkle, D. D., and 428 others, citizens of Michigan, against the admission of Utah as a State with polygamy—to the Committee on the Territories.

By Mr. C. L. ANDERSON: Petition of James Moore, of Lauderdale County, Mississippi, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. J. A. ANDERSON: Petition of 35 citizens of Cloud County, Kansas, for protection of patentees—to the Committee on Patents.

Also, petition of 25 citizens of Marshall County, Kansas, for United States postal telegraph—to the Committee on the Post-Office and Post-Roads.

By Mr. BAYNE: Petition of citizens of Allegheny County, Pennsylvania, for a public building—to the Committee on Public Buildings and Grounds.

Also, papers in the claim of Virginia Maddox—to the Committee on War Claims.

Also, petition of Joseph H. Borland, of Allegheny County, Pennsylvania, for relief—to the Committee on War Claims.

By Mr. BLANCHARD: Petition of J. Madison Wells, of Louisiana, for payment of amounts illegally exacted from him on cotton during the late war—to the Committee on War Claims.

Also, resolution of the Produce Exchange of New Orleans, La., favoring aid to American shipping—to the Committee on Merchant Marine and Fisheries.

By Mr. BOUND: Petition of Jacob H. Urich and 42 others, citizens of Grantville, Dauphin County, Pennsylvania, for increase of salaries of certain postmasters—to the Committee on the Post-Office and Post-Roads.

By Mr. C. R. BRECKINRIDGE: Petition of Thomas Jordan, for the removal of his political disabilities—to the Committee on the Judiciary.

By Mr. T. H. B. BROWNE: Paper in the claim of John A. M. Whealton, of Accomack County, Virginia, for reference of his claim to the Court of Claims—to the Committee on Claims.

Also, papers in the case of John W. Mears—to the Committee on the Judiciary.

By Mr. BRYCE: Petition of business men of New York for amendment of the revenue laws relative to duty on goods in bond—to the Committee on Ways and Means.

By Mr. BUCHANAN: Petition of the New Jersey Enterprise Temple of Honor, officially signed, for a national prohibitory constitutional amendment—to the Committee on the Judiciary.

By Mr. BUTLER: Petition of members of the faculty of King College, of Tennessee, for the speedy enactment of an international copyright law—to the Committee on Patents.

Also, papers in the pension claim of Mary Hornhill, of Benjamin Hickey, and of A. B. Keele—to the Committee on Invalid Pensions.

Also, papers in pension claim of James Hale and others—to the Committee on Pensions.

Also, petition of estate of A. R. Burem, deceased, late of Hawkins County, and of John W. Beverly, and of T. N. Horner, of Hamblen

County, Tennessee, for reference of their claims to the Court of Claims—to the Committtee on War Claims.

By Mr. ERMENTROUT: Memorial of miners and others of Stone Cliff, of Caperton, and of Gaymont, W. Va., protesting against putting soft coal on the free-list—to the Committee on Ways and Means.

By Mr. CARUTH: Additional paper in relation to the need of an annex to the present public building at Louisville, Ky.—to the Committee on Public Buildings and Grounds.

By Mr. CHEADLE: Petition of administratrix of W. L. Poynter, of Clinton County, Indiana, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. CLARDY: Papers in the case of Richard W. McMullen, for relief—to the Committee on War Claims.

By Mr. CONGER: Papers to accompany House bill for relief of Robert McNutt—to the Committee on Military Affairs.

By Mr. CUTCHEON: Resolution of Cigar-Makers' Union, of Muskegon, Mich., in regard to internal revenue on cigars—to the Committee on Ways and Means.

Also, petition of citizens of Oceana County, Michigan, for reduction of postage on seeds, plants, bulbs, etc.—to the Committee on the Post-Office and Post-Roads.

By Mr. DAVIS: Petition for a beacon-light at Westport Harbor, Massachusetts—to the Committee on Commerce.

Also, resolutions of the New Bedford Board of Trade, in favor of the abolition of compulsory pilotage—to the Committee on Merchant Marine and Fisheries.

Also, petition of John M. Deane, in favor of the repeal of the provision of the pension law limiting time for making application for pensions—to the Committee on Invalid Pensions.

By Mr. DORSEY: Petition of business men and property owners of Fremont, Nebr., asking for the erection of a public building at that place—to the Committee on Public Buildings and Grounds.

By Mr. DUNHAM: Petition of the Woman's Christian Temperance Union of Illinois, officially signed, for the abolition of the internal-revenue tax on all alcoholic liquors—to the Committee on Ways and Means.

By Mr. GRANGER: Petition of C. J. Seymour and others, and of Civilian Jones and others, for increase of compensation of post-office clerks—to the Committee on the Post-Office and Post-Roads.

By Mr. GROUT: Protest of miners and others in meetings at Caperton, at Stone Cliff, and at Gaymont, W. Va., against removal of duty on soft coal, etc.—to the Committee on Ways and Means.

Also, resolutions of the Vermont Dairyman's Association, against the repeal of the oleomargarine law, and in favor of a law against the adulteration of food products—to the Committee on Agriculture.

By Mr. GUENTHER: Petition of 3,737 male adult residents of the District of Columbia, protesting against the enactment of prohibitory laws for the District of Columbia—to the Committee on the District of Columbia.

Also, petition of 2,442 male adult residents of the District of Columbia, protesting against the same—to the Committee on the District of Columbia.

Also, petition of 37 residents of the District of Columbia, protesting against the same—to the Committee on the District of Columbia.

Also, petition of citizens of the Second district of Wisconsin, protesting against the extension of bank charters and the time of paying the public debt—to the Committee on Banking and Currency.

By Mr. HOOKER: Petition of E. C. Foster, heir of Rebecca Foster, of Claiborne County; of Mary J. Wharton (now Middleton), of Franklin County, and of heirs of T. O. Davis, of Hinds County, Mississippi, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. S. I. HOPKINS: Petition of soldiers of the Mexican war, for amendment to law granting pensions to soldiers in said war—to the Committee on Pensions.

By Mr. HOUK: Petition of Matilda Parsley, mother of William N. Parsley, of Company C, Third Regiment Illinois Cavalry, for a pension—to the Committee on Invalid Pensions.

By Mr. HOVEY: Petition of the Women's Christian Temperance Union of Indiana, for the abolition of the internal-revenue tax on all alcoholic liquors—to the Committee on Ways and Means.

By Mr. McRAE: Petition of L. H. McSwain and others, citizens of the Third district of Arkansas, against the passage of the Blair educational bill—to the Committee on Education.

Also, petition of Henry M. Youngblood, for a pension—to the Committee on Pensions.

By Mr. MORGAN: Petition of administratrix of David H. Newell, of La Fayette County, Mississippi, for reference of his case to the Court of Claims—to the Committee on War Claims.

By Mr. MORRILL: Petition of the Women's Christian Temperance Union of Kansas, officially signed, representing 3,500 members, for the abolition of internal-revenue tax on all alcoholic liquors—to the Committee on Ways and Means.

By Mr. MORROW: Petition of clerks in the San Francisco, Cal., post-office in favor of House bills 5040, 5041, and 5664—to the Committee on the Post-Office and Post-Roads.

By Mr. NEAL: Petition of Joseph B. Peters, of Rhea County, Tennessee, for reference of his case to the Court of Claims—to the Committee on War Claims.

By Mr. OSBORNE: Petition of the Women's Christian Temperance Union of Pennsylvania, officially signed, representing 15,000 members, for the abolition of the internal-revenue tax on all alcoholic liquors—to the Committee on Ways and Means.

By Mr. PEEL: Petition of Andrew Callahan, heir of Andrew Callahan, deceased, of Marion County; of Henry T. Cate, and of Abijah T. Phelan, of Washington County, Tennessee, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. PHELPS: Petition of the New Jersey Enterprise Temple of Honor and Temperance, officially signed, for a national commission of inquiry—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. POST: Petition of Edward B. Hughes, for removal of charge of desertion—to the Committee on Military Affairs.

By Mr. RICE: Papers in the case of Nathan Butler, for relief—to the Committee on Claims.

By Mr. RICHARDSON: Petition of John R. Johnson, of administrator of Mrs. Eveline B. Weakley, of G. W. Charlton, and of William N. Marion, of Rutherford County, and of Henry Garner, of Franklin County, Tennessee, for reference of cases to the Court of Claims—to the Committee on War Claims.

By Mr. ROMEIS: Petition of 60 of the most prominent citizens of Toledo, Ohio, for a law for the better compensation of post-office clerks—to the Committee on the Post-Office and Post-Roads.

By Mr. TOOLE: Petition of the Board of Trade of Butte City, Mont., to protect the mineral lands of Montana from the grant of the Northern Pacific Railway Company—to the Committee on the Public Lands.

By Mr. WASHINGTON: Papers in the claim of the publishing house of the Methodist Episcopal Church South—to the Committee on War Claims.

Also, petition of James S. Reed, of Davidson County; of Andrew A. Traughler, of Robertson County; of John H. Wyly, of Humphrey County, and of heirs of W. G. M. Campbell, of Tennessee, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. WHEELER: Petition of John Smith, of Asa Mooney, of Catherine Anderson, administratrix of Horatio Anderson, and of William Allen, for reference of their claims to the Court of Claims—to the Committee on War Claims.

Also, petition of Jane S. Lindsey, administratrix of Miles R. Lindsey, of Franklin County, and of Caleb Toney, of Madison County, Alabama, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. THOMAS WILSON: Petition of the Women's Christian Temperance Union of Minnesota, officially signed, representing 4,000 members, for the abolition of the internal-revenue tax on all alcoholic liquors—to the Committee on Ways and Means.

The following petitions for an increase of compensation of fourth-class postmasters were severally referred to the Committee on the Post-Office and Post-Roads:

By Mr. BLANCHARD: Of B. Metozer and 28 others, of John F. Phillips and 39 others, of James H. Sevelle and 53 others, of J. F. Sikes and 25 others, of J. T. Howell and 36 others, and of J. F. Davis and 53 others, citizens of Louisiana.

By Mr. BUTLER: Of citizens of Givens, Cocke County, Tennessee.

By Mr. COBB: Of G. W. Newman and others of Buffalo, Ala.

By Mr. DALZELL: Of certain persons at Idlewood, Allegheny County, Pennsylvania.

By Mr. JACKSON: Of W. T. Arnold and 36 others, citizens of Comettsburgh, Beaver County, Pennsylvania.

By Mr. McRAE: Of A. T. Jordan and others, and of J. B. Henley and others, of Arkansas.

By Mr. NICHOLS: Of citizens of Bradshaw, Orange County, North Carolina.

By Mr. ROBERTSON: Of A. B. Cart and 58 others, citizens of Louisiana.

By Mr. WALKER: Of citizens of Cochran, Dunklin County, Missouri.

The following petitions, praying for the enactment of a law providing temporary aid for common schools, to be disbursed on the basis of illiteracy, were severally referred to the Committee on Education:

By Mr. BELDEN: Of T. B. Stowell and 464 others, citizens of Cortland County, New York.

By Mr. BUCHANAN: Of Mrs. P. Johnson and 341 others, citizens of Trenton, N. J.

By Mr. BURROWS: Of H. A. Clapp and 230 others, citizens of St. Joseph County, Michigan.

By Mr. CUTCHEON: Of A. M. Bodwell and 184 others, citizens of Manistee County, Michigan.

By Mr. DAVENPORT: Of E. Spaulding and 244 others, citizens of Steuben County, New York.

By Mr. KETCHAM: Of N. H. Aldrich and 219 others, citizens of Dutchess County, New York.

By Mr. MILLIKEN: Of A. D. Hamlin and 190 others, citizens of Winthrop, Me.

By Mr. NUTTING: Of W. H. Rogers and 107 others, citizens of Cayuga County, New York.

By Mr. SHERMAN: Of George G. Marsh and 497 others citizens of Oneida County, New York.

The following petitions, asking for the passage of the bill prohibiting the manufacture, sale, and importation of all alcoholic beverages in the District of Columbia, were severally referred to the Select Committee on the Alcoholic Liquor Traffic:

By Mr. ARNOLD: Of 73 citizens of Rhode Island.

By Mr. CASWELL: Of Mrs. A. H. Peck and 92 others, citizens of Wisconsin.

By Mr. HALL: Of 130 citizens of the Twenty-sixth district of Pennsylvania.

By Mr. D. B. HENDERSON: Of Rev. J. B. Albrook, D. D., and 132 others, citizens of the Third district of Iowa.

By Mr. LAIRD: Of 108 citizens of the Second district of Nebraska.

By Mr. LANE: Of 103 citizens of the Seventeenth district of Illinois.

By Mr. GALLINGER: Of 145 citizens of New Hampshire.

By Mr. GROUT: Of 145 citizens of the District of Columbia.

By Mr. VANDEVER: Of 136 citizens of the Sixth district of California.

SENATE.

MONDAY, *February* 6, 1888.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

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

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of January 11, 1888, certain information relating to the number of acres of public lands granted by the United States Government to the States to which grants have been made for school purposes, etc.; which, with the accompanying papers, was referred to the Committee on Public Lands, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of January 18, 1888, certain information relating to the claims of Thomas S. Brooks & Co., and of Evans, Nichols & Co., for and on account of cattle stolen by the Osage Indians in September, 1866; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

He also laid before the Senate a communication from the Commissioner of Agriculture, transmitting the report of Professor Swenson on the subject of sorghum sugar; which, with the accompanying papers, was referred to the Committee on Agriculture and Forestry, and ordered to be printed.

He also laid before the Senate a communication from the Commissioner of Agriculture, transmitting, in compliance with the requirements of the act of May 29, 1884, a report of the operations of the Bureau of Animal Industry for the year 1887; which, with the accompanying report, was referred to the Committee on Agriculture and Forestry, and ordered to be printed.

ISAAC D. SMEAD & CO.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Board of Commissioners of the District of Columbia, transmitting, in response to a resolution of January 25, 1888, certain data respecting work done for the District by Isaac D. Smead & Co.; which, on motion of Mr. DAWES, was, with the accompanying papers, referred to the Committee on the District of Columbia, and ordered to be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a petition of 59 citizens of Wisconsin, praying for prohibition in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a letter of Marie A. Brown, an American citizen resident in London, relating to the proposed world's exposition, with proof that America was discovered five hundred years before Columbus; which was referred to the Select Committee on the Centennial of the Constitution and the Discovery of America.

Mr. ALLISON presented a petition of 111 citizens of the Fourth, Seventh, and Eleventh Congressional districts of Iowa, praying for prohibition in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. ALLISON. I present a concurrent resolution of the General Assembly of the State of Iowa, which I ask may be read and referred to the Committee on Agriculture and Forestry.

The resolution was read, and referred to the Committee on Agriculture and Forestry, as follows:

Concurrent resolution requesting Congress to prohibit the sale of adulterated lard, and require statement of actual contents on package thereof, and to pass the bill now pending for that purpose.

Be it resolved by the senate (the house concurring), That our Senators and Representatives in Congress be requested to secure legislation that will prohibit the sale of adulterated lard throughout the United States, unless on the package containing the same a true statement is given of the actual contents, and of the proportion of genuine lard therein; and that they be further requested to aid in the passage of any bill now before Congress having in view the purpose above indicated.

I hereby certify that the above resolution passed both branches of the Twenty-second General Assembly of the State of Iowa.

[SEAL.] FRANK D. JACKSON,
Secretary of State.

Mr. BERRY presented resolutions adopted by the Arkansas Agricultural Association, and resolutions adopted by the Board of Trade of Pine Bluff, Ark., remonstrating against the passage of Senate bill 650, known as the Dawes bill, taxing cotton-seed; which were referred to the Committee on Agriculture and Forestry.

Mr. HARRIS presented a petition of the members of the faculty of King College, at Bristol, Tenn., praying for the enactment of an international copyright law; which was referred to the Committee on Patents.

He also presented a petition of the Woman's Christian Temperance Union of Tennessee, officially signed, representing nearly 6,000 members, praying for the abolition of the internal-revenue tax on alcoholic liquors; which was referred to the Committee on Finance.

Mr. VOORHEES. I present numerous petitions from citizens of Indiana, numerously signed, praying for prohibition in this District. I move their reference to the Committee on the District of Columbia.

The motion was agreed to.

Mr. VOORHEES presented the petition of Charles McCarty, a pensioner under certificate No. 129849, praying to be allowed an increase of pension; which was referred to the Committee on Pensions.

He also presented the petition of David A. Parkhurst, late a private in Company A, First Michigan Sharpshooters, praying for the removal of the charge of desertion from his military record; which was referred to the Committee on Military Affairs.

Mr. SHERMAN. I present a joint resolution of the General Assembly of Ohio, remonstrating against any reduction of the wool tariff. I will not ask that it be read, but that it be printed in the RECORD, and referred to the Committee on Finance.

The memorial was referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

[House Joint Resolution No. 4.]

Requesting our Senators and Representatives in the Congress of the United States to oppose any reduction of the wool tariff.

Resolved by the General Assembly of the State of Ohio: First. That we recognize in sheep husbandry one of the most important industries of our State and country, and one that almost every farmer is directly interested in, and without which our country can not be independent; and that we do therefore view with apprehension and alarm all propositions and measures to abolish or reduce the tariff duties now levied for its protection, and respectfully request our Senators and Representatives in Congress to oppose the same.

Second. That the governor be requested to transmit a copy of these resolutions to each of our Senators and to each of the members of the House of Representatives in the Congress of the United States from Ohio.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Adopted January 26, 1888.

UNITED STATES OF AMERICA, OHIO,
Office of the Secretary of State:

I, James S. Robinson, secretary of state of the State of Ohio, do hereby certify that the foregoing is a true copy of a joint resolution adopted by the General Assembly of the State of Ohio on the 26th day of January, A. D. 1888, taken from the original rolls filed in this office.

In testimony whereof I have hereunto subscribed my name and affixed my official seal, at Columbus, the 27th day of January, A. D. 1888.

JAMES S. ROBINSON,
Secretary of State.

EXECUTIVE CHAMBER, *Columbus, Ohio, January* 27, 1888.

In compliance with the request contained in the resolution above set forth, I have the honor to transmit a certified copy of the same herewith.

J. B. FORAKER, *Governor.*

Mr. SHERMAN. I present a joint resolution of the General Assembly of Ohio, opposing certain measures suggested in the President's message, which I ask be printed in the RECORD and referred to the Committee on Finance.

The memorial was referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

[House Joint Resolution No. 5.]

Requesting our Senators and Representatives in the Congress of the United States to oppose certain measures which were suggested in the President's recent message.

Resolved by the General Assembly of the State of Ohio: First. That we believe in a protective tariff for the sake of protection, to the end that we may have a diversity of employment, domestic commerce, home markets for our farmers, good wages for our laborers, and such development of all our material resources as will make it possible for us to supply all our wants in both peace and war, and thus be independent as a nation among the nations of the earth.

Second. Under this wise and patriotic policy, inaugurated and steadily upheld and enforced by the Republican party since its advent to power in 1861, we have prospered as no other nation ever did.

Third. We regard the views expressed by His Excellency the Presieent of the United States, in his recent message to Congress, in opposition to this policy, as