

By Mr. PETERS: Affidavit in favor of bill pensioning Eli J. Youngheim—to the Committee on Invalid Pensions.

Also, papers in support of bill pensioning G. F. Wiles—to the Committee on Invalid Pensions.

By Mr. SAWYER: Petition of 86 citizens of Genesee County, New York, on tariff protection—to the Committee on Ways and Means.

By Mr. SHERMAN: Petition of Isaac O. Best and 175 others, citizens of Oneida County, New York, asking for the passage of a Sunday rest law—to the Committee on Labor.

By Mr. SNYDER: Petition of citizens of Minneapolis, against enactment of H. R. 8278, which prohibits sale of railroad tickets by other than authorized agents—to the Committee on Commerce.

Also, memorial of Chamber of Commerce of St. Paul, Minn., favoring the Davis bill for completion of Sault Ste. Marie Canal—to the Committee on Rivers and Harbors.

Also, memorial of St. Paul Jobbers' Union, in favor of Torrey bankrupt bill—to the Committee on the Judiciary.

Also, resolution of the Union League of Minneapolis, Minn., favoring retention of duties on flax, hemp, etc.—to the Committee on Ways and Means.

By Mr. STAHLNECKER: Petition of the Railway Postal Clerks' Association, in behalf of certain interests of theirs in several House bills—to the Committee on the Post-Office and Post-Roads.

Also, petition of Sailors and Firemen's Union, in favor of the Lyle gun for the saving of life—to the Committee on Expenditures in the Treasury Department.

By Mr. STEWART, of Texas: Petition of sundry citizens of Liberty County, Texas, asking that Congress appropriate \$6,200,000 for harbor improvement at Galveston, Tex.—to the Committee on Rivers and Harbors.

By Mr. STONE, of Kentucky: Memorial of citizens of Smithland, Ky., praying for an appropriation for improving and protecting the river bank at that place—to the Committee on Rivers and Harbors.

By Mr. STRUBLE: Resolutions of Gregg Alliance, No. 1221, Holstein, Iowa, urging the passage of H. R. 5353, defining "options and futures" and providing penalties to prevent gambling in farm products—to the Committee on Agriculture.

By Mr. SWENEY: Resolutions of Floris (Iowa) Grand Army of the Republic Post, favoring widows' pensions—to the Committee on Invalid Pensions.

By Mr. TOWNSEND, of Colorado: Protest against H. R. 8278, to amend "An act to regulate commerce"—to the Committee on Commerce.

By Mr. VANDEVER: Petition of fruit-growers and others, citizens of Pomona, Los Angeles County, California, for an increase of the duty on oranges and lemons to \$1 per box, size 12 by 12 by 22—to the Committee on Ways and Means.

Also, a memorial of Chamber of Commerce, Los Angeles, stating needs of San Pedro and Wilmington Harbors, California—to the Committee on Rivers and Harbors.

By Mr. WALKER, of Missouri: Petition of William B. Shaefer and 28 members of the Jackson Light Guards, National Guard of Missouri, asking for the passage of H. R. bill 8151, known as the Henderson bill—to the Committee on the Militia.

By Mr. WATSON: Petition of Union Veteran Legion of Oil City, Pa., for service-pension bill—to the Committee on Invalid Pensions.

Also, petition of Woman's Christian Temperance Union and others, of the Twenty-seventh district of Pennsylvania, against sale of liquors at military and naval institutions—to the Select Committee on the Alcoholic Liquor Traffic.

SENATE.

MONDAY, April 7, 1890.

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

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

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, suggesting that certain amendments be made to House bill 8391, making appropriations for fortifications, etc.; which, with accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the 7th ultimo, a letter from the Chief of Engineers, containing a report from Lieut. Col. Peter C. Hains, Corps of Engineers, relative to the desirability of separating the wagon-road from the railroad on the north side of the main channel of the Potomac River; which, with the accompanying papers, was referred to the Select Committee to Investigate Condition of Potomac River Front of Washington, and ordered to be printed.

HOUSE BILLS REFERRED.

The following bills and joint resolutions received on Saturday from

the House of Representatives were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. 477) to amend section 2, chapter 263, volume 20, United States Statutes at Large, relative to appointments to the Army from civil life;

A bill (H. R. 529) granting certain land to Miles City, Mont., for use as a public park;

A bill (H. R. 887) authorizing the erection of a hotel upon the Government reservation at Fortress Monroe;

A bill (H. R. 2787) to authorize the Secretary of War to remove the charges of desertion from the records of the War Department as to Dudley Johnson, late ordnance sergeant, United States Army;

A bill (H. R. 3857) to provide for the disposal of a portion of the United States military reservation at Baton Rouge, La.;

A bill (H. R. 3865) to provide for the reorganization of the artillery force of the Army;

A bill (H. R. 4635) granting certain privileges to the Union Railway Company of Chattanooga, Tenn.;

A bill (H. R. 7856) granting the right of way to the Duluth and Manitoba Railroad Company across the Fort Pembina reservation in North Dakota;

A bill (H. R. 7989) to promote the administration of justice in the Army;

A bill (H. R. 7990) to amend Rules and Articles of War 79 and 90, and improve the administration of justice in the Army;

A bill (H. R. 8235) to prevent desertions from the Army, and for other purposes;

Joint resolution (H. Res. 12) authorizing the use and improvement of Fort Sewall, at Marblehead, Mass.; and

Joint resolution (H. Res. 138) to increase the number of members of the Board of Managers of the National Home for Disabled Volunteer Soldiers, and to fill vacancies in such board.

The bill (H. R. 1306) for the relief of the Southern Exposition at Louisville, Ky., was read twice by its title, and referred to the Committee on Finance.

The bill (H. R. 4441) granting a pension to Eveline M. Alexander was read twice by its title, and referred to the Committee on Pensions.

ELLIS ISLAND, NEW YORK.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the joint resolution (S. R. 46) authorizing the Secretary of the Navy to remove the naval magazine from Ellis Island, in New York Harbor, and to purchase a site and erect a naval magazine at some other point, and for other purposes.

The amendment of the House of Representatives was, in section 2, line 6, after the word "magazine," to insert "with suitable buildings therefor;" so as to read:

That the sum of \$75,000, or so much thereof as may be found necessary, be, and the same is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, to purchase, or to obtain by condemnation, a site for, and for the erection of, a naval magazine, with suitable buildings therefor.

Mr. CHANDLER. I move that the Senate concur in the House amendment.

The motion was agreed to.

PETITIONS AND MEMORIALS.

Mr. EVARTS. I present a memorial of the New York Chamber of Commerce on the subject of the census bill now pending; and as it is before the Senate I ask that the memorial may be read.

The PRESIDENT *pro tempore*. The Senator from New York asks that the memorial be read. Is there objection? The Chair hears none, and it will be read.

The memorial was read, and ordered to lie on the table, as follows:

CHAMBER OF COMMERCE OF THE STATE OF NEW YORK.

At the monthly meeting of the Chamber of Commerce, held April 3, 1890, the following resolutions, reported by its committee on foreign commerce and the revenue laws, were adopted by the chamber with but one dissenting vote:

"Resolved, That the Chamber of Commerce of the State of New York earnestly protests against the passage of an act, known as House bill No. 6420, now in the Senate of the United States and referred to the Committee on the Census, entitled 'An act to amend an act to provide for taking the eleventh and subsequent censuses,' for the following reasons:

"First. It is a violation of the treaty of 1880 between the United States and China, and a gross affront to a great nation, which has 'always sacredly kept its plighted faith respecting all the stipulations of its treaty with the United States' and has uniformly met the demands of this nation in the most friendly and conciliatory manner.

"Second. It will surely still further provoke the hostile and unfriendly feeling of both the rulers and the people of China, which has resulted from similar but less aggravating legislation in this country during the past ten years, and which has already led to diminished trade between the United States and China, and threatens to destroy it permanently.

"Third. In its treatment of the Chinese now in the United States and of the Government and people of China, the proposed measure is absurd, barbarous, unchristian, and cowardly. It is an absurd pretense that the 65,000,000 of American people, with all the power and intelligence which warrant the claim that they are one of the greatest nations on earth, should be in danger of contamination and debasement by the presence of 70,000 Chinese, inoffensive, quiet persons, scattered over an imperial territory and prevented by law and by their own preferences from becoming citizens or taking any part in our civil affairs. It is barbarous because it submits these inoffensive people to cruel restraints, unknown to any other class of our people or in any other civilized nation of the present day. It is unchristian, as tending to degrade these persons, whom we once cordially invited to our shores, and prevent them from

receiving and profiting by the influences of Christian civilization. It is cowardly because it is a wanton act of oppression and injustice, inflicted by a powerful nation upon persons, in numbers and in circumstances, weak and incapable of resistance. It is cowardly, as regards the Government and the people of China, because it is plain that Government and that people are in no condition at this time to resent our insolence.

Fourth. It is dangerous to the peace and prosperity of the United States. The lesson that it teaches, that the sacred obligations of treaties may be violated at the will of the Legislature, without notice and with no effort to secure a modification of the treaties by friendly negotiation, may some time easily be applied to other treaties and by other nations to our disadvantage. The day may not be far distant when an empire of more than 300,000,000 people, apt and adroit in all the fields of science and art, brave in war, and persistent beyond all other races of men, now rapidly advancing in the mastery of all the modern resources of national greatness, will summon this nation to account. In the words of one of her strongest men, 'The world is not so near its end that China need hurry, nor the circles of the sun so nearly done that she will not have time to play the rôle assigned her in the work of nations.'

Resolved, That a copy of these resolutions be sent to each member of the Senate and House of Representatives from the State of New York and to the President of the United States and the members of his Cabinet.

Resolved, That the secretary of the chamber be instructed to mail a copy of these resolutions to the prominent boards of trade and chambers of commerce in the United States, with the request that they promptly adopt concurring resolutions and forward the same to the members of Congress from their several States."

A true copy.

GEORGE WILSON, *Secretary.*

NEW YORK, April 4, 1890.

Mr. EVARTS. I present also a petition on the same subject from the Board of Foreign Missions of the Reformed Church of the United States, which, as it is brief and relating to the same subject, I ask also may be read.

The PRESIDENT *pro tempore*. The Senator from New York asks that the petition may be read.

Mr. ALLISON. I hope the Senator from New York will be content with allowing it to be printed in the RECORD. It is unusual to read petitions.

The PRESIDENT *pro tempore*. The rules require that petitions when presented shall be accompanied by a brief statement of their contents. The reading or printing can be only by unanimous consent. Is there objection?

Mr. PLUMB. I object.

Mr. EVARTS. The Senator will allow me for a moment to say that I put the reading of this upon the proposition that the bill to which it relates is now pending in the Senate for debate; and I desire that it may be read in the presence of the Senate, as I could require it as part of any remarks I might make. I therefore ask that with reference to the debate the petition may be read.

Mr. PLUMB. I do not see any reason why we should make an exception in favor of the Chamber of Commerce of New York on the matter of printing petitions *in extenso* in the RECORD. If the Senator desires to make use of it in debate I think he will know how to arrive at that according to parliamentary rule when the proper time comes. I have no doubt if he will accept my advice on that subject it will have more influence on the Senate if read then than if read now.

Mr. EVARTS. I do not understand the Senator from Kansas to object to the reading of this which I now offer from this religious body to which I refer. That is the question now to be determined. I have drawn a distinction between the ordinary reading of a petition from the fact that the bill itself is now before the Senate and under debate, and I ask that the petition may be read.

The PRESIDENT *pro tempore*. The bill is not now before the Senate. The order of morning business is being considered. Objection is made, and the petition will lie on the table.

Mr. REAGAN presented a memorial of citizens of Maricopa County, Arizona, remonstrating against the creation of a land court for the States of Nevada and Colorado, and the Territories of Utah, Wyoming, New Mexico, and Arizona, and praying if such a law be passed that Arizona may be exempt from its provisions; which was referred to the Committee on Private Land Claims.

He also presented a petition of Subordinate Union No. 3, of El Paso, Tex., of the Bricklayers and Masons' International Union, praying that none but citizens of the United States be employed in the construction of public works; which was referred to the Committee on Education and Labor.

He also presented a resolution of the Stock Exchange of Galveston, Tex., in favor of the bill transferring the revenue-marine service from the Treasury Department to the Navy Department; which was ordered to lie on the table.

Mr. BERRY presented a memorial of the Chamber of Commerce of Fort Smith, Ark., remonstrating against the passage of the Conger compound-lard bill; which was referred to the Committee on Agriculture and Forestry.

Mr. DAWES. I present a memorial of the National Fishery Association, signed by its president, and also by the president of the Master Mariners' Association, and other mariners resident in Massachusetts, remonstrating against the transfer of the United States Fish Commission to the Agricultural Department. I move that the memorial be referred to the Committee on Agriculture and Forestry.

The motion was agreed to.

Mr. DAWES presented a memorial of the American Missionary Asso-

ciation, remonstrating against pending legislation hostile to the Chinese; which was ordered to lie on the table.

Mr. TURPIE presented a petition of Subordinate Union No. 7 of the Bricklayers and Masons' International Union of America, of Fort Wayne, Ind., praying for legislation discriminating against the employment of aliens on public works of the Government; which was referred to the Committee on Education and Labor.

Mr. PLATT. I present a memorial of William C. Hazeldine, representing a committee appointed by the constitutional convention of New Mexico to present the constitution framed by that convention to Congress, and praying for the passage of an enabling act for the admission of New Mexico under such constitution when ratified by the people.

I desire to say with regard to this memorial that I present it without any committal of myself upon the subject, but as representing the views of the constitutional convention which was held to frame a constitution for New Mexico.

I move that the memorial and the constitution be printed, and referred to the Committee on Territories.

The motion was agreed to.

Mr. PLATT presented a petition of the bar of Oklahoma City, Ind. T., praying that registers and receivers of local land offices have power to compel the attendance of witnesses in cases before them; which was referred to the Committee on Public Lands.

Mr. FRYE presented a petition of 42 citizens of Comas, Idaho Territory, praying for the passage of the Pacific Railroad funding bill; which was ordered to lie on the table.

Mr. COKE presented two petitions of citizens of McLennan County, Texas, praying for the restoration of silver to its constitutional place as a money metal with the same rights of coinage and legal tender as are now accorded to gold; which were referred to the Committee on Finance.

Mr. HOAR presented a memorial of members of the Gloucester (Mass.) Master Mariners' Association, remonstrating against making the United States Fish Commission a part of the Agricultural Department; which was referred to the Committee on Agriculture and Forestry.

He also presented the petition of John M. Goodhue, of Worcester, Mass., praying to be placed on the retired-list of army officers; which was referred to the Committee on Military Affairs.

Mr. HOAR. I present the petition of 7,000 voters of the city of Worcester, comprising a very large number of the land-owners, business men, and managers of various enterprises in that city, and residents who are not engaged in business as well, setting forth that the erection of the proposed Government building in that city on the site which has been purchased will not adequately meet the present demands and the immediately prospective needs of that city, and that a better and a larger site ought to be purchased. The petitioners therefore desire that time be given by statute to the Secretary of the Treasury to reconsider the selection of the site which was made two years ago, and, if he shall find now that the site proposed be an unwise one, that he be authorized to sell the land which has been purchased for that purpose, giving preference to the persons from whom it was purchased, who are supposed to have sold it to the United States for less than its value, and to select a new site.

I desire to say for myself that being in a very small way an owner of real estate in the city of Worcester which would be affected in value by the selection of a site for a post-office and being also owner of stock in a corporation which many years before I came into public life built for the United States the existing post-office building and which leases it to the Government, I have regarded myself like a juror or a judge who is disqualified to sit in the case, and I desire to maintain absolute neutrality upon this question, as the parties in Worcester very well understand. I consider that my duty will have been discharged when I present this petition and make an arrangement for a hearing of the petitioners before the proper committee of the Senate, without undertaking to say or do anything which will influence the final decision.

I move that the petition be referred to the Committee on Public Buildings and Grounds.

The motion was agreed to.

Mr. STOCKBRIDGE presented sundry petitions collected by the National Woman's Christian Temperance Union, signed by 602 citizens of Michigan, praying for a national Sunday-rest law; which were referred to the Committee on Education and Labor.

Mr. SQUIRE presented a memorial of the Legislature of Washington; which was referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

UNITED STATES OF AMERICA, STATE OF WASHINGTON,
Office of the Secretary of State.

I, Allen Weir, secretary of state of the State of Washington and custodian of the seal of said State, do hereby certify that I have carefully compared the attached instrument of writing, i. e., house memorial No. 16, in relation to the improvement of the Columbia River, with the original now on file in my office, and that the same is a correct transcript therefrom and of the whole of said original.

In testimony whereof I have hereunto set my hand and affixed the seal of said State at Olympia, this 17th day of February, A. D. 1890.
[SEAL.] ALLEN WEIR, *Secretary of State.*

[House memorial No. 16, in relation to the improvement of the Columbia River.]
 To the honorable Senate and House of Representatives
 of the United States in Congress assembled:

Your memorialists, the Legislature of the State of Washington, most respectfully represent that

Whereas the Columbia River can be made navigable for a distance of 700 miles from its mouth at a comparatively reasonable expense; and

Whereas the said river flows through a country for said distance above its mouth inferior to none for its productiveness of soil, its vast forests, and valuable mines; and

Whereas the future development and progress of our new State depends largely on the appropriations made by the General Government for the freeing of said river from obstructions from the extreme northeastern portion of our State to the extreme southwestern part thereof, thus providing us with traffic facilities and affording us a regulator of transportation rates on which the prosperity of all countries more or less depends; and

Whereas the importance of an open and free Columbia River and facts and figures with respect to the same have been represented by engineer officers of the United States in the reports made from time to time of their surveys and explorations, and which Congress has recognized by favoring us in the past with liberal appropriations whereby surveys and examinations have been made and improvements actually begun:

We most earnestly urge the appropriation recommended by the local Government engineers for the carrying on and completion of the great work at the Cascade Locks; and as it has been demonstrated by experiments made that the Columbia River can be successfully navigated between the mouth of Snake River and the confluence of the Okanogan at favorable stages, we therefore ask for liberal appropriations for the improvement of Priest Rapids, Cabinet Rapids, and Rock Island Rapids.

We furthermore urge upon your honorable body, in view of the length of time necessary for the completion of the locks and canal at the Cascades, the construction of a portage road for temporary relief, and that you adopt and speedily complete, for the permanent improvement of the portage at the Dalles and Celilo Falls, such a system as will be the most practicable for securing the great end we have in view, namely, an open and free river, whether it be by boat railway, by canal and locks, or by any other practical method; and as in duty bound your memorialists will ever pray.

Passed the house January 29, 1890.

J. W. FEIGHAN, Speaker.

Passed the senate January 31, 1890.

CHAS. E. LAUGHTON, President.

Mr. SQUIRE. I present the petition of 450 citizens of the city of Fairhaven, Wash., having attached an official plat of Fairhaven and adjacent towns and setting forth the importance of Fairhaven as the leading commercial and shipping town of Puget Sound north of Seattle, as the terminal point of important railway lines, actual and prospective, as the natural distributing center of a large agricultural, timber, and mining country, and praying Congress, for reasons based upon its importance, to pass a law making Fairhaven a subport of entry.

I move that the petition be printed as a document and referred to the Committee on Commerce.

The motion was agreed to.

Mr. CHANDLER presented the petition of F. W. Tucker and 67 other residents and property-owners of Northeast Washington, representing that the present location of the Baltimore and Ohio Railroad Company's buildings and tracks is a great detriment to the citizens of Northeast Washington, and praying for the passage of Senate bill 3277, which provides for the location of the Baltimore and Ohio depot north of H street; which was referred to the Committee on the District of Columbia.

Mr. PIERCE presented a petition of 50 farmers of Bay City, Mich., and a petition of sundry farmers of Ypsilanti, N. Dak., praying for the passage of Senate bill 2607, providing for the appointment of a commission to investigate the causes of agricultural depression; which were referred to the Committee on Agriculture and Forestry.

Mr. HISCOCK presented a memorial of 200 citizens of Albany, N. Y., remonstrating against the removal of the Southern Utes from their present reservation; which was referred to the Committee on Indian Affairs.

He also presented six petitions of subordinate unions of the Bricklayers and Masons' International Union of America, of the State of New York, praying that none but citizens of the United States be employed on Government works; which were referred to the Committee on Education and Labor.

He also presented a memorial of 462 members of the Society of Friends, citizens of the State of New York, remonstrating against the recommendation of the Senate Naval Committee and other measures for so-called coast defenses and other warlike preparations, as a menace to the peace and security of the nation; which was referred to the Committee on Naval Affairs.

He also presented a petition of the assembly and senate of the State of New York, praying that the matter of the extinguishment of the Ogden Land Company's claim be laid before Congress, and that legislation be passed for the relief of Indians in the State of New York in respect to that claim; which was referred to the Committee on Public Lands.

He also presented sundry petitions, collected by the National Woman's Christian Temperance Union, of 255 citizens of New York, praying for a national Sunday-rest law; which were referred to the Committee on Education and Labor.

Mr. VEST. I present twenty-four memorials remonstrating against the passage of what is known as the Conger bill in regard to compound lard, signed by 92 employés of the Wangler Boiler Works, of St. Louis, Mo.; 25 employés of the St. Louis, Kansas City and Northern Railroad, of St. Louis, Mo.; 140 employés of the Missouri Glass Company, of St.

Louis, Mo.; 4 employés of the Mellier Drug Company, of St. Louis, Mo.; 54 employés of the Pioneer Keg Company, of St. Louis, Mo.; 61 employés of the Fulton Iron Works, of St. Louis, Mo.; Thomas Richardson, president, and 62 employés of the Collier White Lead Company, of St. Louis, Mo.; 55 employés of the Scruggs, Vandervoort, and Barney Dry Goods Company, of St. Louis, Mo.; 55 employés of the Waters Pierce Oil Company, of St. Louis, Mo.; 12 employés of the Gibson Asphaltum Company, of St. Louis, Mo.; 70 employés of the Excelsior Manufacturing Company, of St. Louis, Mo.; 32 employés of the St. Louis Gas-Light Company, of St. Louis, Mo.; 107 employés of B. Nugent & Brother, of St. Louis, Mo.; 42 employés of the Beattie Manufacturing Company, of St. Louis, Mo.; 159 employés of the Perry & Gentles Dry Goods Company, of St. Louis, Mo.; 23 employés of the Liggett-Meyers Tobacco Company, of St. Louis, Mo.; 15 employés of the Commercial Printing Company, of St. Louis, Mo.; John Rohan, president, and 26 employés of the Rohan Brothers' Boiler-Works, of St. Louis, Mo.; 145 employés of the Heller & Hoffman Chair Company, of St. Louis, Mo.; 31 employés of the Todd & Stanley Mill Company, of St. Louis, Mo.; 16 employés of the Southern White Lead Company, of St. Louis, Mo.; 42 employés of the Pullman Car Company, of St. Louis, Mo.; 15 employés of the National Tube Works, of St. Louis, Mo., and 47 employés of the Evans & Howard Fire-Brick Company, of St. Louis, Mo.

I move that the memorials be referred to the Committee on Agriculture and Forestry.

The motion was agreed to.

Mr. DAVIS presented a memorial of the Union League of Minneapolis, Minn., remonstrating against the reduction of duty on flax, hemp, jute, etc.; which was referred to the Committee on Finance.

Mr. PLUMB presented a petition of Peabody Post, No. 89, Department of Kansas, Grand Army of the Republic, of Peabody, Kans., and a petition of E. D. Baker Post, No. 40, Department of Kansas, Grand Army of the Republic, of Baldwin, Kans., praying for the donation to the State of Kansas of a portion of the Fort Dodge military reservation, in the State of Kansas, for a soldiers' home; which were referred to the Committee on Public Lands.

He also presented a petition of the Thirty-third Judicial District Veterans' Association, of Kansas, praying for certain pension legislation; which was referred to the Committee on Pensions.

He also presented a memorial of the Centennial Farmers' Alliance, No. 608, of Cherry Vale, Kans., remonstrating against the passage of the Pacific railroad funding bill; which was ordered to lie on the table.

He also presented a petition of the Hillside Lodge of the Farmers' Mutual Benefit Association, No. 243, of Kansas, praying for the free coinage of silver; which was referred to the Committee on Finance.

He also presented resolutions adopted by the Farmers' Alliance of Osborne, Kans., favoring certain legislation on financial and other subjects; which were referred to the Committee on Finance.

Mr. BUTLER presented resolutions adopted by the State Farmers' Convention of South Carolina, at Columbia, S. C., signed by G. W. Shell, president, and J. T. Duncan, secretary, remonstrating against the passage of the bills known as "compound lard bills;" which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Florida State Dental Association, praying for the establishment of a bureau of dental surgery for the purposes of the military and naval service of the United States; which was referred to the Committee on Military Affairs.

Mr. WASHBURN presented a memorial of the Union League of Minneapolis, Minn., remonstrating against the abolition or reduction of import duties on flax, hemp, and jute; which was referred to the Committee on Finance.

Mr. MOODY presented the petition of Mary Gaston and other citizens of South Dakota, praying that in the legislation organizing the international exhibition of 1892 provision may be made for the appointment of women on the board of managers of that exhibition; which was referred to the Select Committee on the Quadro-Centennial.

REPORTS OF COMMITTEES.

Mr. BERRY, from the Committee on Public Lands, to whom was referred the bill (H. R. 6419) to amend section 2294 of the Revised Statutes of the United States, and for other purposes, reported it without amendment.

Mr. HOAR. I should like to call the attention of the Senator from Arkansas in reporting that bill to the fact that the title ought when it is reported to contain some indication of what the subject is beyond a mere statement that it is to amend a certain section of the Revised Statutes. I know the practice has to some extent prevailed, but the public get no idea of what a bill is until it is on its passage if it is reported by such a title alone.

Mr. BERRY. The bill is a House bill, and I was directed by the committee to report it without amendment as it passed the other House. I have performed that duty, and I have no authority to designate it otherwise.

Mr. HOAR. Will the Senator state for the information of the Senate what is the subject of the bill?

Mr. BERRY. It is an amendment to the homestead law in regard to the manner of taking proof of homestead applications, and also in regard to the fees that clerks are to be allowed with reference thereto.

Mr. HOAR. I did not wish to make any criticism of my friend from Arkansas. I think every Senator agrees that these bills ought always to be amended in the title, so that when the measure is first reported the public shall have an opportunity to know what subject is under discussion and to be heard from in proper cases.

Mr. BERRY. I presume the statement I have now made in regard to the character of the bill will give the information desired by the Senator.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. SAWYER, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 3389) for the relief of M. M. Lynch, submitted a favorable report thereon, and moved its reference to the Committee on Appropriations; which was agreed to.

Mr. VEST. I am instructed by the Committee on Commerce, to whom was referred the bill (H. R. 8296) to allow the erection of bridges across the Iowa River at Wapello, Iowa, to report it with an amendment. I call the attention of the Senator from Iowa [Mr. ALLISON] to this bill, as he is interested in it.

Mr. ALLISON. As that is only a local bill and a very brief one, after the routine morning business is disposed of I shall ask unanimous consent that it may be considered.

The PRESIDENT *pro tempore*. Meanwhile the bill will lie on the table.

Mr. DOLPH, from the Committee on Public Lands, to whom was referred the bill (H. R. 6034) for the relief of Mary Alice White Ogden, reported it with an amendment.

Mr. SPOONER, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 594) for the erection of a public building at Kansas City, Kans., reported it with an amendment.

He also, from the same committee, to whom was referred the bill (S. 3079) for the erection of a public building at Grand Haven, State of Michigan, reported it with an amendment.

He also, from the same committee, to whom was referred the bill (S. 2825) to provide for the erection of a public building in the city of Mansfield, Ohio, reported it with an amendment.

He also, from the same committee, reported a bill (S. 3417) to provide for the purchase of a site and the erection of a public building thereon at Haverhill, in the State of Massachusetts; which was read twice by its title.

He also, from the same committee, to whom was referred the bill (H. R. 448) for the erection of a public building at Lynn, Mass., reported it with an amendment.

Mr. WILSON, of Iowa, from the Committee on the Judiciary, to whom was referred the bill (H. R. 778) to regulate the sitting of the courts of the United States within the district of South Carolina, reported it with amendments.

He also, from the same committee, to whom was referred the bill (S. 191) to regulate the sittings of the United States courts within the district of South Carolina, reported adversely thereon; and the bill was postponed indefinitely.

Mr. GRAY, from the Committee on Naval Affairs, to whom was referred the bill (S. 1888) for the promotion of Rear-Admiral James E. Jouett, United States Navy, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom the subject was referred, submitted a report accompanied by a bill (S. 3418) in relation to the pay of Rear-Admiral James E. Jouett, retired; which was read twice by its title.

Mr. PLUMB, from the Committee on Public Lands, to whom was referred the bill (S. 3337) donating Lake Contrary, in the State of Missouri, to the city of St. Joseph, Mo., reported it with an amendment.

Mr. PLATT, from the Committee on Territories, to whom was referred the bill (S. 1318) to reimburse the State of South Dakota for the expenses incurred in holding the constitutional convention of 1885, reported it with an amendment.

He also, from the same committee, to whom was referred the bill (S. 1032) to reimburse the State of Washington for expenses incurred in holding a constitutional convention in July, 1889, reported it with an amendment.

Mr. EVARTS, from the Committee on the Library, to whom was referred the bill (S. 1869) for the erection of an equestrian statue of Maj. Gen. John Stark, reported it without amendment.

BILLS INTRODUCED.

Mr. HISCOCK (by request) introduced a bill (S. 3419) for the relief of Alexander Stoddart, of New York; which was read twice by its title, and referred to the Committee on Finance.

He also (by request) introduced a bill (S. 3420) for the relief of Frederick Vietor & Achelis, importers and merchants, of the city of New York; which was read twice by its title, and referred to the Committee on Finance.

He also introduced a bill (S. 3421) to reimburse John Waller, late postmaster at Monticello, N. Y., for moneys expended in carrying the mail; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3422) to open and set aside an order of the Court of Claims canceling a portion of a judgment against the United States, remitted through mistake as to the facts in regard to the same by claimant to the United States, and to refer the matter to the Court of Claims for such further action as said court shall find to be just and equitable; which was read twice by its title, and referred to the Committee on Claims.

Mr. PUGH introduced a bill (S. 3423) to provide for the completion of the improvement of Mobile Harbor, Alabama; which was read twice by its title, and referred to the Committee on Commerce.

Mr. PETTIGREW introduced a bill (S. 3424) to authorize the construction of a bridge across the Missouri River at the city of Yankton, S. Dak.; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 3425) to enlarge the Missouri River Commission and provide for the survey and improvement of said river in the States of Montana, North Dakota, and South Dakota; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 3426) granting right of way to the Omaha and South Dakota Railway Company through the Crow Creek Indian reservation; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. BARBOUR introduced a bill (S. 3427) granting a pension to Ann Mercer Slaughter; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 3428) for the relief of A. B. Carter; which was read twice by its title, and referred to the Committee on Claims.

Mr. SQUIRE (by request) introduced a bill (S. 3429) to provide the State of Washington with light artillery; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. STOCKBRIDGE introduced a bill (S. 3430) to confirm the title to certain lands in the city of Sault Ste. Marie and State of Michigan, and to release any reversionary right of the Government of the United States therein; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. CHANDLER introduced a bill (S. 3431) granting a pension to Martha N. Hudson; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PLUMB introduced a bill (S. 3432) for the relief of Samuel N. Swingley; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

He also introduced a bill (S. 3433) granting a pension to Hugh B. Huffman; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3434) granting a pension to Maria Louisa McKinney; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3435) granting a pension to Eunice Godfrey; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PLATT introduced a bill (S. 3436) to correct the military record of Roswell M. Shurtliff; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 3437) to provide for the acquisition of additional land and the erection of an addition to the custom-house, etc., at New Haven, Conn.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. MOODY introduced a bill (S. 3438) for the relief of John K. Hummer; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PIERCE introduced a bill (S. 3439) relating to entries, final proof, and contests on public lands, and providing for patents in certain suspended entries; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Public Lands.

Mr. HOAR introduced a bill (S. 3440) authorizing the President to place on the retired-list of army officers the name of John M. Goodhue; which was read twice by its title, and referred to the Committee on Military Affairs.

REPRINT OF EDUCATIONAL FUND BILL.

Mr. MORRILL. The print of the educational fund bill, Senate bill 3256, is exhausted. I ask that it may be reprinted.

The PRESIDENT *pro tempore*. If there be no objection, the usual number will be printed of the bill (S. 3256) to establish an educational fund, and apply the proceeds of the public lands and a portion of the receipts from certain land-grant railroad companies to public education, and the more complete endowment and support of colleges for the advancement of scientific and industrial education. The Chair hears no objection, and it is so ordered.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the following bills: A bill (S. 123) granting an increase of pension to John F. Ballier; and

A bill (S. 135) to perfect the military record of John C. Green, of Tennessee.

The message also announced that the House had passed a bill (H. R. 6073) granting an increase of pension to Nancy Smith; in which it requested the concurrence of the Senate.

DEATH OF REPRESENTATIVE NUTTING.

The message further announced that the House had passed resolutions commemorative of the life and services of Hon. Newton W. Nutting, late a Representative from the State of New York.

ORDER OF BUSINESS.

The PRESIDENT *pro tempore*. Are there resolutions, concurrent or other?

Mr. HOAR. I rise to call up the unfinished business, if the order of resolutions be over.

The PRESIDENT *pro tempore*. Is there further morning business?

Mr. HOAR. I move to proceed to the consideration of the resolutions in regard to the Senatorial case from Montana.

The PRESIDENT *pro tempore*. If there be no further morning business, the Calendar under Rule VIII being in order, the Senator from Massachusetts moves that the Senate proceed to the consideration of the Montana resolutions.

Mr. VANCE. Mr. President—

Mr. HALE. When the Senate adjourned on Thursday the Chinese census bill was being considered and had not been completed. I then gave notice to the Senator from Massachusetts in charge of the Montana resolutions that I should ask the Senate this morning at the close of the routine morning business to take up and finish the Chinese bill, as of course it will be seen that it is important if that census is to be taken of the Chinese people the bill should pass or be disposed of in some way or other very soon. I ask the Senator now if an arrangement can not be made by which the Chinese bill can come in for a short time, if it gives rise to no debate, in order that it may be finished and out of the way.

Mr. HOAR. The Senator from New York [Mr. EVARTS] is desirous, I understand, of being heard by the Senate on that bill. He is absent from his seat for the moment, and perhaps the Senator from Maine had better delay the request until after the Senator from North Carolina [Mr. VANCE] has finished his remarks. I have no desire except to do what is for the convenience of the Senate, but I think I ought not to yield at this time in the absence of the Senator from New York.

Mr. PLATT. I should like to inquire whether the Chinese bill as it has been proposed to be amended by the committee of the Senate has been printed and whether the amendments appear in the bill.

Mr. HALE. The amendments are all printed in italics, so that they are easily discernible by any Senator who desires to read them.

Mr. EVARTS entered the Chamber.

Mr. HALE. The Senator from New York has now appeared in the Chamber.

Mr. CALL. Mr. President—

The PRESIDENT *pro tempore*. The question moved by the Senator from Massachusetts is one of the highest privilege and is entitled to consideration whenever moved.

Mr. HOAR. Let that be laid before the Senate.

The PRESIDENT *pro tempore*. The Senate can make any disposition of it that it pleases.

Mr. HALE. I ask the Senator from New York who has just appeared if he desires to debate at any length on the Chinese census bill.

Mr. EVARTS. If it is up for passage, I shall desire to do so.

Mr. HALE. Under those circumstances I can not of course ask the Senator from Massachusetts at present to yield.

Mr. HOAR. I think we can get the Montana case out of the way very soon.

Mr. MITCHELL. Allow me to make a suggestion to the Senator from Massachusetts and also to the Senator from Maine. Can there not be an understanding that the census bill shall be taken up immediately after the morning business to-morrow and proceeded with until 2 o'clock?

Mr. HOAR. I think myself, if I may be allowed, that we get along better with business to take one thing and end it, without having half a dozen subjects, each taken up and partly finished, which make new speeches and new discussions every time they are resumed. I think if we can take up the Montana case and go right on with it we can finish it in a day or two.

Mr. HALE. There is a great deal of force in what the Senator from Massachusetts says about having a continuing programme in any line of business that we are undertaking. If there is no objection, I should like to ask consent that the Chinese bill may be taken up at the conclusion of the Montana resolutions? The Senator from New York will not object to that.

The PRESIDENT *pro tempore*. The Senator from Maine asks unan-

imous consent that the Chinese enumeration bill may be taken up immediately after the conclusion of the consideration of the resolutions for the admission of Senators from Montana.

Mr. SHERMAN. I object to any arrangement of that kind.

The PRESIDENT *pro tempore*. Objection is made. The Senator from North Carolina is entitled to the floor on the pending question.

Mr. HALE. If the Senator will allow me, I will give notice that after the Montana resolutions are passed upon by the Senate I shall move on the next day, after the routine morning business and before the regular hour of 2 o'clock arrives, when the unfinished business, whatever it may be, is taken up, to take up the Chinese bill, and it will then rest with the Senate whether or not it will take it up. It is not my responsibility; it rests with the Senate.

IOWA RIVER BRIDGES AT WAPELLO, IOWA.

Mr. VANCE. Mr. President—

Mr. ALLISON. Will the Senator from North Carolina yield to me just one moment, that I may secure the passage of a local bill? If it takes more than a minute and a half I shall withdraw the request.

Mr. VANCE. Of course I can not refuse that request.

The PRESIDENT *pro tempore*. Does the Senator from North Carolina yield?

Mr. VANCE. Yes, sir.

The PRESIDENT *pro tempore*. The Senator from Iowa asks unanimous consent that the Senate do now proceed to the consideration of a bill the title of which will be stated.

The SECRETARY. A bill (H. R. 8296) to allow the erection of bridges across the Iowa River at and below Wapello, Iowa.

The PRESIDENT *pro tempore*. The bill will be read at length, subject to objection.

The Secretary read the bill.

The bill was reported from the Committee on Commerce, with an amendment to strike out all after the enacting clause and insert:

That subject to the laws of the State of Iowa the supervisors of Louisa County, in said State, may erect and maintain a wagon and foot-passenger bridge across and over the Iowa River, between the mouth of said river and the town of Wapello in Louisa County, in said State; and in said bridge no draw shall be required.

SEC. 2. The bridge authorized to be constructed by this act shall be located and built under and subject to such regulations as may be approved by the Secretary of War; and there shall be submitted to said Secretary, for his examination, a design and drawings of the bridge, piers, approaches, and accessory works, and a map of the location; and until said plan is approved by the Secretary of War the construction of said bridge shall not be commenced. No changes or alterations in the plans of said bridge, as approved by the Secretary of War, shall be made during the construction of the same, or after its completion, unless said changes or alterations are authorized by said Secretary; and all such alteration or changes required by him shall be made at the expense of the supervisors of said county. It is further provided that whenever the Secretary of War shall so require the entire structure shall be removed at the expense of the supervisors of said Louisa County.

SEC. 3. That the bridge constructed, maintained, and operated under this act and according to its limitations shall be a legal structure, and shall be recognized and known as a post-route, upon which no higher charges shall be made for the transportation over the same of the mails, the troops, and the munitions of war of the United States than is charged to other persons for crossing said bridge; and the United States shall have the right of way for postal-telephone and telephone purposes over said bridge. And all telegraph and telephone companies shall have equal rights and privileges in constructing and maintaining their lines over said bridge: *Provided*, That all tolls charged for crossing over said bridge shall be subject to the approval of the Secretary of War.

SEC. 4. That the right to alter, amend, or repeal this act is expressly reserved whenever Congress shall decide that the public interests so require; and if actual construction of the bridge herein authorized shall not be commenced within two years and completed within four years from the date of the approval of this act, the provisions of the same are hereby declared to be null and void.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended to read: "A bill to allow the erection of a bridge across the Iowa River between the mouth of said river and the town of Wapello, in Louisa County, Iowa."

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed a bill (H. R. 2361) for the relief of Asa Ellis, collector of internal revenue for the first collection district of California; in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills:

A bill (S. 368) to establish two additional land districts in the State of Nebraska; and

A bill (S. 2860) to authorize the construction of an addition to the public building in Houston, Tex., and to provide a cistern, heating apparatus, etc., for said building.

The message further announced that the House had passed the bill (S. 595) for the erection of a public building at Salina, Kans., with amendments in which it requested the concurrence of the Senate.

SENATORS FROM MONTANA.

The Senate resumed the consideration of the report of the Committee on Privileges and Elections in regard to the Montana Senatorial contest.

Mr. VANCE. Mr. President, The question presented to the Senate by the resolutions now before it is not only of the highest privilege, but of very grave importance. Not only are the seats of the two Senators from that new State involved in this decision which we are now to make, but other questions that may hereafter be called into precedent are involved in the decision as well.

It is conceded that when the credentials of a Senator are presented from his State we have only to inquire primarily whether he be elected by the Legislature of that State or not. In this case it so happens that the existence of a Legislature is in question. There are two Legislatures claiming to be in existence in the State of Montana, or rather there are two houses of one branch of the Legislature of that State. We are compelled, therefore, to pause and inquire which is the true house, in order to arrive at a decision of the question as to which is the true Legislature and which of the two sets of persons chosen to sit as Senators in this body is properly elected. The one house is called the Iron Hall house, the other house is called the Court-House house of representatives, it being admitted that the senate of that Legislature was properly organized and was evenly divided between the two political parties. One-half of the senate having associated itself with those members of the other house which belonged to the Iron Hall branch proceeded to elect two Senators and send them here, Messrs. Powers and Sanders. The other half of the senate of Montana, associating itself with the Court-House house of representatives, proceeded to elect Messrs. Clark and Maginnis, and send them here claiming to be Senators of the United States.

The house of representatives of the State of Montana under its constitution consists of 55 members. In this instance one member died and his place was not supplied, so that there were only 54 members of the house, of this number 23 being required as a quorum. Twenty-five whose election was undisputed assembled in the Iron Hall house or place of meeting and took to themselves, in order to make the quorum, 5 members whose election was disputed, but who assumed to hold the *prima facie* right in the shape of a certificate of the canvassing board of the Territory of Montana certifying that they were elected. Twenty-four members whose election was equally undisputed assembled in the court-house, the place designated by law and custom of the Territory for the assembling of the Legislature, and associated with themselves 5 members who held what purported to be a *prima facie* right in the shape of a certificate of election by the clerk of the board of county commissioners of the county from which they came, making 29 members; in either case a quorum.

It so happened that all those disputed members came from one county, the county of Silver Bow, and they were elected or they were defeated, respectively, as the vote of one precinct in that county, called precinct No. 34, should be determined to be lawful or unlawful. So the question is now which one of the two sets of five was properly elected to the house of representatives of Montana. Perhaps it would sound more familiar and more home-like to the Senators on that side if I should say which one of these "blocks" of five was properly and duly elected.

There is a remarkable consensus of opinion between the majority of the committee and the minority up to the forks of the road. Both sides agree that the first thing we have to do in the case of a disputed Senatorship is to ascertain what was the Legislature and what was its action. In this case, unfortunately there is no action of the Legislature of Montana, for of course neither party claiming to have the house of representatives had a clear majority of undisputed members, and if the Iron Hall house with 25, lacking 3 of a quorum, had the right to associate itself with 5 members whose election was disputed in order to make a quorum, most undoubtedly the 24 members of the Court-House house of representatives had a right to associate with itself 5 members who also claimed to be elected and make a quorum in the same way, so that one would offset the other.

Therefore, as there was no action proper and indisputable of the State of Montana, both the majority and the minority of the committee further agree that we have to go back until we find some authority of the State of Montana that had the right to decide on the *prima facie* case in order to constitute a Legislature that legally had the power to elect Senators. Where is the authority to which we can appeal, the Legislature itself having failed to settle the question for the want of a legal quorum of undisputed members in either house? The majority say the Territorial canvassing board had authority to confer a *prima facie* right upon the members of the two houses by their certificates of election. I believe that that was agreed to, except that the minority say that when you come to the tribunal claiming the right to decide by their certificates the *prima facie* rights of the members claiming to be elected to the Legislature, that tribunal must be shown to have acted within its power and the scope of its jurisdiction, and that if it usurped power the Senate of the United States is no more bound by its authority than was the State of Montana itself; and that the State of Montana in these cases did refuse to recognize the right of that Territorial canvassing board consisting of the governor, the secretary of state, and the chief-justice of the Territory.

That is where the committee part company, the minority asserting, as I have said, that in order that anybody should be bound by the decision of this Territorial canvassing board it should be shown that it acted within its powers, within the powers conferred upon it by law; whereas the State-rights branch of this Senate, the people of this body who have always acted in favor of the sovereignty of the States, say that the decision of the Territorial canvassing board is sacred and can not be inquired into, and even if they had asserted in their returns that two and two make five we are bound to accept it under the doctrine of State rights!

Mr. President, I do not agree to that doctrine. I hold, as was so ably argued and set forth by my colleague on the committee who preceded me in this argument [Mr. GRAY], that we are only bound by the decision of that returning board in case it is shown to have acted within its jurisdiction. If it usurped authority and undertook to set forth facts which it had no right to set forth, then we are no more bound and concluded by its decision than we should be by the decision of any other board whatsoever making no pretense to have jurisdiction over the subject.

I go further than that. It is with very great deference that I take any position beyond that which was assumed by my colleague in his argument the other day, but I take the further position that the action of that Territorial board was not conclusive on this body in any sense of the word, and that by the strictest theory of State rights and State sovereignty you are not bound by anything that that board did unless it was in strict pursuance of its authority, unless it was perfectly and absolutely correct, and we may therefore inquire into it. In other words, I hold that the Territorial board was a creature of Congress, that it was created by the authority of the enabling act of this body, and that therefore all that it did in the discharge of the duties which Congress imposed upon it may be properly inquired into without any infringement whatsoever of the doctrine of State rights or State sovereignty.

I call attention to section 24 of the enabling act, which is in the following words:

That the constitutional convention of the State of Montana may, by ordinance, provide for the election of officers for full State governments, including members of the Legislatures and Representatives in the Fifty-first Congress; but said State governments shall remain in abeyance until the States shall be admitted into the Union, respectively, as provided in this act.

Mr. President, in the case of Sykes against Spencer, which was decided in this body some twenty years ago, the following facts were presented: The Legislature, which was there called the Court-House Legislature, as this one I believe, assembled in the capitol, or the Capitol Legislature, I do not remember which; every member thereof had the certificate *prima facie* of the county board of county supervisors, who had expressly conferred upon them by statute jurisdiction to inquire into frauds and irregularities in voting by State statute. They had the certificate of the county boards of supervisors; they had the certificate of the secretary of state of the State of Alabama, issued in conformity to law. They met in the capitol of the State, the place provided for meeting by law. The State senate was presided over by the outgoing lieutenant-governor, who held over by the laws of Alabama. The house was presided over by the speaker of the last house, who held over until his successor was elected and qualified under the laws of Alabama. The governor addressed his message to that Legislature. That Legislature received from the hands of the secretary of state the returns of the votes for all the State officers in the State of Alabama, and counted them and announced the result, and it was acquiesced in. They passed at least one law which yet remains on the statute-book of the State of Alabama. And yet the Republican United States Senate, by a vote of 33 to 11, decided that they could go behind all that and declare that the Senator elected by the rival Legislature that had none of these certificates and none of these qualifications was elected by the true Legislature. The United States Senate seated Spencer, who had been thus elected, instead of Sykes. There was State action throughout; there was the certificate of the secretary of state, who was required by law to issue certificates of election to members of the Legislature, which constituted the *prima facie* case. That certificate of the secretary of state was based upon the returns of the county supervisors, who had judicial authority in the premises to inquire into the regularity and legality of elections held, and yet that was set aside by a vote of 33 to 11 in this body, and the report announced that it was a mockery to seat men on the evidence of election instead of the election itself.

Now, so great has been the progress of the doctrine of State sovereignty, the majority of the committee in this case say that the Senate of the United States is absolutely estopped from inquiring into any action whatsoever on the part of the Territorial board of the Territory of Montana, concerning which it is admitted that it had not one particle of judicial power, but its powers were purely ministerial, and it could only cast up the returns which had been sent to it by the boards of county commissioners in the various counties.

I congratulate my friends upon their arrival at the mansion of State rights. I am glad to see them coming in, even though it is late in the day, and, although it is not considered the polite or the hospitable thing for a host to inquire of his guest how long he is going to stay, yet I beg that they will pardon it on this occasion, for it is frequently a matter of the greatest importance to a host to know by some means how long

his guest is going to stay, in order that his larder may be looked after in proportion. Now, how long will those Senators remain in this position of extreme State rights? Permit me to say, Senators, that you are stronger State-rights men than I am. I am satisfied with observing the rights of the States of this American Union to regulate their affairs in their own way subject to the Constitution of the United States. I have not yet attained to the degree of recognizing the rights of States before they are born. I am not yet a State-rights man *en vertu sa mère* (if some gentleman of a French education will tell me whether that is pronounced correctly or not).

Whenever a man comes to my ground and overdoes the thing, I have my natural suspicions about the sincerity of his actions. Some of you perhaps recollect the story of a humorous writer down South called Sut Lovingood, who tells how on one occasion he put his daddy in the plow to act horse, that he held down and plowed around with great sobriety and propriety until the train came by and he got scared at the train and ran away with the plow, whereupon Sut Lovingood proceeds to remark, in the course of his story, "that dad did it all splendidly until he came to the bank of the creek, where it was about 15 feet deep, and there dad overdone the thing and plunged headlong into the creek, whereas a sensible horse would have stopped on the top of the bank." [Laughter.]

When Senators with that Alabama iniquity on their hands, fresh and reeking with the gore of a slaughtered State, come in here and profess that their regard for State rights is so great that even the action of our own creatures in a Territory shall not be inquired into and shall be held as something sacred, I naturally have my suspicions. A few weeks will test their sincerity. So I will say that, whether considered in the manner in which my colleague on the committee, who preceded me in this argument [Mr. GRAY], put it, or whether considered in this light, this canvassing board of the Territory of Montana was purely a creation of Congress, a creature of our own. In either case we not only have a right to inquire into their powers, but we have a right to inquire into the facts as to what they did and whether they told the truth in their report or not.

Mr. President, it is scarcely worth while to argue that this board of canvassers of the Territory of Montana had no judicial power. It is not asserted that they had any. The report of the majority of this committee does not assert that they had. It is not worth while to recount the decisions which have been laid before you and which have been covered in the report, and by the arguments and pleadings in the case showing that on just principles canvassing boards appointed by law for the purpose of determining the result of an election have no judicial powers. The universal current of decisions runs the other way, that they have none, and it is more incumbent upon those who undertake to justify the action of this Territorial board to show a single decision which authorizes their assumption of judicial power than it is for me to recount a long list of judicial decisions showing that they have no judicial power.

Their plain and simple duty under the law of the Territory of Montana was to canvass the returns and to declare the result in the case of the election, which was held for the constitution itself, but it does not even say that they shall declare the result in the case of State officers. The method of procedure by the laws of the Territory of Montana was this for the holding of elections: The judges of the various precincts in the various counties were to make their returns to the board of county commissioners; according to the plain words of the law, these commissioners were to "open these returns and make abstracts of the votes," and they in turn were to return these abstracts to the Territorial board of canvassers, who were to canvass the votes.

That is all there is upon the subject, and under no circumstances is there a single intimation in the law and nowhere is there to be found any judicial decision showing that either the board of county commissioners making abstracts of the returns from the precinct vote or the Territorial board canvassing the returns from the various county boards—nowhere is there any intimation that they had, either of them, any judicial power to say that the vote cast here was not legal or that the vote cast there was fraudulent. Not a single, solitary one. Their duty was plainly ministerial, and the argument made by the Senator from Massachusetts [Mr. HOAR] in opening this case, that, because the Territorial board were required to declare the result in the case of the election for the constitution, therefore they must be required to declare the result of the vote cast for the various members of the Legislature, is altogether at fault, as it seems to me, for this simple reason, that aside from the Territorial board of canvassers there was no authority authorized to declare the votes for any election that was State-wide, that was held over the whole State, and therefore the presumption would arise, if it had not been in the act itself expressly provided, that in any election for the constitution which was held over the whole State the Territorial board of canvassers should canvass the votes and declare the result; but for those which were only county-wide, that is, for all officers whose election was confined to a single county, the implication does not arise that the Territorial board was to canvass those votes, neither does the reason of the case so require, because the law of the Territory expressly provided a method of declaring that vote and certifying the result.

That law of the Territory to which I refer provided that, when the county commissioners shall have canvassed the vote for county officers in elections that are county-wide, the clerk of their board shall issue a certificate to the persons declared to have the highest number of votes, which certificate is in so many words declared to constitute a *prima facie* right to a seat in the Legislative Assembly.

Now, it is contended here that the ordinance of the constitutional convention providing for the election which thus required the Territorial canvassing board to canvass the vote repeals the law of the Territory which required the clerk of the board of county commissioners to issue the certificate and declare the result. How many ways are there by which a law can be repealed, Mr. President? One way is to repeal it directly in so many words. Another way is to repeal it by implication, by the passage of some act that makes it inconsistent with the present law. A third way is by the passage of an act, without in so many words saying it shall operate as a repeal, which makes a new law upon the whole subject-matter and therefore roots out necessarily the pre-existing law.

Now just look at it for one moment. Here is a law of the Territory of Montana which requires that in all elections of members of the Legislative Assembly of that Territory the votes shall be canvassed by the board of county commissioners and the winning candidate shall be certified by the clerk of the board, which to all intents and purposes the law says shall constitute a *prima facie* right in any Legislative Assembly to a seat. Well, here is the law, and the ordinance of the convention of the Territory of Montana passed under the authority of an enabling act of Congress providing for an election for a constitution in the new State of Montana, and it provides at the same time that there shall be elected certain State officers, governor, lieutenant-governor, judges, member of Congress, and members of the Legislative Assembly. In the one case it provides that the returns from the boards of county commissioners shall be made to the secretary of state and canvassed by the governor, the secretary, and the chief-justice of the Territory, who shall declare the result. The following section provides that the returns of the votes for State officers, members of the Legislative Assembly, and so on, shall be canvassed in the manner provided by law, that is by the law of the Territory, and the returns shall be sent to the secretary of state, and it shall be canvassed by the same board and in the same manner as is the vote for the constitution, but it does not say that they shall declare the result.

Now I ask any reasonable man what is there in that law which repeals the Territorial law requiring the clerk of the county board of commissioners to certify the election of the candidate having the highest number of votes, which shall constitute a *prima facie* right? What is there in that which is inconsistent? Why, Mr. President, it seems to me that it would be inconsistent to assert that it would be a repeal. There is no authority given to this Territorial canvassing board for the whole Territory of Montana to declare the result and issue a certificate in so many words.

There is no authority by implication, and if you do not still give effect to the force of the Territorial law requiring the clerks to do this service and to issue this certificate, then that state of things would be unprovided for under this law. And yet upon a technicality of that kind is based not only the right to two seats in the United States Senate, but a great precedent that will be called in question perhaps for a hundred years, and a great principle, to wit, that a Territorial board, constituted with purely ministerial duties to add up the returns from the various counties of the State and certify the result, without authority to change a single solitary vote, to dot an "i," or cross a "t," or obliterate a figure in the returns which come from the authorities below, shall canvass the legislative returns. I say the great principle is involved of the right of that board to certify that 2 and 2 make 5 and to change a result, to change the destiny of parties, perhaps to change the destinies of a great State, or of the great United States of America, without a particle of authority in the law to do so, and the Senate and everybody else are helpless in the premises.

Mr. President, I have heard it said that the interpretation of the Scriptures by the Jewish rabbi was entitled to more respect, perhaps, than Christian people accorded to it generally, for the reason they, being more familiar with the customs of the Jewish people, and with the idioms of the Jewish language, and with the precedents that had been established in the course of Jewish history, were better capable of ascertaining the true meaning of words used by the Jewish writers; and now, if we wish to know what really was the true interpretation of the powers and authority given to this Territorial board, would it not be well enough to ask the people of Montana themselves what they thought about it and how they had been interpreting it?

It is a fact that, after this election was over and it was found that unless something was done the new State of Montana was Democratic, and that two Democratic Senators would be added to this body, and that a Democratic State would be added to the great column which in a very short time I do not think will need any little help like that—as soon as all that was found the question as to the *prima facie* right of the members claiming to be elected to this Legislature was investigated, and investigated very closely.

It is stated in the pleadings, and has not been denied, that naturally those persons who wanted to set aside the returns from the county of

Silver Bow first went to the attorney-general of the Territory and asked his opinion about it. He gave his opinion in writing, so I am informed, unmistakably that the *prima facie* right was constituted by the certificates of the clerks of the various boards of county commissioners in the various counties. They then dropped him. They then went to the governor of the Territory, and they had his opinion about it, and he was Republican, as a matter of course, and he gave them as his opinion that the law of the Territory was unpealed, and that the clerks of the various boards of county commissioners must issue the certificates, and that they alone would constitute the *prima facie* right.

Mr. MORGAN. Is that in the record?

Mr. VANCE. These facts are not set out in testimony, but they are all alluded to and not denied. Then a member from the county of Jefferson, to whom the clerk refused a certificate, petitioned Chief-Justice Blake for a writ of mandamus upon the clerk of Jefferson County to compel him to issue a certificate of election to him. Chief-Justice Blake issued the alternative writ of mandamus, directed to the clerk, whereupon the clerk obeyed without waiting for a peremptory mandamus and issued the certificate of election to the member from Jefferson County, Montana.

Then, there are the three highest officers, the attorney-general, the governor, and the chief-justice, in addition to whom the secretary of state was asked for his opinion. He said that the clerk must issue a certificate to constitute the *prima facie* right to a seat in that Legislature. Then, sir, two writs of mandamus were applied for to Judge DeWolfe, the judge of the district court of the Territory. Those mandamus were issued, and in each instance when prosecuted to final determination the judgment of the court was that the clerk should issue the certificate, and he did so. And yet this same chief-justice, sitting not as a court, but sitting as a member of the Territorial board; this same governor, sitting not as governor, but as a member of the Territorial board; this same secretary of state, acting as a member of that board, all three of them, went back upon their own adjudication at the last moment and decided that the clerk's certificate was of no force and that their own certificate should constitute the *prima facie* right of a member to sit in the Legislature.

Why was all that universal change and turn around in the State of Montana? In less than ten days after the election it was known that the State had gone Democratic, that it had elected a Democratic governor, that it had elected a Democratic Legislature which would send two Democratic Senators to the United States Senate to represent that young State in this body unless something was done. They were bound to do something, and what did they do? Why, immediately when that news went out things began to stir. The capital city of Helena is close to the city of Butte. Silver Bow County was the county on which depended the complexion of the State, and they found in Silver Bow County a remote mountain precinct, at the Homestake tunnel, at which there were 184 registered voters, 174 of whom had voted, and 171 of whom had voted the Democratic ticket and only 3 the Republican ticket.

They concluded to attack that, and immediately the woods were full of bribees and corruptionists, immediately the sleuth-hounds of the law were unkedled and began to yelp over that county, and immediately men began to go up to Homestake Tunnel precinct and mingle with the workingmen and offer bribes for anything that would enable them to throw out these votes. Let me call your attention to some of the affidavits on this subject.

The first affidavit to which I will call your attention is the following:

STATE OF MONTANA, County of Silver Bow, ss:

Joseph Swayze, being duly sworn, upon oath deposes and says that he is of law ul age and a citizen of the United States of America, and a resident and registered voter in Silver Bow County, State of Montana, and has been so for the past year at least (except as to registering, which I did for the first time under the registration law during the month of September, 1889). I reside about one mile northwest of the so-called Homestake Tunnel, which was designated as precinct No. 34 at the general election held the 1st day of October, 1889, near the road leading to said tunnel from the city of Butte.

On or about the 10th day of October, 1889, one C. A. Jones, known to me to be a clerk in the law office of Thompson Campbell, esq., in said city of Butte, came to my house in company with other persons unknown to me and stated that he wanted me to board a man he intended sending out to interview men working at said tunnel. That same day a man introduced to me as Walsh came to my house and then and there told me that this man was to stay out there for the purpose aforesaid; afterwards, while this man was at my house during the same day, said person asked me if I knew anything about the election at said Tunnel precinct; asked me if I was here on election day, and I told him "no;" he told me then that he had come out there to get witnesses for the Republican central committee; he further told me that he had plenty of money given him by the said committee, and that he was bound to get some witnesses; that if he could not get them any other way that he would buy them; then he asked me to take a drink out of a bottle he had.

I refused. Then he said, "You can just as well have this money as any one else; if you will go in town to-morrow morning and swear that you were there, and that the house in which the ballots were counted were locked up, I will pay you well for it." I told him I would not do it. Then he said, "I am going to have three or four witnesses before to-morrow night if I have to pay \$50 for them." That was all the conversation I had with said person on the subject of the election.

JOSEPH SWAYZE.

Subscribed and sworn to before me this 10th day of January, A. D. 1890.

WILL L. CLARK,

Notary Public in and for Silver Bow County, State of Montana.

Another witness, Mr. President, is named Charmickle:

TERRITORY OF MONTANA, County of Silver Bow, ss:

J. M. Charmickle, a witness of lawful age, being duly sworn, upon his oath does depose and say:

I am a miner by occupation. On or about the 10th day of October, 1889, I was riding on the wagon of a freighter for the contractors on the Butte and Gallatin Branch Railroad; I do not know his name. We were going from Butte to Camp No. 2, Butte and Gallatin Branch Railroad. While on said trip the wagon was halted by a party of seven or eight men, whose names I do not know. These men spoke to the freighter with whom I was riding, and asked him to sign an affidavit that he voted the Republican ticket at the Tunnel precinct, No. 34, at the late election, held October 1, 1889. They told him, the said freighter, that unless he signed the affidavit then he would have to sign it in court, and that if he would sign it they would get him a good job, a better job than he had then.

The freighter refused to sign that affidavit or any other affidavit, and he did not sign any affidavit at that time. There was a Swede on the wagon with us; I do not know his name. He was what I would call pretty full. These same men spoke to the Swede, and after giving him about three drinks of whisky or brandy got him to sign an affidavit which they read over to him before he signed it. The Swede had said while they were talking to him and before signing the affidavit that he had voted the Republican ticket with some exceptions at the Tunnel precinct No. 34, on October 1, 1889; but when questioned closely he could not state whom he had and whom he had not voted for, except that he said he voted for Power.

The affidavit as read to the Swede was that he had voted the Republican ticket at said precinct and time, with some exceptions, the exceptions not being stated. It did not contain the statement that he voted the straight Republican ticket. These men then drove off to one of the graders' camps, taking the drunken Swede with them. The Swede returned to the wagon after he had gone some distance, and I left the wagon myself a short time afterwards. I have never seen the Swede since that time. I have been since informed that the freighter with whom I was riding was James English, and I have heard him called Jim English.

J. M. CHARMIKLE.

Subscribed and sworn to before me this 22d day of October, 1889.

[SEAL.] WILL L. CLARK,

Notary Public, Silver Bow County, Montana.

And soon. There are five or six more of these affidavits, all to the same purport. They were so anxious to prevent the commission of one crime that they were absolutely doing their level best to commit three others. They were so anxious to prevent illegal voting that they were doing their best to commit the crimes of forgery, perjury, and subornation of perjury, and that is the way things were managed at precinct 34 in Silver Bow County. That accounts for the sudden change in opinion, because up to that time nobody had doubted that the clerk of the board of county commissioners was the man upon whom the law devolved the office of certifying the election of representatives in the Legislature, and in accordance with that understanding the clerk of every board of county commissioners in the State of Montana had issued certificates to members elected from their county—every one—and every member of the Legislature went to Helena with the clerk's certificate in his pocket as *prima facie* evidence.

But it was found that that would admit five members from Silver Bow County who were elected by the Democratic party, and that would give the control of the Legislature to the Democrats, and then it was that they suddenly abandoned the county method of certifying members elected and declared that the Territorial canvassing board, without a word in the law to justify it, were the only proper persons to issue the certificates of election, and their certificate alone constituted the *prima facie* right. Even then they did not carry out what they declared to be the law, because, whilst they issued certificates of election by this Territorial board to every Republican member of the Legislature in Montana to enable him to get into the body, they did not issue certificates to all the Democratic members. That all appears from the testimony. They issued certificates to part of them, but they did not issue them to all. The certificates for some of the Democratic members by that returning board were found unsigned in the drawer of the outgoing governor of the Territory, and there is no proof that any one was signed. After the governor of the Territory had gone out, it is in proof before the committee that the certificates for the Democratic members were found in the drawer of the governor unsigned.

Now we are to make a Senator, we are to make two Senators, upon this piece of villainy. Will you excuse me, Mr. President, for speaking of it plainly? The throwing out of that precinct 34, as I will show presently, was as unmitigated and unadulterated a piece of villainy as was ever known in the history of American politics. Are Senators of the United States going to indorse that piece of villainy? I hope not, for the sake of the body of which I am a member; I hope not, for the sake of purity in American politics; and yet, if they come forward and say that that was right, and that upon that piece of work done by the Territorial board and by the men who threw out and destroyed and suppressed the vote of precinct 34, how can they escape the public indignation which awaits them? They will not be able to do so, because the naked, visible fact will stand so long as Montana Senators hold a seat in this body upon such a title as that.

Mr. President, I once heard of a country boy who was being drilled by the parson in order to qualify him to perform the duties of a god-father in the baptism of a child. Among other things, the parson said to him, "My friend, 'What is the outward and visible sign of baptism?'" The boy scratched his head and said, "Why, the baby, of course." Mr. President, "the outward and visible sign," the representative head, the "federal head," so to speak, of this great Republican party in the United States, which sets itself up as the party of morality and purity of elections above all things—"the outward and visible sign" of their eternal

fall from grace and their backsliding will be the twins that they will seat here—not the baby, but a couple of them. [Laughter.]

Now, what was done by the board of county commissioners? Let us go back step by step. The board of county commissioners received the return from precinct No. 34 in due time, and on the 11th day of October following—the election was on the 1st—they proceeded to execute the law by opening those returns and making an abstract of the votes, and that was all they had to do. That is the very language of the law. They were to open the returns and make an abstract of the votes. They proceeded to do so. While they were at it these sleuth-hounds of the law, whom I spoke of a little while ago, began to circulate around and to get pretended evidences of fraud to set aside the election in that precinct. They appeared before this board, and, although they had no more judicial power in the premises than any one of the clerks on this floor would have, they sat as a court from day to day and heard counsel and witnesses to determine whether the election there was legal and regular or not.

The first objection made to the board was that the return from precinct 34 was not legal in that it was certified to by the judges and attested by the clerks, whereas it ought to have been certified to by the clerks and attested by the judges. The document shows the names of the judges and the names of the clerks right underneath those of the judges; the word "attest" was opposite both, so that it might very well be considered to have been attested by the clerks and certified to by the judges or certified to by the clerks and attested by the judges, either, and upon that, with other and similar objections, they proceeded to throw out the vote. The Senator from Massachusetts admits that that does not count as much taken by itself.

The next objection was that the return had not been received from Silver Bow County in a registered letter by mail, as the law required. Well, the excuse for that was that there were no mail facilities. It is only 8 or 9 miles from the city of Butte, and the chief judge of the election, to whom had been intrusted the papers and who held the election, went to the city of Butte and handed the returns to the clerk of the board of county commissioners in person; and on this it is proposed to invalidate that return, not because it did not get to the proper place at the right time, but because it did not go by the right route. The Senator from Massachusetts says that that does not amount to much.

Then another objection was that the door was shut at the place where they counted the vote, and that some persons were excluded. Well, the proof shows, and it has been shown again and again, that the election was held in a little booth or shanty or shed or tent, where there was scarcely room for the officials, much less for the voters to enter and pass through and remain, and they counted until it became quite cold, late in the evening; and having no means of fire, they removed from the shed or tent where they had been trying to make the count into a house almost adjoining the tent, where there was a stove and where they made up a fire and made themselves comfortable.

As a matter of course, in that country to make a room comfortable you have to have the door shut, but at no time was the door locked, and all persons who saw proper to enter did enter. Nobody was excluded except a drunken man, who was noisy and who came in there in search of whisky and accused the judges or somebody of having whisky concealed in the room, and it was with some difficulty they put him out in order that their business might proceed.

Another charge was that over the window of the room into which they moved to continue their count there had been pasted a piece of paper, and the allegation was that it was expressly to prevent persons from seeing from the outside what was being done inside. That was proven to be untrue. It was established by incontestable proof before the court of the State of Montana, before the judge of the State of Montana, who made the findings of both law and fact in the case which was before him, that the paper had been pasted over the window months before, and with no reference whatever to this election, and that even then, it being a lowshanty, it was only pasted over a lower pane of glass, and a person standing on the outside could see over it and see into the room.

That does not amount to much, said the Senator from Massachusetts, and he told us the story of the fellow who was indicted for stealing a cow-bell, and he alleged that he had found all the six cow-bells that the cattle had rubbed off in the pasture, and he came to the conclusion that, while he might have found one, yet the better opinion was that he had stolen the whole six. When the Senator from Massachusetts admits that each one of these individual counts amounts to nothing and yet insists on the propriety of this board throwing out the whole precinct because of all of them taken together, it reminds me very much of the story of an old justice of the peace before whom a case was tried in which eleven distinct pleas in bar were entered as a defense. Well, the justice took them up one by one and decided that each of them was not worth a cent, but said that to take them all together they made a good case for the defendant. [Laughter.] I reckon that must be his idea in this case, but I never have known a title to a seat in the United States Senate based upon such slender grounds, upon such technical grounds; I have never known the public will of a community thwarted and set aside and trampled under foot upon such a flimsy pretext as this.

But I forgot to mention one more objection, which was that the checklist, the poll-list, or whatever you may call it was set down in alphabetical order, and that is dwelt upon as especially and miraculously and wonderfully and extremely suspicious, and yet it is explained as simply as anything can possibly be. They were unlearned men up there at that mining camp, at precinct 34. They had hard work to find men who were sufficiently skillful with the pen to do the clerical work and to hold the election at all; in fact one of the judges did most of the work for both the clerks at their request, and here is their sworn affidavit [exhibiting] that they could not use the pen except very laboriously and painfully and that they requested the judge to write for them; and, although in any court in the world he who has words written for him by another in his presence is held to have written them himself, yet for the purpose of seating two Republican Senators in this body from the State of Montana the objection is made that the clerks did not write down the names of the voters, but permitted the judges to do it for them. Mr. President [Mr. DAWES in the chair], you never heard the like of that in Massachusetts, I know.

Well, what else was said about assailing the regularity of that election? I will repeat over now the reasons why this vote should be thrown out. In the first place, it was not received by mail, but was handed in person by the judge of the election. In the next place, the judges did not attest and the clerks certify, but the clerks attested and the judges certified. In the next place, the writing was done by the judges at the request of the clerks, and for the reason that the clerks themselves could not write well and with skill. In the next place, the door was absolutely shut where they counted the vote on account of the coldness of the weather; and in the next place some paper had been pasted over a window two or three months before, so that a man lying down on the ground outside could not have seen through the window where that paper was.

Then, in the last place, the poll-list of the names of those who had voted was written in alphabetical order and therefore it was a put-up job, and the whole thing was fraudulent, notwithstanding the fact, as was explained to you here at length the other day, check-lists were sent to every polling-place for the convenience of those who held the election, with the names of the voters, and their numbers, as they appeared in the registration-list, on the left-hand side of their names, and a column on the right-hand side of their names for a mark to be made signifying that they had voted, and after that vote had been taken in that way by checking off every man as he voted, for convenience, when the whole vote was over the clerks and judges sat down and made out a list from the registration-list of all who had that check mark showing that they had voted, and that registration-list happened to be in alphabetical order, and therefore, plain and simple as it is, it would seem this is chiefly relied upon by the Senators on the other side for avoiding this election!

All these objections were made before that county board, the duty of which was simply to "open the returns and make an abstract of the votes," and they heard testimony, they heard counsel, affidavits were read to them, and in the face of the protest of the Democratic people who were present they sat as a court and exercised judicial authority, and finally decided to throw out the whole of this precinct 34, which gave the county to the Republicans. So they ordered a red line to be drawn through this precinct. But before the abstract was prepared for signing and forwarding to the Territorial board, as the law required, they were served with an alternative writ of mandamus from the clerk of the district court, which suspended their operations.

As time went on and that proceeding in court dragged its slow length along, the whole effort of the opposition being to kill time in order that it might be too late for the decree of the court to have any effect, the clerk of the board of county commissioners sat down and wrote a letter to the Territorial board, apologizing for the delay in sending up the returns from the county of Silver Bow. That letter was dated the 21st of October, and we have it here. I do not wonder that the claimants, Messrs. Sanders and Powers, failed to put that letter in their case; I do not wonder that the Senator from Massachusetts failed to put it in his statement for the majority of the committee. Nevertheless, the statement is here and I propose to comment upon it briefly for a moment. I read from the report of the majority on page 9. The report says:

Meantime, the 31st of October, the State canvassing board, having received no certified returns from Silver Bow, sent a messenger to demand of the county clerk a properly certified copy of the abstract of the votes cast at said election as canvassed by the county canvassing board. This the clerk refused to give—

That is, the clerk refused to give a copy of the abstract—but he gave them a statement dated October 31, 1889, signed by him, with the seal of the county, stating the number of votes cast at the different precincts, including No. 34, the decision of the county board to strike out that precinct, and the pendency of the proceedings in court.

Mr. President, the chairman of the committee, the Senator from Massachusetts, has fallen, I have no doubt unintentionally, into this error, that when the Territorial canvassing board met on the 31st day of October and sent a special messenger to Silver Bow County to procure the returns—the statement is here made by the chairman of the Committee on Privileges and Elections that they refused to give that to him, but gave him in place a statement showing the decision of the

county board to strike out precinct 34, and the pendency of the proceedings in court. That is a clear mistake. The messenger, Webster, who was sent by the Territorial board, went back empty-handed. He got nothing. The board had the certificate of Booth, the clerk, written on the 21st day of October, ten days before, stating why the proceedings had not been sent up—because they had been stopped by the writ of mandamus.

The Territorial board say that they sent their messenger because they had no proper returns:

And we further certify that, having duly convened as such canvassing board on the 31st day of October, A. D. 1889, the same having been the 30th day after the close of said election, and having received no duly certified returns from the county of Silver Bow, in said Territory, we duly appointed and commissioned Benjamin Webster a special messenger to proceed forthwith to the said Silver Bow County and to demand and receive from the county clerk of said county a properly certified copy of the abstract of the votes cast in said county at said election as canvassed and declared by the proper canvassing board.

That the said messenger, Benjamin Webster, duly appointed as aforesaid, did proceed to the said Silver Bow County and did demand from the county clerk of said county the duly certified copy of said abstract of votes as aforesaid, and thereafter returned to Helena and made his sworn return that the demand for said abstract was by the said county clerk refused.

Being therefore without any proper copy of the abstract of votes cast in Silver Bow County and having exhausted the authority given by the statute in endeavoring to obtain the same, it now becomes our duty to ascertain and declare the same from the best sources of information obtainable.

I say that that is an absolute misstatement of the truth, I say they did have at that date the proper certified return from the county of Silver Bow, and I say that they wanted the "improper" returns. I say that when they sent Webster they had the returns from the whole county of Silver Bow certified to by the clerk according to law, and that they sent Webster after a mutilated copy and they did not get it. They wanted the improper returns, because the proper returns elected the Democrats from Silver Bow County and the improper returns with a red line through this precinct 34 elected the Republicans, and that was the return they wanted; but Webster went back empty-handed and had nothing; and when they certified that they were without proper returns according to law, they certified what was not true, and they knew it was not true, and you Senators must know it was not true, because there are the returns which were before them by their own acknowledgment.

No, sir; they were anxious to get the returns that were mutilated. Then they said they proceeded to canvass, and having exhausted the power of the statutes to get the true returns, they must canvass according to the best information obtainable. Did they? Did they canvass from the best means of information obtainable? Here was the certificate of the clerk of the county board of the whole vote in full of Silver Bow County. Was not that better than anything they had before them?

There was a copy sworn to by Booth of the mandamus proceedings, a copy of the decree of the court issuing a peremptory mandamus and declaring that the throwing out of this vote was illegal and declaring as the judgment of the court that the vote of precinct 34 must be included, and that alone did constitute the true return from the county of Silver Bow.

All that was before them, and yet, upon an intimation contained in the letter of the clerk, fourteen days before, that on the 14th day of October they had determined to strike out precinct 34 if they had not been stopped by the mandamus of the court, they considered that better information than the return of the clerk and the decree of the court and the facts and the truth and everything else. It was indeed better information for their purpose, for they wanted, and they were determined to have, Republicans from that county in order to control the Legislature of the State.

There was one way that this thing, if it had been a fraud, could have been shown to be a fraud, and that was by an investigation of the vote itself at precinct 34, but nothing of that sort was done. It must be borne in mind that there was no presumption of fraud here. In fact, generally speaking, all the presumptions of the law are in favor of the officers of the law executing their duties faithfully and honestly, but then, as a presumption of fact, the men who committed this fraud, if it was committed at precinct 34, were not actuated by the same feelings that would generally actuate a man in dealing with his enemies, because they themselves were Republicans.

Morrison, the chairman of the board of judges of precinct 34, was a Republican, and so was Pennycook. There were two out of three. There was but one Democrat on it, and he was a poor drunken Irishman whom they got drunk and who made out five affidavits in a few hours or in the course of one evening. But the responsible men of the whole concern were Morrison and Pennycook, and they were Republicans. They were appointed by a board of county commissioners, the whole of whom were Republicans. The registration had been by a register who was a Republican, and every man connected with that precinct was a Republican except this poor Irishman, O'Regan. Now, Mr. President, it very often happens that a man accuses his adversaries of fraud in depriving him of an election, but it is not often that a man admits the fraud of his own friends and claims that an election should be set aside because his own agent or his own political friends acted fraudulently. That is rather shifting the grounds. This may be necessary

as the beneficiary remains the same, but still it is an unusual thing to do.

If these men had been Democrats the world would have rung with the fraud of these men and they would have been assailed and perhaps the fraud would have been proven by affidavits or in some other way; but, inasmuch as they were Republicans and they could not without smirching the whole concern and perhaps exciting animosities out there that would turn the bag inside out and let the cat clean out, they could not go inside of the polls at the polling place and show the fraud itself, or they would not do it if they could. And so they contented themselves with making these vague suggestions and surmises of fraud on account of the irregularity of certain things.

How could any fraud have been committed at precinct 34? Under the Australian ballot system, as I understand it, the names of the candidates of both parties were printed on an official ballot. Those official ballots were within the sole control and custody of the county officers. They were issued to each precinct in the proportion as it was thought they might be desired, and to precinct 34, at Homestake Tunnel, they issued 800 tickets, and it was required that all of the tickets not used should be returned to the county board whence they had issued. There were 800 tickets; 600 were returned, and here is the receipt of the clerk of the board of county commissioners acknowledging the return of 600 official ballots. One hundred and seventy-four were voted by being put in the ballot-box and 26 were accounted for as having been posted up according to the law, some being torn down and destroyed by the wind.

There is every ballot accounted for, and the ballots that were put into the box passed through the hands of one judge, who stamped it, and another judge, who received it and put it into the ballot-box, and each ballot was stamped and numbered as it went into the box. If these ballots that went into the box were Republican ballots how could they have been converted into Democratic ballots by any kind of fraud? for every single solitary vote that had been put into the ballot-box was sealed up as the law required after all had been counted and brought to the board of county commissioners, and were tendered to be opened and examined in the presence of the board. The Republican lawyers who were present objected, and the board refused to look at them. Sometimes you see it and sometimes you do not. Whenever it is convenient to go behind the returns, the returns are set aside; whenever it is not convenient, then we fall back upon State rights or some other sacred doctrine that answers the purpose. Here they refused to examine the ballots, evidently because they did not wish their charges disproved.

Not only was it perfectly practicable and feasible to show any fraud or trickery that had been practiced upon the ballots there, but they counted the votes that had been cast. They compared the poll-list with the registration-list and they agreed precisely, and then they set about looking for men to come up and swear that they had voted one way so as to make it appear that more votes had been cast for the Republican candidates than appeared in the return. And how did it turn out? There are four affidavits here relied upon to show illegal voting. Now, mind you, the lowest member on the Republican ticket who was voted for received 2 votes and the highest received 5. There was a variation of from 2 to 5, and how do they sustain that? Here is the affidavit of a man by the name of John A. Anderson, from whose testimony I will read. I will not read the whole of it, for it is tiresome.

That he voted at said precinct on said day the Republican ticket by making a cross or X opposite to the name of each Republican named on the ticket, and after so marking said ticket he handed the same to one of the judges at said election. That the ticket he voted was an official ticket, duly stamped by one of the said judges. That he marked said ticket in a booth provided at said voting place.

There is one straight Republican vote.

N. E. Album, being first duly sworn, on oath doth depose and say * * * that he voted at said precinct on said day the Republican ticket by marking a cross or X opposite to the name of each Republican named on the ticket, and after so marking said ticket he handed the same to one of the election judges at said election. That the ticket he voted was an official ticket duly stamped by one of the said judges. That he marked said ticket in a booth provided at said voting place.

There are two.

Andrew Green, being first duly sworn according to law, deposes and says that he was a qualified elector at precinct No. 34, in the county of Silver Bow, Montana Territory, at the general election held on the 1st day of October, 1889; that at said election and precinct he voted and cast his ballot, to the best of his knowledge and belief, for the Republican candidates, printed on the official ballot; that the deponent, said Andrew Green, is a staunch Republican, and at said election, held October 1, 1889, he voted the straight Republican ticket to the best of his knowledge and belief.

ANDREW GREEN.

Well, now there are two, and we may say a half, 2½, and I call attention to the fact that it took three witnesses to hold this witness down to even a half a Republican vote—

Olaf Olson, I. W. Stoner, Henry Bernard, witnesses.

Then we come to "Exhibit E 4."

Axel Anderson, first being duly sworn according to law, deposes and says that he was a legal voter of the Territory of Montana, county of Silver Bow, in and at precinct 34; that he voted at the general election held at said precinct in Silver Bow County on October 1, 1889, and said vote was cast for the straight Republican ticket except the Republican candidates for the minor county office.

"Offices" I suppose it means. Now, there are two and a half and here

is another half one, that would make three; or take them at the very outside and say that both of them voted the straight Republican ticket for representatives in the Legislature, and you have four votes; and yet at the same election the returns show that there were as many as five votes cast for some of the Republican candidates. Is not that a complete and absolute failure?

They ransacked the heavens and the earth and a good deal of that other country—I expect more of the latter than of the former—for the testimony to oust this precinct vote. Why, sir, one witness was approached by one of the contestants himself. One of the claimants to a seat in this Senate sent for W. A. Pennycook, the chairman of the board of judges of that precinct, and hear what Mr. Pennycook says about it:

STATE OF MONTANA, County of Lewis and Clarke:

William A. Pennycook, being first duly sworn, on oath says he was one of the judges who conducted the election held at precinct 34, county of Silver Bow, State of Montana, on the 1st day of October, 1889; that he is over the age of twenty-one years, and has declared his intention to become a citizen of the United States, and is a resident of said Silver Bow County, State of Montana; that Mr. Thomas C. Power, of Helena, Mont., the same person claiming to be elected United States Senator from Montana, sent word to him, by a friend, to come over to Helena, Mont., that he wanted to see him; that he came over to Helena on the 9th day of January, 1890, and saw Mr. Thomas C. Power at his office in said city of Helena.

Mr. Power told affiant that he (Power) wanted to see him about the election at precinct No. 34, Silver Bow County, and that he wanted affiant to throw out precinct 34; that affiant could do it easier than what they could. He said he would pay all the expense and pay affiant for all the time he lost; he showed affiant a list of names of men who had voted at precinct No. 34 and had not been in the Territory for six months. Affiant examined the names and knows that a large number of them had been in the Territory more than two years, he, affiant, being personally acquainted with them for that period; and affiant so told Mr. Power. Power repeatedly told affiant that all he wanted affiant to do was to throw out the precinct, using whatever means he liked.

Said Power talked the matter over for some time, the foregoing being the substance of the conversation, affiant listening patiently; but as affiant was cognizant of the fact that said election was conducted fairly, and the voters at said precinct being duly qualified so to do as affiant confidently believes, affiant told Mr. Power that he would see about it, and shortly after affiant left Mr. Power's office. He also told affiant that he had been corresponding with C. H. Wallow, at St. Paul, concerning the men sent out by him from St. Paul and who were not in the Territory six months prior to the election, and that this he could prove through Wallow, but that Wallow wanted too much money.

W. A. PENNYCOOK.

Subscribed and sworn to before me this 14th day of January, A. D. 1890.

H. R. COMLY, [L.S.]

Notary Public in and for Lewis and Clarke County, Montana.

That affidavit appeared in the proceedings on the first print of any portion of this case, and has certainly not escaped the attention of Senators on the other side or of the person to whom it relates; and yet it has never been contradicted that I know of. So we have a right to assume that it is true, and that is the way they took to throw out this vote—"throw it out in any way you like; so that you throw it out, is what I want;" and when you consider amid all this talk of a fraudulent election there—and it is nothing but talk, for they have offered no proof about it—when you consider that it was a wild mountain region, filled up with laborers and unlettered poor men, you not only fail to wonder that the proceedings were no more regular and no more in shape and order than they were, but you wonder, and you may have a right to wonder, why it is that agents of corruption with money in their hands working among those poor men were not able to produce more proof at least that votes were given there which had not been counted for the Republican candidates.

It is one of the most striking illustrations of the innate honesty of our common people in regard to the exercise of their suffrage that I have ever met with in the history of our politics that they were not able to buy somebody, that they were not able to corrupt some of those poor miners and railroad men up there to go in where there would be scarcely a chance for detection to swear that they had voted the Republican ticket when they had not, in order to show some ground for throwing out this vote. But they were true and honest, and out of the 174 votes cast there that day they only got two to swear that they had voted the Republican ticket in full and two to swear that they had voted it in part, one of whom swore that he did so to the best of his knowledge and belief. Where is the proof now of fraud?

Then when you find that they would not even look at the poll-book, at the check-list, at the ballots in the box, so hopeless were they of finding evidence of fraud there, and when you see that men could be induced to come up and swear that they had given Republican votes at that place in greater number than the judges returned they had given, and when you take into consideration the difficulty of conducting any clerical proceeding in a place of that kind and in the night and among men unskilled in the use of figures, I say that that result not only defies the insinuations which have been made against it on the other side, but it will stand equal to any proceedings of a similar kind I have ever known in the history of elections in this country.

What a blessed thing it is, Mr. President, that the will of the people, as the law says, shall not be thwarted or set aside for want of these technical observances that are so much relied upon here. I want to read what Mr. McCrary says on the subject of elections. He adopts the report of the House of Representatives in the case of *Blair vs. Barrett* and makes it his own. It is the American doctrine of election cases, not the English; it is the popular doctrine; it is the democratic

doctrine; and I apply that not in any partisan sense, but in the technical sense of a democratic people:

Your committee feel constrained to adhere to the law as it exists and is administered in all the courts of the country, not only because of the very great authority by which it is supported, but for the further reason, as stated in the outset, that we believe the rule to be most wise and salutary. The officers of election are chosen of necessity from among all classes of the people; they are numbered in every State by thousands; they are often men unaccustomed to the formalities of legal proceedings. Omissions and mistakes in the discharge of their ministerial duties are almost inevitable. If this House shall establish the doctrine that an election is void because an officer thereof is not in all respects duly qualified or because the same is not conducted strictly according to law, notwithstanding it may have been a fair and free election, the result will be very many contests, and, what is worse, injustice will be done in many cases. It will enable those who are so disposed to seize upon mere technicality in order to defeat the will of the majority.

This is not only good law, but it is good sense. It is good doctrine for these American people. There is no excuse in law or in morals or in policy for the suppression of the vote at precinct 34 of Silver Bow County. In two cases, those tried before and those tried since the Territory became a State, the whole matter has been before the judges of the courts, when everything which the law would permit has been inquired into, and every time the legality of that vote at precinct 34 is unimpeached except by the suspicion and conjecture of Senators on the other side. It looks to me as if there was a grand conspiracy reaching from men in Silver Bow up to this Capitol, perhaps, certainly to the capital of Montana Territory at Helena, to overthrow the vote of that precinct or to do any other thing which might be necessary to establish a Republican legislative majority in that new State.

The whole course of that Territorial board, their tergiversations, their evasions of the truth, their suppression of the truth, their suggestions of falsehood in their return, are such as would come from nobody but men who were bent upon a dishonest, partisan purpose. The very way in which they adjourned after they had knowledge that the writ of mandamus had been served and that the county board would be compelled to obey it, and the haste in which they declared the result in the Territory of Montana, and the very fact that they must have sent a messenger to Washington City before they declared the result are evidence of fraud and of a guilty purpose.

These men by their conduct—and the proof and everything connected with it bear me out in what I say—have brought their young State into this Union, not with the triumph and with the rejoicing which should animate a community that is seeking to enter this great family of free Commonwealths, but they have brought this young State of Montana into the Union as a fugitive from justice, flying from their own law, flying towards this Capitol and this Senate as the city of refuge, where they might hope to abide safe from the avenger of blood until the death of the high priest.

Yes, sir; it was a pell-mell rout; and the President of the United States stood, with the gate of the city of refuge wide open, beckoning and encouraging the panting fugitives as they came to escape the law, whilst behind them came the avenger of blood, with the writ of their own law flaming before him like the sword of the destroyer—

With that long gallop which can tire
The hound's deep hate, the hunter's fire.

But at 10 o'clock and 40 minutes on the morning of the 8th of November, "Hallelujah! praise the Lord!" the trembling, palpitating fugitives fall within the gates of the city of refuge, and they are closed against their pursuers. That is the way Montana comes here: flying from her own laws, flying from her own writs, flying from the justice of her own statute which she had violated and defied. That is no way to receive a member of this great American Union!

But, Mr. President, I know the fiat has gone forth. The judges on that side do not even listen. They are all out somewhere upon their private business. Their minds are made up. I know that these Republican Senators are going to be seated here in spite of the fact that it is wrong. I know it; but, sir, you can not deprive me of the fact that in the wise regulation of the moral world there is compensation provided for us all. You will be much sicker over this thing than I am before it is done with. I have heard of an old fellow who went out to Ohio to speculate in hogs. He bought a big drove and took them to New York. When he got to New York he found hogs were cheaper there than in Ohio, and so he shipped the hogs back and sold them in Ohio where he started from. Some friends remarking to him, "Jim, you made a pretty bad speculation, didn't you?" he said, "Yes, I lost a good deal of money, but I had the company of the hogs both ways." [Laughter.]

In all this journey which the South, the section of the country which I come from, has got to pass through, in all this denunciation of us down there for the suppression of colored votes and the effort to preserve our civilization, in all the denunciation which you are going to heap upon us, thank God, we shall have the company of hogs now. In the midst of your diffuse and altitudinous and cerulean flights of oratory for the purity of the ballot and the freedom of the count and all those things, all we shall have to say to you will be just simply to inquire, "Who stole precinct No. 34?" It will be put to you; don't you doubt it.

There is a long life ahead of all of you, I hope, for I wish you no harm personally, Senators; God knows I do not. I only pray that you

may be converted from the error of your ways and learn to do justice and love righteousness and uprightness; but you will never live long enough to see the end of the stealing of that precinct No. 34, and you ought not to do it. It is one of the provisions made for the punishment of pretense and hypocrisy in this world; sooner or later it will come.

There is another consolation that you can not deprive us of here. Ever since you ceased to have the power to suppress the vote in the South yourselves you have been accusing us of suppressing it. You recollect that a few years ago 15,000 majority would not be sufficient for a member to come to the other House with, but you turned him right down and suppressed the vote. Five thousand was nothing; it was hardly enough to make it interesting. Ever since you have ceased to have the power to suppress that Southern vote yourselves you have done nothing else but abuse the people of my section of the country for suppressing the colored vote at the polls.

I take it for granted now that talk is all done. I take it for granted that we shall hear nothing more of that; for I take it for granted, of course, that no man living can justify the stealing of precinct 34 and then complain of any rascality within the scope of human ingenuity. I do not think it is possible to rise to that height. There is no instance in history or in fiction of human impertinence that would justify any suspicion of that kind. From Mephistopheles to Louis XI, from Jack Bounderby and Sairy Gamp to Sergeant Buzzfuz, from the wolf that accused the lamb of muddying the water below him to Anthony Van Corlear, the Dutch trumpeter, there has been no case where human impudence has risen so high as to enable a man without certain death to justify the proceeding at precinct 34 and then complain of anything else. There were two cases that might be said to justify it, but those two cases were entirely exceptional and I pray may not be called in precedent. One was the case of the carpet-baggers who went South to establish a pure government, and the other was the case of the visiting statesmen who went down to see fair play in the Tilden election. I will not throw them up now. I say there is a possibility that they might be cited in justification of an attempt of this kind; but I do not know.

Mr. President, I have about concluded what I have to say. It seems that whether you have regard for the precedent established heretofore, whether we are to follow the decisions in similar cases and abide by the action of the properly constituted State authorities where they have acted, or whether we put it upon the merits of the case, whether we go to the bottom and examine into the votes one by one that went into the ballot-box to express the will of the freemen of this country—in any case it is wrong to adopt these resolutions and seat the two claimants from the State of Montana who claim to have been elected by the Iron Hall house of representatives. If you follow the precedent and the custom and the interpretations of the Territory itself, you must take those who held the *prima facie* case supported by the law of the Territory and supported by the truth and the merits of the case.

But I have done my duty as a member of the committee. I have given this subject a patient investigation, and I have endeavored to the best of my ability to aid the Senate in coming to a correct conclusion. If they come to a different one it will not be my fault, and after the personal feeling which I have in this matter on account of the sense of justice that has been violated, I for one shall not regret the decision that I suspect the Senate is coming to, in view of its aftereffects.

Mr. EDMUND. May I ask the Senator from North Carolina a question for information before he sits down? I did not have the pleasure to hear all of his observations, because I was compelled to be elsewhere part of the time. He spoke of what the fundamental truth would be, which is worth knowing about precinct 34 in Silver Bow County. I wish to ask him whether he understands and believes that those 174 people whose votes were cast and counted there were lawful voters under the laws of the United States. Were they naturalized citizens, or natives, or people who had declared their intention, or were they, as I have heard it stated, I think, in the report on the other side, that they were, persons who had never renounced their allegiance to the foreign king, or whatever he might be, of the country whence they came? I only ask for information. I am not making any argument at all, because I am not ready to make any argument upon any side, if I ever do.

Mr. VANCE. As I understand the case, there is no dispute at all that every one of the persons who voted there, who were citizens of foreign birth, had taken the oath required in a declaration of intention to become a citizen of the United States, by which they had abjured their allegiance to all foreign princes, potentates, and powers, etc.

Mr. EDMUND. Does the oath of intention include that?

Mr. VANCE. Yes, sir.

Mr. EDMUND. Had they taken the other and second oath of renunciation that it is stated some statute of the United States requires? I am only asking for information, I beg the Senator to understand.

Mr. VANCE. I will answer the Senator with very great pleasure, so far as I am able to answer, that there is no proof one way or the other. The Senator from Massachusetts [Mr. HOAR] made the argument that it was not shown affirmatively that they had also taken the oath to support the Constitution of the United States.

Mr. HOAR. It was found as a fact by the judge.

Mr. VANCE. But there was no proof one way or the other. The proof, as I understand it, that was taken before Judge McHatton in the case which has been decided since the Territory became a State was that the men were registered and the oath was administered to the foreigners in the way that had been usual in the Territory, and that they were all duly qualified according to the laws of the Territory.

Mr. EDMUND. What does the Senator mean, if I may ask him, by "the way that had been usual"? Was it the way that the law required or some other way?

Mr. VANCE. There had been an objection made that the clerk in taking the oath requisite for the declaration of intention had gone out of court to the parties, at their dwellings or at their work, wherever it was.

Mr. EDMUND. Was that the fact?

Mr. VANCE. An objection was made in some cases that it was, I understand. Objection was made that it must be done in court, and the judge decided that if it was done before a regularly authorized clerk it did not matter whether it was in court or not.

Mr. EDMUND. Then I understand the Senator to mean that in his understanding these 174 voters were lawful voters under the laws of the United States?

Mr. VANCE. Yes, sir.

Mr. EDMUND. If they were not, then, going to the bottom of it, if we had a right to go to the bottom, they ought not to be counted, I suppose he would agree.

Mr. VANCE. All votes that are not shown to be legal votes of course ought not to be counted; but if a foreigner should have been shown at any time to have voted who was not entitled to vote it is no excuse for throwing out the whole vote of the precinct.

Mr. SPOONER. Mr. President, I desire without circumlocution and with as much plainness of speech as I can command to consider some of the questions presented by the reports of the Committee on Privileges and Elections, and somewhat to reply to the very able and ingenious speech of the Senator from Delaware [Mr. GRAY] and to the able and humorous observations submitted by the Senator from North Carolina [Mr. VANCE].

We all agree on this side of the Chamber with the proposition, often repeated on the other side, that this is a question of high privilege, of grave import, and of much delicacy. It involves not only the right of Montana to be represented here by the men of her choice, but it affects also the dignity and integrity of this body. It should therefore be considered with judicial calmness and deliberation, freed as much as may be, having reference to the weakness of our common humanity, from partisan bias and prejudice. I know I do not need to assure the Senate that in this spirit the majority of the Committee on Privileges and Elections, who disagree with the minority, approached and continued the consideration of this subject.

A Senator of the United States under the Constitution can of course only be chosen by the Legislature of a State. Therefore we must find in order to seat any one in this body that there was a Legislature within the meaning of the Constitution. I agree, for the purposes of this case, with the proposition made by the Senator from Delaware that we must find a body consisting of a quorum, under the constitution and laws of the State, of members clothed under the laws of the State with the evidence of right to sit in either house or sitting there upon an adjudication of either house that they are entitled to sit. To justify the position of the majority of the committee it is not necessary at all, in my opinion, that we should go beyond what may be called *prima facie* evidence of title under the constitution and laws of the State of Montana.

By the enabling act the people of Montana were authorized to assemble a constitutional convention. That convention was authorized to form a constitution. It was authorized also, as it must necessarily be, to provide by ordinance, as to the binding force and efficacy of which there is no dispute here, not only for a vote upon the constitution, but for the election of all the officers, executive, legislative, and judicial, necessary to equip a State.

The constitutional convention of Montana assembled. No question is made as to the regularity of their election or as to their plenary power to do everything which they did do. They framed and adopted and submitted to the people a constitution. They provided for State officers pertaining to the three co-ordinate branches of government, executive, legislative, and judicial, and they provided by an ordinance for submitting the question of the adoption of the constitution to the people and also for the election of these officials.

Right here I desire to bring to the attention of the Senate (because upon it, in connection with a clause or two of this ordinance, arises at the threshold an important question in this case) the condition of the Territorial law relating to the canvass of votes cast in the Territory.

So far as my argument is concerned it is immaterial, but they had adopted in Montana what is known as the Australian ballot system. They had not, however, changed the law regulating the canvass of votes, and at the time the constitutional convention met and adopted the ordinance to which I shall call attention the votes in each county were canvassed by what is called the county board of canvassers. The law

provided that the returns should be sent to the secretary of the Territory, but that as to members of the Legislature, *immediately* upon the result of the *county* canvass the *county clerk* should issue and transmit to the persons found elected a certificate of election, and, beyond that, the law declared that in the organization of the Legislature the *county clerk's* certificate should be taken as evidence of title to a seat in either house.

If the constitutional convention, by the ordinance which they adopted, wrought no change in that law, a different result, perhaps, might be reached than that reached by a majority of the committee. There was one other canvassing board under the Territorial law, consisting of the treasurer of the Territory and the marshal, who were within thirty days after the election to meet in the office of the secretary of the Territory and in presence of the governor to canvass the votes or returns for Delegate in Congress.

I wish to say here, in passing, that, by the constitution and the ordinance adopted and the enabling act as well, all Territorial laws not inconsistent with the enabling act or with the ordinance of the constitutional convention were continued in force. I ask Senators who do me the honor to listen to me to bear that in mind.

Now, did the constitutional convention by its ordinance change the law as to the canvass of votes in the Territory, and, if so, in what particulars and to what extent? Let me call attention to portions of the ordinance:

Be it ordained by the convention assembled to form a constitution for the State of Montana: First. That an election shall be held throughout the Territory of Montana on the first Tuesday of October, 1889, for the ratification or rejection of the constitution framed and adopted by this convention.

Second. At said election the constitution framed and adopted by this convention shall be submitted to the people of the Territory for their ratification or rejection, and all persons who are then qualified electors under the laws of this Territory shall be qualified to vote for the ratification or rejection thereof.

* * * * * Fifth. The votes cast at said election for the adoption or rejection of said constitution shall be canvassed by the canvassing boards of the respective counties—

As they were before this convention met—

not later than fifteen days after said election, or sooner if the returns from all of the precincts shall have been received, and in the manner prescribed by the laws of the Territory of Montana for canvassing the votes at general elections in said Territory, and the returns of said election shall be made to the secretary of the Territory—

Thus far working no change in the Territorial law governing the canvass of votes—

who, with the governor and the chief-justice of the Territory, or any two of them, shall constitute a board of canvassers, who shall meet at the office of the secretary of the Territory on or before the thirtieth day after the election and canvass the votes so cast and declare the result.

Here I call attention to the first change made in the Territorial law by this ordinance relating to the canvass of votes, the creation of a new board of Territorial canvassers, consisting of the highest officials of the Territory: the governor, the chief-justice, and the secretary. They were to meet, canvass the votes cast for and against the constitution, and declare the result. The ordinance continues:

Sixth. That on the first Tuesday in October, 1889, there shall be elected by the qualified electors of Montana a governor, a lieutenant-governor, a secretary of State, an attorney-general, a State treasurer, a State auditor, a State superintendent of public instruction, one chief-justice, and two associate justices of the supreme court, a judge for each of the judicial districts established by this constitution, a clerk of the supreme court, and a clerk of the district court in and for each county of the State, and the members of the Legislative Assembly provided for in this constitution.

Sixteen senators and fifty-five members of the house of representatives were provided for by the Constitution. I have brought to the attention of the Senate the fact that section 6 of this ordinance provided for the election, not only of the State officers, but of members of the Legislature, the senate and house of representatives. Now, I ask attention to section 8:

Eighth. The votes for the above officers shall be returned and canvassed as is provided by law, and returns shall be made to the secretary of the Territory and canvassed *in the same manner and by the same board* as is the vote upon the constitution, except as to clerk of the district court.

It omits the words "and declare the result," but that is a part of the *canvass*.

Prior to the adoption of this ordinance the final, because the only, canvass of votes for members of the Legislature was by the county board of canvassers. After the adoption of this ordinance the final canvass of votes for the election of members of the Legislature was, as the Senator from Delaware admitted, to be made by this new board of canvassers provided for by the constitutional convention, consisting of the chief-justice, the governor, and the secretary of the Territory.

It was argued before the committee by distinguished counsel representing Messrs. Clark and Maginnis, as it is argued by the distinguished lawyer who represents North Carolina in this Chamber [Mr. VANCE], that notwithstanding this ordinance, notwithstanding the creation of this new and final board to canvass the votes cast for members of the Legislature as well as for State officers, the county clerk, as if there had been no change in the Territorial law, was still to certify the election of members of the Legislature, and that his certificate was still to have in the organization of the Legislature controlling effect.

Mr. President, it must not be forgotten that under the Territorial law *immediately upon the county canvass*, which, as I have observed, was the

final canvass, the clerk of the county board was to issue his certificate of election and mail it to the member found elected. Is that consistent with this ordinance? Is it to be believed for one moment that it was the intention of the constitutional convention that before the final canvass by the Territorial board of canvassers of the returns of votes cast for members of the Legislature the county clerk, upon the preliminary canvass, was to issue certificates of election? It seemed to a majority of the committee to be absurd, and the Senator from Delaware, able lawyer as he is, has in his argument, and I think none stronger nor more ingenious could be made, put this case upon the only plausible ground and abandoned, as I understand it, that contention. The result of it might be this (and that shows the utter inconsistency of the Territorial law in that respect with the ordinance of the convention), that while the county clerk would issue a certificate of election on the basis of the canvass by the county canvassers the State board, clothed with the power to make the ultimate canvass, might find some one else elected. That thing occurred in this case as to Silver Bow County.

It will be observed also that this county clerk was connected with the county canvassing board. The returns were sent to him. Under this ordinance, however, he was no part of and had no connection with the Territorial board of canvassers. If he knew what they did it must be only by hearsay or by traveling from his county to the capital to hunt up, as any other citizens might, the result of the canvass by the board. No provision, as was stated by the Senator from Massachusetts, is made for his pay; no provision is made for the payment of his expenses, and there is nothing which warrants the opinion that he was to perform any function after the adoption of this ordinance except the mere function of transmitting the returns to the secretary of the Territory.

The supreme court of the State, after Montana had been admitted into the Union, in a case in which it had jurisdiction confessedly of the subject-matter and of the persons involved, considered the question as to how far the ordinance had repealed the Territorial statute relating to the certification of members of the Legislature, and held, as a majority of your Committee on Privileges and Elections hold, that it had repealed it, and that from the time of its adoption the county clerk had no function whatever to perform as to issuing a certificate of election to members of the Legislature.

The Supreme Court of the United States follows the construction which the supreme court of the State puts upon its own constitution and its own laws. I fail to discover any reason why the Senate of the United States may not safely follow that rule in this case; and I believe it to be good law, sustained not only by this well considered judgment of the court, but sustained by an examination and comparison of the statutes with the ordinance, that after its adoption a certificate of the county clerk was of no more binding force or efficacy than a marriage certificate or a concert programme would have been.

There came in due course the election. There is no claim made here of irregularity or invalidity in that election which took place on the 1st day of October, except as to a small portion of Silver Bow County. On the 31st day of October, in obedience to law, as I shall show, the Territorial board of canvassers met in the office of the secretary of the Territory to canvass, as required by this ordinance, the votes cast at that election, including the returns of votes cast for senators and members of the house of representatives.

I call the attention of the Senate now to the action of this Territorial board of canvassers. The Senator from North Carolina seems to think that, while effect must be given to the certificate in a case where it is issued by a canvassing board created by a State, no such effect is to follow the act of a canvassing board created by an act of Congress. I call his attention to the fact that this Territorial board of canvassers was not created by an act of Congress. The act of Congress authorized the constitutional convention to provide for this Territorial board of canvassers, and it did. The convention obtained its authority to adopt the ordinance from the act of Congress, but the board of canvassers derived their power, as they did their existence as a board, from the ordinance adopted by the constitutional convention.

Mr. GRAY. Will the Senator allow me to call his attention to a provision of the enabling act which perhaps has escaped him?

Mr. SPOONER. Certainly.

Mr. GRAY. Section 8 of the enabling act seems to have provided for this very board of canvassers in respect of a canvass of the vote for or against the constitution. It provides that—

At the elections provided for in this section the qualified voters of said proposed States shall vote directly for or against the proposed constitution and for or against any articles or propositions separately submitted. The returns of said election shall be made to the secretary of each of the said Territories, who, with the governor and chief-justice thereof, or any two of them, shall canvass the same.

Mr. SPOONER. That had escaped my recollection for the moment, and I am obliged to the Senator from Delaware for refreshing my memory on the subject. It is utterly immaterial, however, to the point which I am making. The point which I make in reply to the Senator from North Carolina is this: That the legal effect of a declaration or a canvass made by a board having authority to canvass is not any different if the board be created by an act of Congress from what it would be if it were created by an act of the Legislature. This is created by

both, as the Senator from Massachusetts [Mr. HOAB] says and as I now remember, because the ordinance re-enacted, if I may use that expression, the provision of the enabling act upon the subject, so that the board had both the authority of the act of Congress and the authority of the constitutional convention.

They met. There were present Benjamin F. White, governor; Henry N. Blake, chief-justice, and Louis A. Walker, secretary of the Territory of Montana. They canvassed first all returns except Silver Bow County, and no question is made that the canvass was a lawful one and that the result was onebinding as a matter of law. The Senator from Delaware conceded, as one must, it seems to me, concede, that except as to the representatives from the county of Silver Bow this declaration of the Territorial board clothed the remaining members of the Legislature with a muniment of title which was sufficient to entitle them to sit as members of the Legislature. The Senator from Delaware admitted (and his admission was the admission of a lawyer who had well considered the subject) that if they had canvassed in the same general language the result as to Silver Bow County and declared it in the same way no successful attack could be made upon this canvass and declaration as an adequate evidence of right to sit in the Legislature.

Mr. President, it will be remembered that, leaving out the 5 Republican members from Silver Bow County who are in dispute, there were of Republicans confessedly elected to the Legislature 25. Leaving out the 5 Democratic members from Silver Bow County in dispute, there were of Democratic members elected to the house of representatives 24. So that sitting in a body, excluding these members in dispute, there would have been 25 Republicans and 24 Democrats. I ask the Senate to bear in mind that fact, because out of it grew, as I shall show, not only executive usurpation, not only a prostitution of judicial function, not only a revolutionary and disgraceful abdication of duty by sworn officers of the law, but a conspiracy which has given rise to all the trouble in this case, and it will be found that none of them were in the interest of Messrs. Sanders and Power or participated in or promoted by their supporters.

Senators talk on the other side with indignant eloquence of conspiracy in this case, of fraud, of violations of law, gross and palpable. I regret to say they are found in this record, but I will attempt to show before I have finished that they were put forth from beginning to end, not on behalf of those Republicans who claim seats in this body, but on behalf of Messrs. Clark and Maginnis.

Returning to the action of the board, after they had canvassed the vote of the other counties in Montana they came to canvass the return from Silver Bow County. They declared—and much is made of this—

And we further certify that, having duly convened as such canvassing board on the 31st day of October, A. D. 1889, the same having been the thirtieth day after the close of said election—

I commend that language to the Senator from Delaware—and having received no duly certified returns from the county of Silver Bow, in said Territory, we duly appointed and commissioned Benjamin Webster a special messenger—

And they were clearly bound by the Territorial law, which stood unrepealed, if they found no return from a county, to dispatch a messenger to obtain it.

Mr. GRAY. I thought the Territorial board had no existence under the Territorial law.

Mr. SPOONER. This particular board, consisting of these officials, had no existence under the Territorial law, but there was a board under the Territorial law, and all of the laws of the Territory of Montana relating to the return of votes to that Territorial board and to the duties and procedure remained in force except so far as they were repealed as being inconsistent with the provisions of this ordinance. They say that they—

commissioned Benjamin Webster a special messenger to proceed forthwith to the said Silver Bow County and to demand and receive from the county clerk of said county a properly certified copy of the abstract of the votes cast in said county at said election as canvassed and declared by the proper canvassing board.

That the said messenger, Benjamin Webster, duly appointed as aforesaid, did proceed to the said Silver Bow County and did demand from the county clerk of said county the duly certified copy of said abstract of votes as aforesaid, and thereafter returned to Helena and made his sworn return that the demand for said abstract was by the said county clerk refused.

Being therefore without any proper copy of the abstract of votes cast in Silver Bow County and having exhausted the authority given by the statute in endeavoring to obtain the same, it now becomes our duty to ascertain and declare the same from the best sources of information obtainable.

There the Senator from Delaware attacks the force of the certificate and denies its efficacy as to the members from Silver Bow County to clothe them with title to sit in the Legislature. He says, and that is true, that this was not a court; this was a body of canvassers; a statutory tribunal, if I may call it a tribunal at all, possessing only the jurisdiction which the statute gave it. They were to canvass the returns; and he argues when they declared that they had no proper copy of abstract from Silver Bow County before them they confessed that they had no jurisdiction, and they were obliged to stop; and that in proceeding further with the canvass and declaration as to Silver Bow County the proceeding was *coram non judice*.

Mr. President, the resolution reported from the minority of the Committee on Privileges and Elections, which the Senator from Delaware

and his associates ask that the Senate shall adopt, does not declare that there was no Legislature and no election of a Senator in Montana. It declares that Messrs. Clark and Maginnis were duly elected Senators from Montana and are entitled, therefore, to seats in this body. If you will put side by side the objection and contention of the Senator as to the effect of this certificate or Territorial canvass with the resolution reported by him on behalf of the minority of the committee, you will find that, like Kilkenny cats, they eat each other up, because, if they had no authority to canvass the votes of Silver Bow County for the reason that they had, as they say, no proper returns from that county, it follows inevitably that *none* of the members from that county could be clothed by the Territorial board, the ultimate arbiter upon the subject except the Legislature itself, with *prima facie* right to sit in that body. It follows inevitably and logically from the argument of the Senator that the Democratic members from Silver Bow who met in the court-house had therefore no right to sit in any legislative assembly in Montana. It would follow, too, that the Republican members from that county who sat in the body which assembled in the Iron Hall had no legal title, no muniment of title, if I may so speak, to sit in any legislative body in Montana.

What then? Then neither the Court-House nor the Iron Hall body had a quorum of members under the constitution carrying with them any lawful evidence of their election. There could then have been no election of a Senator by either house, and the result which must have been reached by the Senator, pursuing this subject in a judicial way, absolutely free, of course, from any partisan bias, would be, if he were logical and consistent, that there was no election of Senators in Montana and these gentlemen must all go back to that State. How the Senator can make consistent with his argument the resolution for the adoption of which he stands here, that Messrs. Clark and Maginnis were duly elected Senators from Montana, I leave him to explain hereafter.

Mr. President, what did that board have before it? The Senator from North Carolina is very generous in his assumption of facts which are not shown to exist in this case. The Senator from North Carolina said he knew, that we on this side of the Chamber knew, that when that board met they had before them duly certified returns of the canvass of precinct 34 of Silver Bow County. We do not know any such thing on this side of the Chamber, for the reason that no such thing is true.

Mr. VANCE. Will the Senator permit me?

Mr. SPOONER. Certainly.

Mr. VANCE. My only authority for it, which I admit is rather bad, is the statement of the canvassing board themselves. They say they had it not before them, and Mr. Booth certifies that he sent it to them, and with it a copy of the judgment of the court.

Mr. SPOONER. The judgment of the court and the return from the county, I beg to inform the Senator, are two entirely different things. There is not, and there can not be between gentlemen who have examined this record, any controversy whatever, in my opinion, as to what papers the canvassing board had before it when it assembled to discharge its duty on the 31st day of October. Technically they had no duly certified return or canvass from Silver Bow County. Why? Because none had been made. It had been partially completed, but before it was completed, before the names of the officers were attached to it who are obliged by law to sign it, their proceeding was interrupted by an alternative writ of mandamus, to which I shall refer a little later; and in obedience to a writ thereafter made peremptory they did sign—that is, two of them, one Republican and one Democrat, signed a return, including precinct 34 of Silver Bow County; but that was not signed until the 7th day of November, and the canvass was made on the 31st of October and signed and certified on the 4th of November.

Mr. GRAY. Will the Senator allow me to ask him a question?

Mr. SPOONER. Certainly.

Mr. GRAY. I ask the Senator by what authority he says that the canvass was made on the 31st, whereas the board distinctly declares that on this 4th day of November they find so and so?

Mr. SPOONER. They met on the 31st of October, as I claim they were required by law to meet and canvass the votes. I presume it is true that in making up the returns and the papers they were not ready for signature until the 4th day of November, but it is no matter either way, because they could not have had even on the 4th day of November any returns technically complying with the requirement of law before them from Silver Bow County, as it stands confessed here that until the 7th day of November no such returns ever were signed by the county canvassers of the county. So when the Senator says that they had before them regularly signed and duly certified returns from Silver Bow County, and that out of corruption, out of a deliberate purpose to perpetrate an outrage upon the people and to steal the State of Montana for their party, they sent this messenger out to Silver Bow County for returns, his statement rests entirely in his own imagination.

Now, what did they have? They had two papers; and it is utterly immaterial when they were received. There were before that board on the 31st day of October two papers constituting together the only return, as I understand it, which they had from Silver Bow County. What are they? A statement by the county clerk, the lawful custo-

dian of returns, that the county canvassers met at the appointed time; that they figured up and made an abstract of the returns, including in the abstract, which as I said was never completed, the votes cast in precinct No. 34. Talk about technicality, talk about an attempt to control the election of United States Senators in Montana by technicality! I should like to ask some Senator on the other side to tell me if there is any dispute anywhere that the votes returned by the county clerk, although not signed by the county canvassers as having been canvassed by them, leaving out this precinct 34, were honestly returned and honestly canvassed.

What was this board of canvassers to do? They were obliged under the law, by the 31st day of October, within thirty days of the election, to canvass the returns at least as to the Representative in Congress, and with a change in the law it would be as to the member of Congress; and when they met there on that day in obedience to the Territorial law to canvass the votes for Representative they were to canvass all the returns before them. They would have had no jurisdiction under that law, in my opinion, to canvass only the votes for member of Congress. They could not do that even, unless they counted and considered this technically uncertified abstract which they had before them. They were to do one of two things: They were to proceed to canvass and count the votes honestly cast and honestly and regularly returned to the county canvassers as to every precinct but precinct No. 34, or they were to throw out the vote from that entire county and confine their canvass and their declaration to the other counties in the State. What else could they have done? If they had held, as the Senator from Delaware contends, that having no duly certified returns before them for precinct 34, in Silver Bow County, they could count no returns from Silver Bow County at all, they would have thrown out and disfranchised 7,000 people whose votes were confessedly lawful, honestly cast, and regularly returned to the county canvassers. Should they have done that?

Why did they throw out Silver Bow precinct 34? It was their duty to do it. Proceeding honestly in the exercise of a conceded jurisdiction it was not only their right to do it, but their duty to do it. They had this abstract, unsigned, interrupted by an alternative mandamus, or mandate, as they call it in that Territory, including precinct 34, and no doubt as to any except 34, and before them also was the certificate of the county clerk that the county canvassers had rejected the returns from precinct 34 as false, fraudulent, and void.

I understand the law to be that a county canvassing board like the one which assembled in Silver Bow County is not a judicial tribunal. I am not here as a lawyer to argue that they had any jurisdiction to receive testimony, to hear lawyers, to examine into the qualifications of voters. I do not pretend any such thing as that, but I do insist that even a county canvassing board with ministerial functions only, if you please, has a right to consider and is bound to consider and to decide upon the authenticity and the validity of the returns which they are called upon to canvass. Even in North Carolina they have held that; and if my friend will turn to the eighty-second volume of the reports of his State he will find they hold in his State that such a canvassing board possesses quasi-judicial functions, and they hold it unequivocally. I will call the Senator's attention to it.

Mr. VANCE. Has the Senator the statute under which the canvassing board was constituted?

Mr. SPOONER. Yes; the statute is here. Of course the Senator knows all about this decision and just what statute it is founded on. I shall not read the whole case, but it is exactly the same as the one in Montana:

The county canvassers are directed to open and canvass the returns, and make abstracts stating the number of ballots cast in each precinct for each office, the name of each person voted for, and the number of votes given to each person for each different office, and sign the same.

No authority is given to the board to revise the registry, nor to examine into the qualifications of those who have been allowed to vote—

I insist that is good law—and whose names are on the returns, with a view to the erasure of such as are found to be incompetent, any more than to inquire who offered to vote and were wrongfully refused, and for whom such person would have voted, in order to restore their names to the voting lists. The prosecution of such an inquiry is foreign to the purposes of their organization and would lead to embarrassments and delays seriously obstructing the execution of the election laws, and evidently not necessary in the performance of their duties, nor contemplated by the act creating the board.

To canvass, as defined by Worcester, "to sift, to examine, to scrutinize," the returns—

Italicized—not the qualifications of the electors whose names appear therein, is the duty enjoined, and more specifically set out in the words that follow.

I commend what follows to the prayerful consideration of my friend from North Carolina:

They may and must determine the authenticity and regularity of the returns themselves, but when received, they must be counted as importing absolute verity, as far as the county canvassers are concerned, in determining the aggregate vote and its result. This we think fairly deducible, as the true doctrine as to the functions of the county board, from the decisions in this and other States.

The court cites a previous decision in which it was distinctly held that under the same statute, as I recollect it, the board possesses, as to determining the authenticity and validity of the returns, quasi-judicial functions.

Mr. VANCE. It does not say validity, but the authenticity and regularity of the returns.

Mr. SPOONER. I do not care whether it says "validity" or not. I will read it again:

They may and must determine the authenticity and regularity of the returns themselves.

Mr. VANCE. Just so.

Mr. SPOONER. That is sufficient for my purposes. The largest decision that I know of in the United States concerning the power of a canvassing board came from the supreme court of the State of Mississippi. The language of the statute was the same as the language of this ordinance. Most of the statutes requiring or authorizing the canvassing board to canvass the returns in addition define by specific provision, just as in the North Carolina case, of what that canvass shall consist. I shall not take time in reading authorities here, but I call attention to this because of the fact that the Senator from Mississippi [Mr. GEORGE] several times interrupted the Senator from Delaware and dwelt upon and emphasized the fact that under no circumstances could such a board have anything but purely ministerial functions.

Mr. DAWES. To reckon up.

Mr. SPOONER. Yes, to reckon up; to do a little sum in arithmetic; that is all. In the case of Oglesby vs. Sigman and others, commissioners of election (58 Mississippi Reports) in Mississippi, the statute was thus:

SEC. 138. When the result shall have been ascertained by the inspectors, they, or one of them, or some fit person designated by them, shall by 12 o'clock, noon, of the second day after the election, deliver to the commissioners of election, at the court-house of the county, a statement of the whole number of votes given for each person, and for what office, and the said commissioners of election shall canvass the returns so made to them, and shall ascertain and disclose the result—

The language is the same as the language of this ordinance here—shall canvass the returns so made to them, and shall ascertain and disclose the result, and shall, within ten days after the day of said election, deliver a certificate of his election to the person having the greatest number of votes for any office, etc.

Section 139 of the Mississippi laws provides that the ballots shall be returned after the election to this board of county canvassers. The ticket involved in that case was, of course, a Republican ticket. It was a Republican national ticket, headed "Republican national ticket," and there is a little piece of ornamentation such as is put on sometimes by the printers; and then followed the names of the Republican candidates thus:

For President,
JAMES A. GARFIELD.
For Vice-President,
CHESTER A. ARTHUR.

This board was held by the supreme court of Mississippi to be warranted, and not only warranted, but that it was their duty to inspect all of the ballots and to cast out such as from inspection they deemed to have been illegal, and they held that this ballot and all similar ballots should be cast out because it was marked so that the ticket could be identified. That is a very large power for a court to give to a canvassing board. I had the interest to see who composed the court at that time, and I find that Hon. J. Z. George was one of the members of that court. He delivered an opinion in the case, in which he said:

I concur entirely in the opinion of the court as drawn up by Judge Campbell.

Mr. HOAR. It was his last opinion.

Mr. SPOONER. It was the last opinion, I believe, as suggested by the Senator from Massachusetts, that he gave before he deprived by his resignation Mississippi of the services of an able judge and gave to her and to us the benefit of his ability and experience in the Senate of the United States.

In Paine on Elections, an exceedingly comprehensive and able work, there are a number of cases referred to where the statute was precisely the same as this Montana statute, by which the functions of the county canvassing board were limited in precisely the same way, and yet in all these cases the courts have held that while the functions of the canvassing board are generally ministerial they have the right, and it is their duty, to decide upon the regularity and authenticity of the returns they are called upon to canvass. Here is one:

The duties of county, district, and State canvassers are generally ministerial.

* * * The canvassers—

Questions of illegal voting they can not pass upon. They can not organize themselves into a court and receive affidavits and hear lawyers and take proof about the qualifications of voters—

The canvassers are to be satisfied of the genuineness of the returns, that is, that the papers presented to them are not forged or spurious; that they are returns and are signed by the proper officer; but when so satisfied they may not reject any returns because of informalities therein or because of illegal and fraudulent practices in the election.

In another case by a decision of another court as to the board clothed by the statute with the same power it is said "they must decide upon the authenticity and regularity of the returns."

That is Minnesota. In another case it is held:

We can not, therefore, resist the conclusion that the duties of the clerk of the board of supervisors, in receiving and opening election returns, in canvassing and estimating the votes, and in giving certificates of election, are purely ministerial, and that no judicial or discretionary powers are conferred upon him,

or the board of canvassers, except, perhaps, so far as to determine whether the returns are spurious or genuine, or polled at established precincts, and in ascertaining from the returns themselves for whom the votes were intended.

Admitting that the county canvassers of Silver Bow County possessed only ministerial duties, it will not do for Senators to assert here that they did not possess the power to decide upon the authenticity and regularity of the returns, so far as they could from an inspection of them, which were presented for them to canvass. That being true, I maintain that the State board of canvassers, clothed with a larger power by the language of the statute, when they were notified by the clerk that the county canvassers had agreed to a canvass of all the votes in Silver Bow County except precinct 34, and that they had rejected the returns from that precinct as false, fraudulent, and void, had a right to assume that they acted in the exercise of the jurisdiction which belonged to them and had rejected the return for valid reasons and had a right to conclude, as they did conclude, that the truth of the case was as certified by the county clerk and that the county canvassers had canvassed and returned sufficiently for the purpose of this canvass all the votes except the vote at precinct 34, which they had thrown out.

Mr. GRAY. Will the Senator allow me to ask him a question, because I do not know that I quite understand him?

Mr. SPOONER. Certainly.

Mr. GRAY. The Senator says that the central or final canvassing board of the Territory indorsed what they supposed to be the action of the county board in eliminating or throwing out as false and fraudulent and void all the votes cast at precinct 34, in Silver Bow County. I did not gather from the Senator's remarks whether he personally indorsed the opinion that it was the right of the county canvassing board to do that thing or not.

Mr. SPOONER. I have no doubt whatever that, if there came from precinct 34 something purporting to be a return which the canvassers believed was a fraud—when I say fraud I do not mean back of the return itself—something purporting to be a return which they had reason to believe was not signed by the officers of the election, signed only by one, if you please, where the statute required three, or if upon its face it appeared to be a sham and a merely manufactured transaction, they had a right to refuse to canvass it.

Mr. GRAY. I do not understand, then, that the Senator from Wisconsin goes to the length of saying that the county canvassing board had any other authority than to decide, in the first place, upon the authenticity of the returns, that is to say, to use his illustration, whether they were signed by the proper officers and in the proper manner; and I do not understand that he goes to the length of saying that they had a right to reject the votes so authenticated as false, fraudulent, or void.

Mr. SPOONER. If they had a right to reject a return upon the ground that it bore upon its face evidence of fraud, they refused to count it, and that operated for the time being to reject the votes in that sense.

Mr. HOAR. They required the poll-books to be sent to them.

Mr. SPOONER. That is true. The poll-books were required to be sent to them in order that they might verify the correctness and the authenticity by that means of the return if it were suspicious and they felt called upon to do so. Suppose they made a mistake in rejecting that return. Suppose their opinion that it was a sham, that it was a fabrication, that it was a forgery, was an erroneous one, that does not affect the legality of their action. It was not a final determination. The question as to other than members of the Legislature would ultimately be brought into the courts by *quo warranto*, and as to members of the Legislature it would be brought before the ultimate and supreme tribunal in jurisdiction of that subject, the house of representatives or the senate in which the case arose.

But my proposition is that, inasmuch as the county canvassers have the power to reject a return if they are of the opinion that it is a fabrication, if they are convinced that it is not authentic, when the State board or Territorial board of canvassers were informed by the certifying officer of that county connected officially with that board that the county canvassers had rejected as false, fraudulent, and void the returns from the precinct 34, it was their business to do just what they did do, to count those votes as to which there was no question and to reject Silver Bow precinct 34.

Mr. President, let us change the aspect of this case a moment by a supposition. I will ask the Senator from Delaware and his associates a question, and I will not put them to the trouble to answer it. I will answer it myself. Suppose this Territorial board of canvassers had, notwithstanding this declaration that they had no proper copy, counted the votes from precinct 34, and had therefore, upon the strength of it, declared elected the five Democratic members from Silver Bow County, and the question arose here as to whether, upon that election or an election by a Legislature including those five Democrats, Messrs. Clark and Maginnis should be seated in this body, would we hear the Senator from Delaware and the Senator from North Carolina attacking this return, although it contained precisely the same statements? By no means. And if we upon this side should say in such case that precinct 34 of Silver Bow County ought not to have been counted and that upon technical grounds, such as are urged here, the Republican mem-

bers should be seated, the atmosphere of this Chamber would be heavy with indignant eloquence from Delaware and North Carolina, yes, sulphurous, lurid, that we were attempting upon mere technicalities to defeat the will of the people. But the certificate in that case would be no better than it is in this.

Mr. President, there were not before this canvassing board, technically speaking, duly certified returns, but it was for them to decide what returns they would canvass, and they did decide, and if erroneously the remedy is not in the Senate of the United States, but it is in the house of representatives of Montana, which was competent to deal with it, and which would have dealt with it but for the revolutionary and violent abdication, by the Democratic members elected to that house, of their duties as members thereof.

On the strength of this certified abstract they counted these returns, not certified except by the clerk. They counted the votes, Democratic and Republican and all, except as to this one precinct, the returns from which the county canvassers had rejected for fraud. They declared the result thus:

That the foregoing is, and the same is hereby, found and declared to be the result and a true and correct statement of the votes cast at said election held on the 1st day of October, A. D. 1889, in Silver Bow County, Montana, according to and in strict conformity with the abstract of votes made and certified by the duly and legally constituted board of canvassers of election returns for said county at said election, and we hereby further certify that the following-named persons, having received a majority of all the votes cast for the respective offices named and hereinafter designated, are, and they are hereby declared to be, duly elected,

including the five Republican members from Silver Bow County, and certified the election of the governor, other State officers, and members of the Legislature.

Mr. President, I insist that that certificate and declaration of the canvassing board, it being a final board under the ordinance and laws to canvass the returns, constituted in law a sufficient muniment of title for the men named in it to discharge primarily the duties of the position to which each had been certified to be chosen. The supreme court of the State held the same thing for one of these very men elected or declared elected to the Legislature from Silver Bow County in a case to which I shall refer later.

Senators are perfectly willing to insist that the canvassing board and the Senate shall be bound by the interlocutory order of some local judge, but you have heard not one word, Mr. President, in all this debate, so far as they are concerned, about the exposition of the statute by the supreme court of the State.

That was not all. The Senator from Delaware was asked by the Senator from Mississippi during his argument if this certificate of the canvassing board constituted the only credential upon which these members of the Legislature relied in this case. The Senator from Delaware stated that there was not any other credential talked about or in evidence in connection with this case. He meant that; he was sincere of course about it.

Before I refer to that, however, as I look at the Senator from Delaware it comes to my mind that in a very severe way he criticised this board of canvassers for being hasty in its action, for not waiting, after they were notified on the 31st day of October that Judge DeWolfe had entered a judgment on the pleadings awarding a peremptory writ, until that matter could be determined. That might be a question of propriety. It may be a question of right. I insist that under the Territorial law this board, as to the member of Congress, was bound to meet and canvass the votes within thirty days after the election. The law said so as to the old Territorial canvassing board, and that law was continued in force by this ordinance except so far as it was inconsistent with the ordinance. So it is perfectly clear that that board, meeting on the 31st day of October, were obliged to meet on that day and to canvass the votes for member of Congress on that day, and it was their duty when they came to canvass the vote for member of Congress to canvass the rest of the vote for other officials.

Mr. GRAY. Will it interfere with the Senator if I ask him a question right here, in order that I may know the extent of his contention?

Mr. SPOONER. No, sir.

Mr. GRAY. I find that section 5 of ordinance 2 provides that certain named officers—

shall constitute a board of canvassers, who shall meet at the office of the secretary of the Territory on or before the thirtieth day after the election and canvass the votes so cast and declare the result.

Do I understand the Senator to contend that the whole business must be concluded on that thirtieth day?

Mr. SPOONER. When they met they were to go about their business. They were required absolutely, as I recollect the law, to go on with the discharge of their duties. Why were they to wait if they were there ready to attend to the duties with which they were charged by the statute? Why should they wait?

Mr. GRAY. That is not quite the question I asked the Senator.

Mr. SPOONER. I do not care—

Mr. GRAY. I beg pardon.

Mr. SPOONER. It is not necessary for me to insist at all that they must commence and complete their work on that day, though the Territorial statute, as I recollect it, as to the canvass for Delegate in Congress required it.

Mr. GRAY. I only asked if the Senator did insist on it.

Mr. SPOONER. Oh, I need not insist on that; but the act requiring them to meet on a particular day precludes the idea that they might indefinitely and at will postpone the canvass. But why should they have waited? The only reason the Senator can give or will give is that they had been informed by the county clerk of Silver Bow County that Judge De Wolfe had entered a judgment awarding a peremptory writ of mandamus to compel the county canvassers to count the vote returned from Silver Bow precinct 34. I deny that they should have waited on that account. I deny that they were obliged or that they had a right to postpone their canvass until that litigation was ended. That whole transaction to me was gross beyond extreme. Judge De Wolfe, a candidate on the Democratic ticket for office, voted for at the Silver Bow precinct, receiving, according to his decision in that case, 113 more votes than he would have received had he decided the other way, in utter disregard of those principles of delicacy that ordinarily control judges, took jurisdiction of this matter and entered his judgment awarding a peremptory writ of mandamus. But it had been appealed from. It had been staid.

Mr. VANCE rose.

Mr. SPOONER. Does the Senator desire to interrupt me?

Mr. VANCE. If it will not interrupt the Senator too much, I desire to ask him if the chief-justice of this Territory who threw out this vote was not himself a candidate for chief-justice of the State?

Mr. SPOONER. Yes, sir; he was.

Mr. VANCE. Then he is not a much better man than Judge De Wolfe is?

Mr. SPOONER. I will show before I get through the truth as to that.

Mr. President, I stand here to declare that a portion of the proceeding in that litigation, as far as Judge De Wolfe had anything to do with it, was partisan and usurpatory, utterly indefensible except from the standpoint of the partisan pure and simple. Admit that he had jurisdiction of the subject-matter and of the parties; the day he entered his judgment for a peremptory writ of mandamus the attorneys for the defendants appeared in court and filed notice of appeal, which they had served upon opposing counsel, and upon the back of which opposing counsel had admitted service. At the same time they filed a bond in strict accordance with the statute, and one which the statute provided should stay the judgment, should operate as a supersedeas. Judge De Wolfe was not to decide whether they should appeal or not. They were not obliged to stand there praying the allowance of an appeal from Judge De Wolfe. Their right to an appeal was given by the statute, nor were they obliged to ask Judge De Wolfe for a stay of proceedings. Whether that judgment should be superseded pending the appeal or executed was not a question with which Judge De Wolfe had to do. The law which he had sworn to support, which was above him and binding upon him, declared that the party, by filing a bond, should have a stay of proceeding. No, it declared that the filing of the bond should stay the proceeding; that it should operate as a supersedeas. Who ever heard before, under a statute like that, where the very right of the matter and of the party pending the appeal depended upon a supersedeas, of a judge assuming to say that he would hold it in suspense whether the bond should be filed or not? What had he to do with it? That was a question that did not arise then.

They filed their bond. It was not indorsed as filed within the five days. It was not indorsed as filed until the sixth day; but the statute required it to be filed, and under the decisions of the courts it was filed. The statute was adopted from California. It was filed as construed by the highest court of that State when it was deposited with the clerk.

The right of appeal is dear. Courts never deprive a suitor of it unless obliged to do so. This judge, so far as the record shows, in violation of the statute, in disgraceful disregard of the plain statutory right of the suitor, refused to permit that bond to be indorsed by the clerk within the five days fixed by the statute.

But his ignorance of the law did not operate to deprive the party of the benefit of a supersedeas. It is not very material, but even in this law dictionary, Abbott's, you will find the following:

File: A thread, string, or wire upon which writs and other exhibits in courts and public offices were in old times fastened or filed for the more safe-keeping of, and ready turning to, the same. File: To place papers upon a file, or, more generally, to deposit papers in official custody, or receive them officially for orderly, systematic safe-keeping.

Filing a paper consists in presenting it at the proper office and leaving it there deposited with the papers in such office. Indorsing it with the time of filing is not a necessary part of the filing. *Bishop vs. Cook 13 Barb. 326.*

A paper in a cause is said to be filed when it is delivered to the clerk and received by him to be kept with the papers in the cause. *Engleman vs. State, 2 Ind., 91.*

It is so declared by several English cases, by the supreme court of Massachusetts.

And so on without limit there is authority showing that the bond was filed within the statute when it was deposited with that clerk.

Mr. GRAY. I ask the Senator from Wisconsin if there is anywhere in the record any evidence that that bond was deposited other than

the indorsement of its being filed on the 7th? If there is, it has escaped me.

Mr. SPOONER. It was offered for filing in fact, and, as the affidavit which I have shows, it was left with the clerk and retained by the clerk.

Mr. President, in your practice of the law or in the practice of any gentleman here, when has there been known a judge, where you had the statutory right to file a bond, to stay a judgment, to hold in suspension the question whether you could file it or not? The reason for doing it in this case is quite manifest. If it were filed, as he understood it, within the five days, he could not send out his peremptory writ of mandamus, he could not compel these defendants in this case to canvass the returns and include precinct 34; and so he attempted by an act of usurpation, explainable only upon the hypothesis of partisanship, to deprive by an order this party of a clear, legal, and constitutional right, and simply and solely for the accomplishment of a partisan purpose. But he failed. The judgment had been in law superseded.

Mr. President, was the Territorial board obliged to wait, to hold back the declaration of the result on the constitution, on the governor, the supreme court, the member of Congress, all the officers of the Territory, until Judge De Wolfe got through playing with his writ of mandamus and until it could be taken to an appellate court and the question could be disposed of? Not at all.

But the Senator from Delaware had a good deal to say about the great haste which was shown in Montana and shown in Washington—and the Senator from North Carolina alluded also to it—to secure the admission of this State into the Union. It is doubtless true that the people of Montana were urgent and anxious. That people, drawn from all the States of this Union, from New England, from the South, from the Northwest, men of brain and brawn and nerve, soldiers who had followed our flag in battle, soldiers who had followed the fortunes of the Confederacy, now I am glad to believe as true to the Union as any, had built up in the face of privation and hardship that Territory to a condition fit for statehood. They had encountered all the dangers and privations of the frontier. They had driven the savages from their midst. They had conquered the lawlessness of white marauders. They had built up through taxation a splendid system of public schools.

They had grown weary of the condition of Territorial weakness. They had been long fit for statehood and they knew it. The Democratic party had barred their way for many a year into the Union, only at last yielding when the people at the ballot-box had pronounced the decree and had elected a Congress bound when the 4th day of the succeeding March came to open the door and bid them come in. They were in a transition state. They had adopted their constitution; they had elected their State officers; they were in a sense neither a Territory nor a State: just pushed off from one shore and not yet landed on the other. It is not to be wondered at that the people of Montana were urgent and anxious that she should enter the wide-open door of the Union and respond to her name in the roll-call of States and put her star upon that flag to shine there with the rest until government on earth shall cease. They are not to be criticised because they were in haste and urgent.

But, Mr. President, right there the Senator from Delaware announced a discovery that almost shook the foundation of this Capitol. The return of votes upon the constitution had traveled from Helena to Washington from the 4th day of November when it was made, to the 8th day of November, when by a proclamation of the President Montana was admitted! The Senator had examined the time-cards. He had discovered that it was impossible for a messenger, speed howsoever rapidly he might, to come from Helena, Mont., to Washington with those returns between their date and the proclamation admitting Montana into the Union. The Senator explored the archives of the State Department to bring to the Senate certified copies of the proclamations. He stood here with them in his hand to charge upon the President, because of this great haste as he alleged it, either that he was a party to a partisan conspiracy or that he was the complaisant instrument of a gang of conspirators in hurrying with indecent haste Montana into the Union.

The President of the United States needs no defense in the Senate Chamber against such an imputation; he sat here too long; and I say to the Senator from Delaware that the suggestion was hardly worthy of him or the great speech which he delivered here. The President's whole life is ample refutation of any such intimation as that. It is not long since a million hostile eyes were searching this man's record from his boyhood up, eager to find in it some flaw, some speck, something to cavil at. Follow him wheresoever they might, sit with him in his law office, go with him into the courts, hover about him as he led his regiment and brigade into the hell of battle in defense of your liberty and mine over and over again, watch him in the Senate Chamber, with all the anxious, eager search, not one crevice in his armor, that armor which envelopes every man of honest life and of pure purpose, was found or could be found, and the spirit of detraction which had disgraced both sides in the preceding campaign slunk away to appear no more in that contest.

I know of no man who ever sat in the Executive chair less likely than he to be swerved one hair's breadth from the line of what he deems

his constitutional duty to please friend or punish foe; and I felt like saying to the Senator, when I looked into the point which he made and found how little there was of it, what a hard-headed, but unlettered judge once said when an eminent lawyer went from Chicago at an early day to argue before him a criminal case. He spent half a day, in the presence of a great auditory eagerly listening, presenting his point, supporting it by authorities, and at last, with an eloquent peroration, stopped, and all turned to the judge to know what manner of deliverance he was to make, and he simply said, "Cute pint, but nothin' in it." [Laughter.]

Mr. GRAY. I did not wish to interrupt the Senator from Wisconsin in the very beautiful period he has just finished and the very eloquent defense he was making of the President. I only rise now, if it will not interfere with him, to say that it was not necessary, so far as anything I said was concerned, as attaching to the personal character of the President of the United States.

Mr. SPOONER. It did not involve the personal character of the President. The Senator was generous enough to acquit the President of any evil purpose in the matter, but damned him with the faint praise of having been the easy victim of conspirators. I was mildly defending him against either suggestion, all of which I admit to be entirely unnecessary.

But if the Senator from Delaware had borne in mind, while he was searching the archives at the Department of State, that under the enabling act the President was authorized to issue his proclamation only when there should have been presented to him, duly certified by the governor of the Territory and countersigned by the secretary of the Territory and attested by the Territorial seal, the returns of the election as to the adoption of the constitution, together with a certified copy of the constitution, and remembering that had he prosecuted his inquiry a little further to see whether there had not been seasonably delivered and set before the President and his advisers such a certificate, he would have found in the office of the Secretary of State what I found there, a duly certified return signed by the governor of the Territory, countersigned by the secretary of the Territory, and attested by the seal, giving the result of the vote on the adoption of the constitution, sent there I believe by letter dated the 28th of October. They had, it seems, canvassed the vote on the constitution earlier than they canvassed the vote as to the officers, which they had a right to do. The President and the Administration here could know nothing of that. They had acted upon the return and that return was submitted to the Attorney-General, as were the returns as to the adoption of the constitutions of all the other new States, and when advised that it was in all respects sufficient the proclamation issued.

Mr. GRAY. I do not wish to magnify this point at all, but I call the Senator's attention to the fact that this board of canvass never convened, according to their own statement, until the 31st of October, so that they could have performed no official function committed to them by law until then.

Mr. SPOONER. I do not find any such statement. I am talking about the assumption. The implication was that the President had acted upon some telegraphic return or upon no return, and I am directing simply my remark to that suggestion.

But the Senator from Delaware discovered another horrible thing. He discovered that in the southeast corner, if I may so speak, of the proclamation admitting the State of Montana into the Union, there was a memorandum indicating the hour and the minute when the President attached his signature to that proclamation, and that there was no such memorandum in any of the other proclamations. Well, sir, that might seem a little singular, but really I think it is not, for it is a matter of some interest when a State is admitted into the Union.

The law takes no account of the fraction of a day, and the minute when the President attached his signature to the proclamation would make no earthly difference. It would not become efficient as a proclamation simply by his signing it. It would have to be certified and published. No possible purpose could be accomplished by it in a legal way.

The Senator referred to the fact, or the Senator from Mississippi [Mr. GEORGE] did, that it would oust the courts of jurisdiction and abate pending actions. I only desire, in relation to that, to say that the enabling act, and the constitution as well, submitted in Montana, provided that the admission of the State into the Union should not operate to abate any lawsuit or any right or any proceeding, but that they should all go on, the State judges succeeding to the functions or the duties of the Territorial judges.

It so happens that the people of this country were interested, and especially the people of these Territories, in the different stages of their march into the Union, for they had had a long and bitter fight each time as to each State, and the precise hour and moment the President attached his signature to the proclamation was given by telegraph to the people of those Territories. The Secretary of State, on the 2d of November, 1889, if I may have the attention of the Senator from Delaware, telegraphed the governors of North and South Dakota as follows.

Mr. GRAY. From what is the Senator reading?

Mr. SPOONER. I am reading from a paper which the Senator will understand, if he will give attention, as I proceed. The Secretary of

State on the 2d of November, 1889, telegraphed to the governors of North and South Dakota, as follows:

The last act in the admission of the two Dakotas as States in the Union was completed this afternoon at the Executive Mansion at 3 o'clock and 40 minutes, by the President signing at that moment the proclamations required by the law for the admission of the two States. * * * This is the first instance in the history of the National Government, of twin States, North and South Dakota, entering the Union at the same moment.

On the 8th of November, 1889, the Secretary of State sent the following telegram to the governor of Montana:

The President signed and issued the proclamation declaring Montana a State in the Union at 10 o'clock and 40 minutes this morning.

On the 11th of November, the Secretary of State telegraphed the governor of Washington as follows:

The President signed the proclamation declaring Washington to be a State in the Union at 5 o'clock and 27 minutes this afternoon.

True, it was only a sentiment. But it was a sentiment with which in our own lives we are familiar. It is the sentiment which leads us in the sacred precinct of the home to note the hour of birth and the hour of death. So it was thought to be of interest not only in those distant Territories, but among all our people, that note should be taken of the hour and the moment when Montana and Washington and the two Dakotas were born into the family of States.

Mr. GRAY. If the Senator will allow me, in order that I may not be misunderstood and that he may not make a criticism upon anything I may have said—

Mr. SPOONER. I did not intend to criticize.

Mr. GRAY. Not improperly, of course. I only want to make this statement: The fact upon which I commented was that on the official proclamation admitting Montana into the Union there is the note that the President's signature was attached at 10.40 a. m. on the 8th day of November, and the hour at which the President's signature was affixed to the proclamations admitting the other three States is not attached. If I had been disposed to make the charge, which I am not, I submit to the Senator whether it would not be a suspicious circumstance that in the one case there was this note of the exact hour at which the State was admitted and that the note was absent in all the other three cases.

Mr. SPOONER. If the argument of the Senator had any force whatever, it was that in this particular case the keeping note of the hour and minute had some particular significance and was intended to accomplish some result, and it is all met when we show that note of the hour and the minute in each case was kept and this little memorandum was made, I suppose, simply to form the basis of a telegram thereafter to be written at the State Department—I know nothing of that; I care nothing about it—but the record of the hour and minute was kept in each case, and this little note, not in the handwriting of the President, away down in the corner of the proclamation and no part of it, is not worthy of a moment's attention.

I was, when I was diverted, Mr. President, by some suggestions to which I have just been replying, saying that the Senator from Delaware was mistaken when, in answer to a question of the Senator from Mississippi, he said the certificate of this canvassing board was the only credential that was talked of or known in connection with this case. The truth is that immediately upon the completion of the work of the canvassing board there was issued to each member declared by them elected, including the Democratic members, with the exception of four, who were omitted by mistake, a certificate of election signed by the governor, countersigned by the secretary of the Territory, and attested by the seal of the Territory. That does not appear now for the first time, because, if the Senator will remember, in Mr. Jenks's argument this colloquy occurred:

Senator SPOONER. The certificates, if any, were issued as the result of the State canvass to prove who were found by the State canvassing board to have been elected?

Mr. JENKS. I am told by those who know, by those whom I represent, that the governor's certificate, attested by the secretary of the Territory, was given to all the Republicans.

In the legal proceedings published it is affirmed, in the affidavit of Thompson, that "the same governor and secretary, over their hands and the seal of the Territory, did then and there deliver to affiant a certificate, certifying and declaring that at the election aforesaid affiant had been elected a member of the house of representatives of said Legislative Assembly," and that the affiant and twenty-nine other persons, as aforesaid, having been ascertained and declared to be elected from the various representative districts in said State by the governor, chief-justice, and secretary aforesaid, the said thirty members presented to the committee on credentials, severally, a certificate signed by the governor and secretary of Montana and over the seal thereof declaring that each of them had been duly elected members of the house of representatives of the Legislative Assembly of the State of Montana.

Mr. GRAY. If the Senator from Wisconsin will allow me—I do not wish to interrupt him if he objects at all—he has charged me with being inaccurate in my statement. I was aware that Mr. Jenks had made that statement before the committee when I answered the Senator from Mississippi, and I still think my answer was quite correct and quite accurate. There had been no other credential referred to in the

argument of the majority in the report submitted to this body than the finding of this Territorial board, and I do not think now that the Senator from Wisconsin will undertake to state that the certification by the governor, attested by the secretary of state, with the seal of the State, if he pleases, is a credential for which he can find any authority of law whatever. The credential which we have been discussing has been some certificate of the deliverance or finding or canvass of this Territorial board that was authorized by law, I admit, to make such a canvass. That and nothing else has been the subject of contention in this matter.

Mr. SPOONER. I am aware that the certificate of the governor is not mentioned in the majority report or in the minority report.

Mr. GRAY. And there is no law for it.

Mr. SPOONER. We shall see about that. I am trying to get the facts before the Senate. The Senator discussed no such credential. It is a question whether there was any law for it, but the fact is shown, aside from the evidence to which I have referred, by a telegram addressed to the Hon. GEORGE F. HOAR, and dated the 3d day of April, Dillon, Mont., signed by B. F. White, ex-governor of Montana, as follows:

As governor of Montana I last November issued certificates of election to Mon-
teath, Bray, Dolman, Thompson, and Roberts as members house representatives
for Silver Bow County, and as well to all others declared elected by the State
canvassing board, with possible exception of four Democrats in Silver Bow
County, whose names may have got overlooked by mistake. All the certificates
were sealed with the seal of the Territory and were also signed by the secretary.

B. F. WHITE,
Ex-Governor of Montana.

They were in the same form, as I understand, as the one which I hold in my hand.

Mr. GRAY. What is the date of the telegram?

Mr. SPOONER. The 3d day of April, 1890. I have here a telegraphic copy of one of the certificates, and they are all in the form of the one which I hold in my hand, which is a certificate of election of the member of Congress:

CERTIFICATE OF ELECTION.

UNITED STATES OF AMERICA, Territory of Montana:

I, Benjamin F. White, governor of the Territory of Montana, do hereby certify that at the general election provided for in Ordinance No. 2, passed and enacted by the constitutional convention of Montana, held in the city of Helena, in the year 1889, under the provisions of an act of Congress entitled "An act to provide for the division of Dakota into two States, and to enable the people of North Dakota, South Dakota, Montana, and Washington to form constitutions and State governments, and to be admitted into the Union on an equal footing with the original States," approved February 22, 1889, THOMAS H. CARTER was duly elected Representative in Congress in and for the State of Montana, as appears by the official returns and statement of votes cast, on file in the office of the secretary of Montana Territory.

In witness whereof, I have hereunto set my hand and caused the great seal of the Territory to be affixed.

Done at the city of Helena, the capital of said Territory, this the 4th day of November, A. D., 1889, and of the Independence of the United States the one hundred and thirteenth.

BENJA. F. WHITE.

By the governor:

[SEAL.]

LOUIS A. WALKER,
Secretary of Montana.

The truth is, as shown by this telegram and as shown otherwise and by admission also, that upon the completion of that canvass the governor issued and sent to every person declared elected to the Legislature, except four who were omitted by mistake, the certificate of election.

It is said by the Senator from Delaware that there was no authority to issue the certificate. I do not intend to enter at any length upon a discussion of that question. Both of these officials were connected with that board, they were officers of it, and it was argued very strongly by Mr. Jenks, who is a distinguished lawyer and represented Messrs. Maginnis and Clark before the committee, that where the supreme executive power is vested by the constitution, as it is in terms in that of Montana, in the governor, such a certificate being the exercise of an executive function, no other provision having been made by law, the governor, holding the residuum of executive power not parceled by law to others, might lawfully make such a certificate.

Mr. GRAY. Let me call the attention of the Senator from Wisconsin to a matter which I think he will be interested to consider, if it does not interrupt him. The question which I attempted to discuss is the question propounded by the majority of the committee of which the Senator is a member in their report, and I presume that the Senator from Wisconsin is a party to this report.

To determine this question the committee have been led to consider three others, the decision of which, in our judgment, disposes of the whole case.

Now, to the first I call attention:

First. Which of the two sets or groups of five members claiming to sit for the county of Silver Bow had credentials from the officer or board entitled to canvass the vote and declare the result?

Mr. SPOONER. What is that?

Mr. GRAY. The majority of the committee in their report say the first question to determine is—

Which of the two sets or groups of five members claiming to sit for the county of Silver Bow had credentials from the officer or board entitled to canvass the vote and declare the result?

Mr. SPOONER. This is not a lawsuit in which I am bound by pleadings or issues made by pleadings. This is a question of the utmost consequence, and every member of the Senate has a right, and it is

not only a right, but the duty rests upon him, to bring to the attention of the Senate any facts, well attested in his knowledge, whether adverted to in the report or not (as the minority of the committee did) and whether considered by this committee or not, which have any legitimate bearing upon this controversy, and all I intended to do about it now was to assert it as a fact that, in addition to the certificate of the canvassing board, each of these members, Democratic and Republican, declared elected by that canvassing board, with the exception of four Democrats omitted by mistake, carried with him to the Legislature or possessed a certificate issued in the form I have stated by the governor and secretary of the Territory.

Mr. President, I regret very much that I have taken so much time, but I desire now—

Mr. TELLER. If the Senator will yield.

Mr. SPOONER. I shall not take much longer time.

Mr. TELLER. If it be agreeable to the Senator to go on to-morrow, I will move that the Senate proceed to the consideration of executive business.

The PRESIDENT *pro tempore.* Does the Senator from Wisconsin yield for that purpose?

Mr. SPOONER. Certainly.

The PRESIDENT *pro tempore.* The Senator from Colorado [Mr. TELLER] moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After six minutes spent in executive session the doors were reopened, and (at 5 o'clock and 18 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, April 8, 1890, at 12 o'clock m.

CONFIRMATION.

Executive nomination confirmed by the Senate April 7, 1890.

RECEIVER OF PUBLIC MONEYS.

John J. Lambert, of Pueblo, Colo., to be receiver of public moneys at Pueblo, Colo.

HOUSE OF REPRESENTATIVES.

MONDAY, April 7, 1890.

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

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

ORDER OF BUSINESS.

The SPEAKER. Certain bills have come over from last Friday evening with the previous question ordered, with fifteen minutes allowed for debate on either side, and with the right of amendment. The Clerk will read the first bill.

Mr. ROGERS. I demand the regular order.

Mr. SPRINGER. I rise to a parliamentary inquiry.

The SPEAKER. Has the gentleman's parliamentary inquiry reference to the regular order?

Mr. SPRINGER. It has reference to the bills which the Chair has announced have come over from last Friday evening. These being private bills, I desire to inquire whether they do not properly go over until Friday next, which is private-bill day?

The SPEAKER. The previous question has been ordered upon them in the House, and this time has been fixed for their consideration.

Mr. SPRINGER. Was not Saturday the day fixed?

The SPEAKER. Their consideration was fixed by the House for this morning.

Mr. SPRINGER. When was that fixed, Mr. Speaker?

The SPEAKER. On Friday night.

Mr. SPRINGER. Had that Friday evening session the right to preempt the time of the House in advance?

The SPEAKER. The Chair thinks it is very difficult to say that the House has not the right to fix a time.

Mr. SPRINGER. But that was the House assembled specially for the consideration of private bills on that evening, and it was not authorized to consume the time of the House upon other days.

The SPEAKER. The Chair recognizes the evil, but it has got to be remedied in some other way than by a decision of the Chair.

Mr. SPRINGER. I was of the opinion that only the Committee on Rules could bring in orders fixing special orders for particular days.

The SPEAKER. The House can do it.

Mr. SPRINGER. When it is for a special purpose and the House defines that purpose.

The SPEAKER. The Clerk will read the first bill.

Mr. ANDERSON, of Kansas. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state his inquiry.

Mr. ANDERSON, of Kansas. I desire to ask whether this is not suspension day; and, if so, whether it would not be in order to—

The SPEAKER. It would not be in order. [Laughter.] The Clerk will read.

JOHN C. GREEN, OF TENNESSEE.

The Clerk read as follows:

A bill (S. 135) to perfect the military record of John C. Green, of Tennessee.
Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and required to enter on the rolls of Company I, Seventh Regiment Tennessee Volunteers, the name of John C. Green, as duly mustered into the service of the United States on the 20th day of December, A. D. 1863, and to complete his military record as follows: Captured by the enemy, while in the line of duty, at Union City, Tenn., March 24, A. D. 1864; died at Andersonville, Ga., on the 12th day of August, A. D. 1864, while being detained by the enemy as a prisoner of war.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

By unanimous consent, the bill (H. R. 1608) relating to the same subject was laid on the table.

NANCY SMITH.

The next bill in order, coming over from the session of last Friday night, was the bill (H. R. 6073) granting increase of pension to Nancy Smith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Nancy Smith, daughter of Charles Fuller, late major of the Fourth United States Infantry, and pay her at the rate of \$25 per month.

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

JOHN F. BALLIER.

The next bill coming over from the session of last Friday night was the bill (S. 123) granting an increase of pension to John F. Ballier.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of John F. Ballier, late colonel of Ninety-eighth Pennsylvania Volunteers, in the war of the rebellion, at the rate of \$50 per month.

The bill was ordered to a third reading, read the third time, and passed.

Mr. MORROW. I move to reconsider the several votes by which these pension bills have been passed; and also move that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PENSIONS.

Mr. MORRILL. I offer the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That the rules be suspended so as to discharge the Committee on Invalid Pensions from the further consideration of the bill (S. 389) granting pensions to soldiers and sailors who are incapacitated for the performance of labor, and providing for pensions to widows, minor children, and dependent parents; and pass the same with the following amendment, to wit:

Strike out all after the enacting clause and insert in lieu thereof the following:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll of the United States the name of any officer or enlisted man of sixty-two years of age or over, or who shall hereafter reach that age, who served ninety days or more in the Army, Navy, or Marine Corps of the United States during the war of the rebellion and shall have received an honorable discharge therefrom, said pension to commence from the date of the application therefor and to continue during the term of the life of said officer or enlisted man, at the rate of \$8 a month.

*SEC. 2. That all persons who served ninety days or more in the military or naval service of the United States during the late war of the rebellion, and who have been honorably discharged therefrom, and who are now or may hereafter be suffering from mental or physical disability equivalent to the grade now established in the Pension Office for the rating of \$8 per month, upon due proof of the fact, according to such rules and regulations as the Secretary of the Interior may provide, shall be placed upon the list of invalid pensioners of the United States at the rate of \$8 per month, and such pension shall commence from the date of the filing of the application in the Pension Office after the passage of this act upon proof that the disability then existed, and shall continue during the existence of the same: *Provided*, That those who are now receiving pensions under existing laws or whose claims are pending in the Pension Office may, by application to the Commissioner of Pensions, in such form as he may prescribe and approve, showing themselves entitled thereto, receive the benefit of this act, and nothing contained in this act shall be so construed as to prevent any pensioner thereunder from prosecuting his claim and receiving his pension under any other general or special act: *Provided, however*, That no person shall receive more than one pension for the same period.*

SEC. 3. That if any officer or enlisted man who served ninety days or more in the Army or Navy of the United States during the late war of the rebellion and who was honorably discharged has died, or shall hereafter die, leaving a widow over the age of sixty-two years, such widow shall, upon due proof of her husband's death, be placed upon the pension-roll from date of her application, at the rate of \$8 per month, to continue during her widowhood.

*SEC. 4. That if any officer or enlisted man who served three months or more in the Army or Navy of the United States during the late war of the rebellion and who was honorably discharged has died, or shall hereafter die, leaving a widow without other means of support than her daily labor, or minor children under the age of sixteen years, such widow or minor children shall, upon due proof of her husband's death, be placed on the pension-roll from the date of the application therefor, at the rate of \$8 per month during her widowhood, and in case of the death or remarriage of the widow, leaving a child or children of the soldier or sailor under the age of sixteen years, such pension shall be paid such child or children until the age of sixteen: *Provided*, That said widow shall have married said soldier prior to the passage of this act.*

SEC. 5. That no agent, attorney, or other person engaged in preparing, presenting, or prosecuting pension claims under the provisions of this act shall, directly or indirectly, contract for, demand, receive, or retain for such services in preparing, presenting, or prosecuting such claims a sum greater than \$5, which sum shall be payable only upon order of the Commissioner of Pensions by the pension agent making payment of the pension allowed, and any person who shall violate any of the provisions of this section, or who shall wrongfully

son who shall violate any of the provisions of this section, or who shall wrongfully withhold from the pensioner or claimant the whole or any part of the pension or claim allowed or due such pensioner or claimant under this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall, for each and every offense, be fined not less than \$100 nor more than \$500 or be imprisoned at hard labor not exceeding two years, or both, in the discretion of the court."

Mr. SPRINGER. Mr. Speaker, what is the motion pending? I did not understand it.

The SPEAKER. It has been read.

Mr. SPRINGER. The bill has been read; but I do not know what the motion was.

The SPEAKER. The motion is to suspend the rules, discharge the Committee on Invalid Pensions from the further consideration of Senate bill 389, and substitute what has been read for the Senate bill.

Mr. SPRINGER. And pass it?

The SPEAKER. And pass it.

Mr. SPRINGER. It seems to me this is a matter of so much importance that we ought to have a day fixed for its consideration. I hope the gentleman from Kansas [Mr. MORRILL] will not insist on passing a bill of such importance without any more debate than is allowed on the motion to suspend the rules.

The SPEAKER. Debate is not in order. Does the gentleman demand a second?

Mr. SPRINGER. Of course, if we are to be restricted in debate in this way.

Mr. BRECKINRIDGE, of Kentucky. The Senate bill has not been read, only the substitute; so I suppose we are entitled to have read the bill for which the substitute is proposed.

The SPEAKER. The Chair does not understand that the gentleman has a right to have it read.

Mr. BRECKINRIDGE, of Kentucky. The motion is to strike out all after the enacting clause of the Senate bill and insert what has been read. I submit that we have a right to know what it is proposed to strike out.

The SPEAKER. This is a motion to suspend the rules; but the Chair will ask unanimous consent for the reading of the Senate bill. Is there objection?

Mr. SPRINGER. The motion is to suspend the rules and pass the bill with an amendment, which is, to strike out all after the enacting clause and insert—

The SPEAKER. Is there objection to reading the Senate bill? The Chair hears none. The Clerk will read it.

The Clerk read as follows:

That in considering the pension claims of dependent parents under the provisions of this act the fact of the death of the soldier or sailor and the fact that he left no widow or minor child or children having been shown as required by law, it shall be necessary only to show by competent and sufficient evidence that such parent or parents are without other means of support than their own labor or the contributions of others not legally bound for their support: *Provided*, That all pensions allowed to dependent parents under this act shall commence from the date of the filing of the application hereunder and shall continue no longer than the existence of their dependence.

SEC. 2. That all persons who served three months or more in the military or naval service of the United States during the late war of the rebellion and who have been honorably discharged therefrom, and who are now or may hereafter be suffering from mental or physical disability equivalent to the grade now established in the Pension Office for the rating of \$8 per month, upon due proof of the fact, according to such rules and regulations as the Secretary of the Interior may provide, shall be placed upon the list of invalid pensioners of the United States at the rate of \$8 per month, and such pension shall commence from the date of the filing of the application in the Pension Office after the passage of this act upon proof that the disability then existed, and shall continue during the existence of the same: *Provided*, That persons who are now receiving pensions under existing laws or whose claims are pending in the Pension Office may, by application to the Commissioner of Pensions, in such form as he may prescribe, showing themselves entitled thereto, receive the benefits of this act; and nothing herein contained shall be so construed as to prevent any pensioner thereunder from prosecuting his claim and receiving his pension under any other general or special act: *Provided, however*, That no person shall receive more than one pension for the same period: *And provided further*, That rank in the service shall not be considered in applications filed under this act.

SEC. 3. That if any officer or enlisted man who served three months or more in the Army or Navy of the United States during the late war of the rebellion, and who was honorably discharged, has died, or shall hereafter die, leaving a widow, minor child, or children under sixteen years of age, or, in case there be no widow or minor child or children, a dependent mother or father, as such dependency is defined under section I of this act, such widow, minor child or children, or mother, or father shall be placed upon the pension-roll at the rates established for them by law without regard to the cause of death of such officer or enlisted man: *Provided*, That the cause of death of such officer or enlisted man was not or is not due to violation of the civil or military laws or the result of vicious habits, and that said widow was married to the deceased officer or enlisted man prior to the passage of this act. All pensions granted to widows under this act shall take effect from the date of the death of the husbands of such widows, but not dating back of the passage of this act.

SEC. 4. That from the date of the passage of this act the increase of pensions for minor children shall be at the rate of \$4 per month instead of \$2 per month, as now provided by law, and in case a minor child is insane, idiotic, or otherwise helpless, the pension shall continue during the life of said child, or during the period of such disability.

SEC. 5. That no agent, attorney, or other person engaged in preparing, presenting, or prosecuting any claim under the provisions of this act shall, directly or indirectly, contract for, demand, receive, or retain for such services in preparing, presenting, or prosecuting such claim a sum greater than \$5, which sum shall be payable only upon the order of the Commissioner of Pensions, by the pension agent making payment of the pension allowed, and any person who shall violate any of the provisions of this section, or who shall wrongfully

withhold from a pensioner or claimant the whole or any part of a pension or claim allowed or due such pensioner or claimant under this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall, for each and every such offense, be fined not exceeding \$500, or be imprisoned at hard labor not exceeding two years, or both, in the discretion of the court.

THE SPEAKER. On the motion to suspend the rules the gentleman from Illinois [Mr. SPRINGER] has demanded a second.

MR. MORRILL. I ask that a second may be ordered by unanimous consent.

MR. SPRINGER. No; I prefer to have a vote on that question.

THE SPEAKER. The gentleman from Illinois [Mr. SPRINGER] and the gentleman from Kansas [Mr. MORRILL] will take their places as tellers.

The House divided; and the tellers reported—ayes 128, noes 57.

So the motion to suspend the rules was seconded.

MR. SPRINGER. I ask unanimous consent that the time for debate allowed by the rules be extended so that there may be thirty minutes' discussion on each side.

MR. MORRILL. I have no objection to that.

THE SPEAKER. The gentleman from Illinois asks that thirty minutes' debate on each side be allowed on this question. Is there objection?

MR. BURROWS. I think that forty minutes, the time allowed by the rules, is sufficient.

MR. SPRINGER. Oh, no; I hope the gentleman will not object.

THE SPEAKER. Objection is made.

MR. SPRINGER. I think the gentleman ought to be willing to allow one minute for each million of dollars proposed to be expended.

THE SPEAKER. Debate is not in order. The Chair will recognize the gentleman from Kansas [Mr. MORRILL] to control the time—

MR. BURROWS. I understand there is a general desire for some extension of the time for discussion on this question, and I withdraw my objection.

THE SPEAKER. Is there further objection?

MR. CHEADLE. I object, Mr. Speaker.

SEVERAL MEMBERS. Oh, no.

MR. CHEADLE. I object.

MR. OATES. I ask that there be general leave to print remarks on this bill.

THE SPEAKER. Objection to the request of the gentleman from Illinois [Mr. SPRINGER] is made by the gentleman from Indiana [Mr. CHEADLE]. The gentleman from Alabama [Mr. OATES] asks unanimous consent that leave be given to all members to print remarks upon this bill.

MR. KERR, of Iowa. I object.

THE SPEAKER. Objection is made.

MR. RICHARDSON (to Mr. KERR, of Iowa). You need not ask this privilege on any other measure.

THE SPEAKER. The Chair will recognize to control the time in favor of the motion the gentleman from Kansas [Mr. MORRILL], and against the motion the gentleman from Illinois [Mr. SPRINGER] or some gentleman on the committee—

MR. SPRINGER. I think the gentleman from Ohio [Mr. YODER] should control the time.

THE SPEAKER. Ordinarily the privilege of controlling the time would belong to the gentleman who demanded the second. Unless the gentleman from Illinois [Mr. SPRINGER] waives his right—

MR. SPRINGER. I waive my right in behalf of the gentleman from Ohio [Mr. YODER], who is a member of the Committee on Invalid Pensions and ought to have the right to control the time.

THE SPEAKER. The gentleman from Ohio will be recognized for that purpose.

MR. OATES. I did not understand, Mr. Speaker, whether the request I made was granted.

THE SPEAKER. Objection was made by the gentleman from Iowa [Mr. KERR].

MR. OATES. I trust he will withdraw that objection. In the brief time allowed under the rule—forty minutes—it will be impossible for all members to speak who desire to be heard.

MR. KERR, of Iowa. I understand that the object of debate is to influence the House. I can not see any object in it otherwise.

MR. SPRINGER. I hope there will be no objection to allowing debate for one hour.

THE SPEAKER. Objection is made. The gentleman from Kansas is recognized.

MR. CHEADLE. I withdraw my objection to the extension of time, and ask unanimous consent that there be an hour's discussion on each side.

MR. SPRINGER. I hope that will be agreed to.

MR. PICKLER. I ask for two hours on each side.

SEVERAL MEMBERS. Regular order.

THE SPEAKER. Objection is made.

MR. SPRINGER. Who objects to allowing one hour? I think that would be only fair.

MR. ROGERS. I demand the regular order.

THE SPEAKER. The demand for the regular order is equivalent to

an objection. The House will be in order. The gentleman from Kansas will proceed.

MR. MORRILL. I ask, Mr. Speaker, whether any change has been made in the time allowed for debate.

THE SPEAKER. No change has been made.

MR. MORRILL. I think, then, I ought to renew the request that forty minutes be allowed on each side. I am willing and anxious the matter should be fully and thoroughly discussed. I therefore renew the request that forty minutes be allowed on each side.

MR. ROGERS. I demand the regular order.

MR. MORRILL. I ask, then, that members be allowed to print remarks in the RECORD.

THE SPEAKER. The Chair can not submit that request pending a demand for the regular order.

MR. ANDERSON, of Kansas. I hope order will be preserved. We can not hear what is going on.

MR. MORRILL. The first section of this substitute for the Senate bill—and the Senate bill is the pension bill which passed a few days ago granting pensions to dependent soldiers, their widows, minor children, and dependent parents—the first section of this bill offered as a substitute for that provides that all enlisted men who served ninety days or more in the Army who are now sixty-two years of age shall be placed on the pension-roll at the rate of \$8 a month. This is in strict accordance with the precedents established in reference to the war of the Revolution, the war of 1812, and the Mexican war, and is based on the principle that when a man reaches the age of sixty-two he is supposed to be past that age when he can earn a livelihood by his labor and then needs the aid of the Government which he helped to defend and maintain. It is also the age of retirement of officers of the Army.

MR. MCCOMAS. Mr. Speaker, we want to hear what is going on.

THE SPEAKER. The Chair would be glad if the House would come to order. He has requested gentlemen to cease conversation and to take their seats, but it seems impossible to secure anything of that sort.

MR. MORRILL. The principle, Mr. Speaker, has been so thoroughly established by the Government it ought either to be extended to all soldiers of the late war or repealed in regard to all wars. The soldiers of the war of 1861 ought to be placed on the same footing as the soldiers of the war of 1812 and the Mexican war.

The second section of the bill provides that all persons who served for ninety days or more in the service of the Government during the late war of the rebellion and who are now disabled shall be placed on the pension-roll at \$8 a month.

The whole theory of the bill is to recognize disability and age in the granting of pensions. No proof is required as to where the disability was incurred. It is not required for the soldier to show he incurred disability in the service or in the line of duty, but simply that he is disabled now. On the theory of this section, a man disabled to the extent required by this section is disqualified from earning his support by manual labor as he would be if he were sixty-two years of age. It extends the same benefits to the man disabled as to the man who has reached that age. In other words, it places on the pension-roll all who have arrived at sixty-two years of age, and all now disabled, without regard to where the disability was incurred. It proposes to pension no able-bodied man, but those who offered their services in the defense of their country and are now unable to earn support by reason of age or disability.

The third section provides for pensioning the widows of the soldiers, and this is a recognized principle which has been applied to all soldiers of wars prior to this. I believe it is now time to apply the same principle to the war of the rebellion. Twenty-five years have elapsed since that war closed and the widows and soldiers are growing old, and it is time to apply the same principle which has been applied to the war of 1812 and the Mexican war.

It has been suggested that this section makes a distinction between the widows; that under existing laws the widow receives \$12 a month, while under this section those pensioned under it would receive only \$8. It seems to me a moment's consideration will convince any one that this is proper and just. Under existing law the widow is required to prove that her husband lost his life in the service or as a result of the service. She must prove that he incurred the disability in the service which resulted in his death. In the majority of cases of widows receiving pensions under the terms of the existing law the soldier was married to her before the war. She encouraged him to go into the Army in defense of his country. During his absence she remained at home and cared for the little ones, while he was battling in the front. Perhaps he died on the battle-field, or in the hospital, or after reaching his home, as the result of wounds received in the service. All these facts must be proved by her before the pension can be received.

Under this section of the law, however, if the widow met her husband for the first time in 1880 or 1885, or any time after the war, and afterwards married him, and he was killed last week in a railroad accident, she goes on the pension-roll at the rate of \$8 per month as fixed by the bill. It seems to me that under the circumstances every fair and just minded man will see that this is a proper distinction to be drawn.

The fourth section of the bill provides merely for regulating the fees of attorneys. It is a clean and pure service pension, and that only.

Mr. BUTTERWORTH. What effect will the bill have on those who are now on the rolls at different rates and on new applications?

Mr. MORRILL. This does not affect the pensions of those already on the rolls at all, nor does it affect the right of anybody to apply under the existing law for a pension.

Mr. SAYERS. Will the gentleman from Kansas be kind enough to explain now to the House the cost of the two bills, the Senate bill and the substitute bill proposed by the Committee on Invalid Pensions.

Mr. MORRILL. It is estimated that the Senate bill will cost \$36,000,000.

Mr. SAYERS. Annually?

Mr. MORRILL. Yes, sir, annually; and we estimate that this bill, the House substitute, will amount to about \$39,000,000. I believe the principles involved in the Senate bill are not such that the country should adopt. I believe it to be a very unsafe principle in pension legislation to require a man to prove dependence, to prove his inability to support himself, in other words to prove himself a pauper, before he can be allowed to receive a pension. This bill proposed by the House committee does not recognize that principle at all.

Mr. SAYERS. When the gentleman speaks of \$39,000,000 as the cost of this bill, does he mean the maximum expenditure involved?

Mr. MORRILL. That is the total for the year ending June, 1891, and that is the largest possible amount, as the committee believe, that would be required for that year.

Mr. MCCOMAS. Let me ask the gentleman just one question for information, and that is whether or not in this case the estimates of the committee are not more specially accurate because of the data accessible to the committee on which the estimate was based.

Mr. MORRILL. Mr. Speaker, we have for more than two months carefully investigated the matter and examined every possible item of expense that can enter into this bill and have exhausted every resource that would furnish information, and we can not make the figures otherwise than as I have stated. I am thoroughly satisfied that the estimate will exceed the amount that is required rather than fall below it.

Mr. PICKLER. Will the gentleman allow me to ask him a question?

Mr. MORRILL. Certainly.

Mr. PICKLER. If this bill is adopted, is not the design of it, in placing it before the House in this manner, to cut off our right to have a vote on a per diem or service pension only in the House?

Mr. MORRILL. Not at all. I will state to the gentleman that there are several other bills to come up, and the service-pension bill can be offered as an amendment to either of them.

Mr. HENDERSON, of Iowa. And this is a service pension.

Mr. MORRILL. Yes, sir.

Mr. PICKLER. And let me ask the gentleman further if that is not the direct object of bringing the bill in in this manner.

Mr. MORRILL. Not at all, sir; but simply to secure action on this measure at the very earliest practicable date.

Mr. CHEADLE. Let me ask the gentleman a question. It is estimated since pensions were first filed in the Department that more than 100,000 soldiers have died before their pensions were allowed—

Mr. MORRILL. I must beg to decline answering the gentleman if he is going to make a speech; I have but a few moments' time.

Mr. CHEADLE. I only want to ask the gentleman—

The SPEAKER. The gentleman declines to be interrupted.

Mr. MORRILL. Mr. Speaker, I have but a few moments, and I reserve the remainder of my time.

Mr. YODER. I yield now five minutes to the gentleman from Ohio, my colleague [Mr. BOOTHMAN].

Mr. SPRINGER. I am informed that the gentleman from Arkansas [Mr. ROGERS] will withdraw his objection to forty minutes on each side.

The SPEAKER. The gentleman from Ohio is recognized.

Mr. BOOTHMAN. Mr. Speaker, I do not rise for the purpose of opposing this bill. It is not my forte in this Congress, nor was it in the Fiftieth Congress, in which I served, to act in opposition to any measure granting pensions to the soldiers of the late war. But I do rise for the purpose of entering my protest against bringing in a bill involving the amount that this does into the House and forcing its passage through the House without the right to propose or offer a single amendment. [Applause on Democratic side.] And while I say this, I say that if we are compelled to go to a vote on this bill I will vote for it; but I conceive it unjust to the friends of other measures that this bill should be placed in this form before the House.

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

Mr. BOOTHMAN. In view of the fact that I have but five minutes, I decline to be interrupted.

Mr. CUTCHEON. I only want to know if the gentleman is opposed to any feature contained in this bill?

Mr. BOOTHMAN. Yes, I am.

Now, I will state the points of objection in the bill: First, I object to the age limitation of sixty-two years. And why? Why is an age limitation put into a pension bill at all? It is for one of two reasons: either to give the country time to gather the means to pay the pensions or to economize at the expense of the soldier who is claiming the pension.

Mr. PICKLER. Waiting for the soldier to die.

Mr. BOOTHMAN. But what becomes of the soldiers who under this bill are denied pensions, and who can not go on the rolls because of disability, and who die before attaining the age of sixty-two? There is the objection to the bill. I am in favor of the per diem rated bill, which will give to every soldier, according to his service, the same rights to a pension; and I desired to see that bill introduced as an amendment to some such measure as this.

I object to putting off until the age of sixty-two the granting of a pension the nation is now able to pay; for we are able to pay all these reasonable demands. The per diem rated pension would take no more money annually out of the Treasury than will this bill now under consideration. It would give to a man who served four years a pension of about \$14 or \$15 a month, while to a man who served but ninety days or a year it would give 90 cents or \$3.65 a month, as the case might be.

Now, sir, if a service-pension is to be granted for services, it should be for services rendered, and let each man get according to his service; but the pension by this bill is put off until the age of sixty-two shall be reached; many of these men will be in their graves and will have received no pension. To my mind these are the objections to this particular bill. I hold that as soon as a war closes in which the nation's honor is involved, if the intention is to pay a service pension it should be paid at the earliest possible date after the close of the war when the nation becomes able to pay. This nation is now able to pay; and so I enter my protest, in the name of hundreds and thousands of soldiers in my district, against the limitation contained in this bill. I say that it is wrong, although I shall vote for the bill, because it is the best I can do under the circumstances under which this bill has been brought up, being brought up, as it is, without the right to offer an amendment, with only the right of twenty minutes' debate on each side. I say it is not fair, under such circumstances, to require us to be shut out absolutely upon these points where amendments ought to be offered. That is about all I care to say.

Mr. PICKLER. I desire to say, as I have been unable to get the floor, that I indorse the speech of the gentleman from Ohio [Mr. BOOTHMAN].

The SPEAKER. The gentleman from Ohio [Mr. YODER] has the floor.

Mr. SPRINGER. I now renew the request that debate be extended to forty minutes on each side. The gentleman from Arkansas [Mr. ROGERS] has withdrawn his objection. I hope the Chair will put this request.

Mr. BAYNE. I hope no one will object to that. Let that be agreed to.

Several MEMBERS on the Republican side. Let it be agreed to.

The SPEAKER. Is there objection to the request of the gentleman from Illinois that debate on this bill shall be extended to forty minutes on each side? [After a pause.] The Chair hears none, and it is so ordered.

Mr. SPRINGER rose.

The SPEAKER. How much time does the gentleman from Ohio [Mr. YODER] yield to the gentleman from Illinois?

Mr. YODER. The gentleman desires five minutes. I yield that to him.

Mr. SPRINGER. Mr. Speaker, I may not occupy that much time. I simply desire to explain my vote. I shall vote against the motion to suspend the rules and pass this bill for the reason that no proper consideration can be given to a measure of this kind in the limited time allowed. No amendments are in order under this motion. We are obliged to take this bill as we find it. Many of us have never seen it before. It has been considered, I presume, in the Committee on Invalid Pensions. Members of that committee may be familiar with its provisions; but this House can know nothing about it except what they can learn in the brief debate allowed and from the reading by the Clerk.

Now, I am opposed to it for another reason. I do not believe—at least my attention has not been called to the fact—that a single Grand Army post or soldier of the United States has petitioned for the passage of this bill. The soldiers of the country have asked for a service-pension bill.

Mr. PICKLER. That is right.

Mr. SPRINGER. They have asked for a service-pension bill.

Mr. KERR, of Iowa. I want to ask the gentleman a question.

Mr. SPRINGER. I can not yield. Mr. Speaker, my time is limited, and I do not desire to be interrupted. I hope the Chair will try to secure order and that I may have the floor.

The SPEAKER. The Chair will try to do so. The gentleman from Illinois will suspend until there is order. [After some time.] Will the gentlemen in the main aisle be kind enough to take their seats and cease conversation?

Mr. SPRINGER. As I stated in the midst of the confusion, I reiterate that not a single Grand Army post or soldier, so far as I have heard, in the United States has petitioned for the passage of the pending bill; but, on the contrary, if my information is correct, the soldiers of the country have asked for the passage of the per diem service-pension bill. A bill of that character has been referred to the Committee on Invalid Pensions and has not yet been reported by that committee to the

House. Under this motion we have no right to consider it and can not move it as an amendment to the pending bill. Soldiers have asked for the per diem service-pension bill as a measure of justice; and the majority on this floor have now proposed a bill which requires that soldiers must be sixty-two years of age before they can get what they are demanding of this Congress, a pension on account of their service.

Mr. MILLIKEN. Mr. Speaker, will the gentleman allow me a question?

Mr. SPRINGER. No; please excuse me; I have not the time.

The Committee on Invalid Pensions is a privileged committee and can report its measures to this House at any time. Instead of coming before the House as other committees come and allow their measures to be discussed and amended by the House, they have come in on individual suspension day and asked for the passage of this bill under a suspension of the rules, when all debate is limited to forty minutes, when it is not in order to offer amendments, and we are required to vote for or against the passage of the bill. It will require a two-thirds vote to pass this bill. You know that it is next to impossible to secure a two-thirds vote for such a measure. If you really desire to pass it why did you not call it up, as you have a right to do, your committee being privileged, and pass it by a majority vote? Gentlemen, this is an evasion of your responsibility to your constituents. It is a dodging of the issue. It is a betrayal of the pledges you made to the people when you were candidates for seats in this House, when you told the soldiers of the Union that you would give them a service pension. They ask for bread and you are giving them a stone.

The gentleman from Ohio [Mr. YODER] has offered a per diem service-pension bill. His bill is demanded by the soldiers of the country.

In conclusion, I desire to call your attention to the fact that if you pass this bill now under suspension of rules then no other pension legislation of a general character will be enacted during this Congress; but if we vote down this motion to suspend the rules and pass this bill the Committee on Invalid Pensions will be instructed by this House and by that vote to bring in a service-pension bill and allow the House to pass it; and I believe the majority of this House is in favor of passing such a bill if allowed to do so.

The gentlemen on the other side of the House have boasted that they had adopted a code of rules that would permit the majority to pass such legislation as it desired. Now let the majority of this House have an opportunity to vote on the service-pension bill, instead of the bill now pending, and you will find that that bill will receive the vote of a majority of the members on this floor.

Mr. MORRILL. Is it not a fact that during the six years your party had control of the House you actually refused to consider a pension bill except on suspension day?

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. SPRINGER. Have I not a right to answer the question propounded by the gentleman from Kansas [Mr. MORRILL]?

Mr. MORRILL. In your next convention you may resolve—

The SPEAKER. The gentleman from Kansas is not in order. The gentleman from Ohio [Mr. YODER] has the floor.

Mr. YODER (to Mr. MORRILL). Do you intend to reserve all your time?

Mr. MORRILL. I reserve my time. I will give way to the gentleman from Ohio [Mr. YODER] to go on now and I will reserve the balance of my time.

Mr. YODER. I wish to reserve my time.

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

Mr. YODER. I reserve the time.

Several MEMBERS. You can not do it.

Mr. YODER. Well, then, I yield ten minutes to the gentleman from Missouri [Mr. TARSNEY].

Mr. TARSNEY. Mr. Speaker, we are asked here this morning to pass, under suspension of the rules, a pension measure which is admitted to involve an expenditure of \$40,000,000 for the first year, and that is the lowest estimate that can possibly be put upon it. We are asked to do that without an opportunity for discussing the merits of this bill, without opportunity for offering amendments to it; but, under the gag-law of the suspension of the rules, to put it through without deliberation or consideration. Mr. Speaker, that \$40,000,000 which it is proposed here to appropriate annually under this bill is not the money of the members of this House, but is the money of the people of this country, wrung from them under your system of taxation, and it would well beseem the members of this House, exercising the trust imposed upon them, to scan carefully the features of this bill in order to see whether it is a meritorious and proper measure or not.

Mr. Speaker, I can not and will not vote for this measure as it is presented to this House. Under the rule under which this bill is brought in an opportunity is not given to consider it or to discuss it as I would discuss it in order to satisfy the people whom I am on this floor to represent, and, by reason of that fact, I desire to here give notice to this House and to the men who propose to put through such measures as this under gag-law that they shall be discussed, even if we are compelled to interfere with the little tea parties that assemble in this Hall on every Friday night. Therefore I say to them that by

shutting off debate upon this measure this morning they have not expedited the business of the country in one single particular.

Mr. Speaker, from 1862 to the present moment not one session of Congress has been held but that general pension laws have been enacted or amendments thereto have been made, and, although a large part of every session has been devoted to this class of legislation to the exclusion of other business, although every new act and amendment has been to enlarge the class of beneficiaries or to increase the amount allowed to the pensioners, although each measure has been declared by its authors and advocates to be sufficiently comprehensive and liberal to meet every just demand that would be made for years, although our pension system year by year, as each new enactment or amendment has been added thereto, has been declared to be the most liberal pension system that has ever existed, yet, sir, notwithstanding all this, session by session, as new enactments increasing the expenditures of the Government on account of pensions have been placed upon the statute-books until the expenditures therefor have trebled those of 1860, are fourfold greater than those of 1870, and nearly tenfold greater than those of 1866, a year after the war had closed—notwithstanding all this, I say, the demands of those for whom such expenditures have been made have constantly increased, and to-day such demands are more loud and more universal than at any time before the present liberal pension laws were enacted.

It would seem as though this demand for pension expenditure were an appetite that "doth increase by what it feeds on." Here to-day we are invited to make a new departure in the field of pension legislation. Here to-day we are invited to enact a measure that makes no inquiry into the merits of the soldier who may become the beneficiary of a pension. Here to-day we branch out into the broad field of indiscriminate pension legislation.

Mr. Speaker, I am opposed to indiscriminate pension legislation. I am opposed to these measures that place the brave soldier who never missed a roll-call, who was always in line of duty, upon an equality with the skulking coward, the camp-follower, and the coffee-cooler. I believe, Mr. Speaker, that the element of merit should be, if not the controlling element in the granting of pensions, at least entitled to some consideration and weight. I tell you—and I speak it as a soldier as well as a citizen—that every time the bounty of this Government is given out to the unmeritorious and undeserving simply because they wore a uniform, at that time and to that extent you do rob the meritorious and the brave soldier of the merit that he earned as such.

Mr. Speaker, what do you propose to do with this bill? Do you propose to inquire whether the beneficiary under it served a day in the line of duty? Do you propose to inquire by this measure whether he ever gave any service to his country in the hour of need? No; but if his name appears upon the muster-in roll, if his name appears upon a discharge, that is all you want in order to place him on the roll of honor side by side with the brave man who, on every battle-field where his organization was led, faced death like a noble hero.

Mr. Speaker, let me say to the country that the soldiers of this Union are to-day tired of this clamor for indiscriminate pension legislation. There are only a few who assume to speak for them (except these non-combatants here); there are but a few, and they the ones who never performed any meritorious duty as soldiers. Where are the true soldiers of the Union? Sir, as in the days of war and battles they were men of conviction, of courage, of activity, of self-dependence, of self-reliance, so to-day in every walk and avenue of life, in every vocation and calling, with the same courage, the same conviction, the same self-reliance, they are nobly and honorably battling with the world for the working out of their own destiny. They have turned away in loathing and disgust from the ceaseless cry of "Give, give, give," which, being uttered in their names, is robbing them of all that is honorable in the name of soldier.

I say to you, Mr. Speaker, submit to-day to the men who fought the battles of this Union and saved the life of this nation, submit this measure to them and it will find a smaller percentage of friends in the ranks of that noble soldiery than it will among the men here who have enlisted and become soldiers since peace was proclaimed.

[Here the hammer fell.]

Mr. YODER. I wish to say to my colleague on the committee, the gentleman from Kansas [Mr. MORRILL], that gentlemen on this side who desire to speak have requested that the speeches on the two sides alternate.

Mr. MORRILL. I am willing to conform to that arrangement. I yield five minutes to my colleague on the committee, the gentleman from Pennsylvania [Mr. CRAIG].

Mr. CRAIG. Mr. Speaker, if my time would permit I should be glad to speak at length of the various features of this bill. As it is I desire to say that, while the bill does not come up to the full measure of my wish in regard to the soldier, still I shall support it. It is an advance, an improvement on the present pension laws. It is in many of its features a radical change. Its principles are broader and more liberal. It admits to the pension-rolls many thousands of soldiers who are just as deserving of pensions as many who are already on the roll.

I believe that every true friend of the soldier concedes the fact that our present pension laws are doing great injustice to many meritorious soldiers of the country. There are living to-day 900,000, or nearly 900,-

000, soldiers who are getting no pension. Three hundred thousand of these have applied and have not yet been granted pensions. It is presumed that a large percentage of these have existing disabilities from disease or misfortune. There are also a large number who are growing old, are reaching that time of life when, by reason of their age, they are unable to support themselves and their families by manual labor. These should be provided for. Under this bill they are provided for if they have arrived at sixty-two years of age. This bill is a long step in the right direction, a step towards the consummation of that time when all the soldiers of the Union Army will be placed upon the pension-roll, the roll of honor of a grateful nation.

There is a feature of this bill which I wish to commend. I desire that no soldier who defended the flag shall feel that there is anything in the pension laws requiring him in any way to humiliate himself in order that he may be placed on the pension-roll. The present bill provides that a pension shall be granted for disability without compelling the soldier to make oath or affidavit that he is a pauper. He may be poor, he may be unfortunate; but if he has served his country and has a disability he can be placed upon the pension-roll under this bill without that humiliation and degradation. I appreciate the feeling of the soldier that his service to his country, the record he has made in the Army, entitles him to be placed on the pension-roll without being compelled to make an affidavit of pauperism.

Under this bill he is not shut out by the narrow rulings of the Pension Office and the restrictions of the present law, which requires such strict proof of the incurrence of the disability in the service. This bill grants a pension for disability without requiring the soldier to prove origin in the service.

The restrictions in this bill are an age qualification—sixty-two years—and also a fixed and definite disability qualification; but there is no requirement of proof of dependence.

Mr. BIGGS. I wish to ask the gentleman a question. Why do you put in the bill this clause fixing the age of sixty-two years? If I entered the service as a minor and did my duty, I am as much entitled to recognition from my country as one who entered the service at a later age. If you strike out that clause prescribing an age qualification I will vote and work for the bill.

Mr. CRAIG. We put in that clause simply because it is presumed at that age every man is incapacitated for earning a livelihood by manual labor. Besides, those who are not sixty-two years of age and are disabled are entitled to go on the pension-rolls under the second clause of the bill. In my opinion the age qualification should be fifty years, upon the ground that the soldier's service, on the average, shortened his life at least twelve years.

The second clause of the bill goes further than existing laws in that the claimant is not required to prove—what is impossible in many meritorious cases—that the disability was incurred in the service.

It thus admits all who have a present disability to the pension-rolls who have been barred by reason of inability to prove incurrence of that disability in the service. This, on the broad ground that the country ought to take care of those who, through this inability to prove up their claims or through misfortune and disease, have disabilities now and who thereby are unable to earn a livelihood at manual labor.

We particularly honor our dead heroes by eloquent eulogies, statues, and monuments. In a few short weeks the loyal people of this country will be engaged in the beautiful and impressive services of the ritual of the Grand Army of the Republic, when we decorate the graves of our fallen heroes with flowers. But we are neglecting twenty-five thousand of living, equally brave defenders of the flag, in the poor-houses of the land. What a travesty, my countrymen! Eloquence, flowers, and monuments for the dead! God grant we may have more of them! But what of these living heroes? What of the thousands who are kept from the poor-house by contributions of their more fortunate, sympathizing comrades, neighbors, and friends? What of those who are struggling along in suffering and weakness on the verge of pauperism? Those who once stood in the front of the battle, but who in the march of life have fallen behind, should not be abandoned to want and destitution. These men were once the pride and glory of the nation and the admiration of the world.

When they ~~were~~ adly and victoriously marched through the streets of Washington in that grand final triumphal review, in 1865, in the presence of the President, the Commander-in-Chief, and that assembled con-course of citizens from the States of the Union saved by their valor, when peals of victory, shouts of joy, were sounding and echoing over the land, and praises and honor were everywhere freely bestowed on them, no stretch of that soldier's imagination down through the dim vista of these years could have realized himself, or comrades, or his widow, or orphan children so soon suffering in want and neglect. No, Mr. Chairman, the shame to the country would have been too great to be thought or dreamed of in those proud, happy, and honored hearts. I hope the day has come when that shame will be wiped out.

Mr. Speaker, it is a season of sunshine and joy, of budding leaf and flower. It is the Easter-tide of resurrection from stagnation and death unto life. The people all over the whole land were yesterday rejoicing in the beautiful service of commemorating the resurrection of the Man of the people, Who suffered and died for the salvation of a lost race.

Let us make it a time of joy and sunshine to many humble hearts and homes in this land by a resurrection of the stagnant patriotism and gratitude of the country towards those who offered their lives, were willing to die, to save the nation. Let the leaf and bud and flower of gratitude, warmed in the sunshine of loyalty and patriotism, burst forth at this opportune time and season, and bring joy and comfort to the old soldiers who once stood by the flag and now stand in need.

Mr. SPRINGER. If unanimous consent be given to all members to print remarks—

The SPEAKER. The gentleman from Ohio [Mr. YODER] has the floor.

Mr. YODER. I yield five minutes to the gentleman from Indiana [Mr. MARTIN].

Mr. MARTIN, of Indiana. Mr. Speaker, in some measure I feel now in the same situation as was expressed a few minutes ago by the gentleman from Ohio [Mr. BOOTHMAN]. It was my intention to offer an amendment to this bill, by which a service pension of at least \$8 a month should be granted to every honorably discharged Union soldier who served for a period of sixty days or upward in the war for the Union, and in addition a per diem for the time actually served over eight hundred days, and this was known to the member who makes the motion to take up this bill so as to cut off amendment.

I am very much surprised, not to say indignant, at the manner in which this measure is being called up, as it seems to me that it is for the very purpose of avoiding amendments I myself and other members of this House I know intended to offer. Why should this bill be brought up in this shape? Why should there not be a fair chance of every member representing his constituency, as I do mine now? Why should there not be a fair chance to take the sense of the House on these separate ideas of service pension? Why is no opportunity of amendment to be allowed? I say to you, Mr. Speaker, and to the members of this House, I intended to offer the amendment I have mentioned in good faith, that I am earnestly in favor of it, and that I know the old soldiers of my district, those who served four and five years, as well as those who served shorter terms, are in favor of it. The petitions I have offered and placed upon the record during the present session of the House bear me out in this statement.

Let me ask you another thing. Why should you treat the soldiers of the late war with less liberality than you treated those of the Mexican war? Why should you require them to prove a service of ninety days when, as I understand it, in respect to the soldiers of the war with Mexico only sixty days are required to be proved? I am opposed to any age limit in any pension bill.

Mr. KERR, of Iowa, rose.

Mr. MARTIN, of Indiana. I am sorry to decline, but my time is so short that I can not yield.

I believe it is true that this bill, coming as it does, does not come in response to the demands of any body of soldiers that I know of. During the last Congress—the Fiftieth—seventeen bills were introduced for a service pension, and of these but three proposed an age limit at all, and one of these was not introduced until the 15th of October, 1888. The other two were introduced by gentlemen who are now members of this House, but they have not reintroduced them in the present Congress. During the present session eighteen bills have been introduced prior to the 17th of March last for enactment of a service-pension law, and but three of them undertook to fix any age limit at all. All the balance of these go on a different principle, either the principle suggested by the gentleman from Ohio [Mr. BOOTHMAN] or the suggestion I myself have made.

Mr. Speaker, what reason is to be given to the Union soldiers of this country, to the old soldiers who have sent their petitions here by the hundreds, to the great body of military organizations which have sent in their petitions, for inserting an age limitation in this law? What excuse can be given by this Congress for this course of legislation? I understood it, distinctly and fairly, that when this bill came up an opportunity would be given to permit this House to pass upon these different ideas of service pension and to allow amendments to be offered for that purpose.

Mr. PICKLER. That was promised to all of us, that we should have a fair chance, and not have this choked down upon us by a few members. You must not deceive the soldiers of the country.

The SPEAKER. The gentleman will come to order.

Mr. MARTIN, of Indiana. No, I do not deceive them. When it comes down to the passage of this bill I will vote for it; but I will do it with the greatest reluctance, because I believe it is withholding that which the soldiers deserve and that which has been promised until they justly expect it at the hands of this Congress.

More than that Mr. Speaker, I do not know whether an opportunity will be given during the present session or not, but by this rule, by this method, the opportunity will be cut off, of offering amendment by which the unjust limitation attaching to soldiers' pensions granted upon applications filed since the 30th day of June, 1880, will be removed.

[Here the hammer fell.]

[Mr. LANE withholds his remarks for revision. See Appendix.]

Mr. YODER. Mr. Speaker, before beginning my argument, I wish

to ask that I shall not be interrupted, for I am, as you all know, a young member and very bashful [laughter]; and, if there are questions that gentlemen want to propound, I prefer to answer them at the close of my remarks.

On last Friday I sent a request in writing to the Speaker of this House, asking that to-day, immediately after the reading and approval of the Journal, I should be recognized for the purpose of moving to discharge the Committee on Invalid Pensions from the further consideration of this service-pension bill No. 1070, providing for the per diem service pension, as asked for by the Grand Army of the Republic and the Union Veterans' Union, and that a day be fixed for its consideration and it be put on its passage, but should be debated until 4 o'clock of that afternoon; and that then the question should be put upon its engrossment, third reading, and passage. I refer to the service-pension bill now pending. I have the response to that request by this star-chamber proceeding here, the gag-rule, that you are going to place upon the lips of friends of the service-pension bill. You make promises to the soldiers and how do you fulfill them?

Mr. Speaker, I have placed in that petition-box more than fifty petitions from the Grand Army of the Republic and the Union Veterans' Union in one morning in favor of this service-pension law. We have sat for months in the committee-room and listened to representatives of the different soldier organizations throughout the country, Grand Army men, members of the Union Veterans' Union, and all the different loyal soldiers' representatives, and what did we hear? We have never heard a request for such a bill as this proposed to be put through under a gag-rule, without giving the House even the privilege of asking that it be amended by a substitute for the bill now under consideration.

Ah, you will be put on record; you can gag us; you can go on the stump next fall and renew your promises to the soldiers of a service pension; but I tell you they will not believe a word of it. What are you giving them here? You say to them, "Wait until after you are dead and then we will give you a service pension." "Wait until you are sixty-two years of age and we will give you a pension." What soldier organizations have asked Congress to put a limitation of age in such a bill?

I repeat, you may gag us here; you may shut the mouths of the Union Veterans' Union as to the service pension; you may shut your ears and eyes to the pleadings and petitions; you can put your bill through under this rule, with five or ten minutes of talk, when men can do no more than enter their general protest against such legislation; but you can not deceive the soldiers. Why are you afraid to go on record? You have promised to be fair and just and honest with the soldiers of the country; but, I ask again, what are you giving them? This bill that is proposed to be substituted in place of the Senate bill. I will say frankly this is a better bill, infinitely better, than the pauper Senate bill; but it is not what the soldiers want, and you will hear from them. There has not been one demand made in favor of the passage of this bill by anybody that represented any soldiers' organization of this country.

You may gag this House; you may keep from being placed on record on the service-pension bill. You will never gag the country and you will never gag the soldiers of this country. They know their friends. [Applause on the Democratic side.] If you would come into this House and allow three or four hours' debate and opportunity for amendment on this bill I would not say that I would not vote for it. I do not say that I will not vote for it now. I am ready to give the soldiers something. But look at your bill; you have never had time to read it. You have not had time to digest its provisions. It is proposed to be brought in here under a star-chamber proceeding, and you have every man's mouth gagged.

I have heard twenty-five or thirty gentlemen on that side of the House beg for a minute's time to explain to the soldiers why this outrage is to be perpetrated upon them. Why are you afraid to do this thing in daylight? Why are you afraid to go to the country and be placed on record? The service-pension bill I had the honor to introduce will only take from ten to twenty million dollars more than this bill, and it will do an act of justice, an act that is in keeping with the promises that have been made. I can simply say, Mr. Speaker, that I can only enter my general protest against this proceeding. I reserve the balance of my time.

Mr. MORRILL. I would like to ask the gentleman a question. Is it not a fact that during the whole six years your party had control of this House they never allowed a general pension bill to come up in any other way than under suspension of the rules?

Mr. YODER. Well, but you claim to be the special friends of the soldiers. Now, you come in and gag us when it comes up, and you do not allow a fair vote. You are afraid.

Mr. MORRILL. I misunderstood the gentleman entirely. I thought that you said your side was the special friend of the soldier; and I thought you were in favor of anything that increased the pension-roll. Is it not a fact—

The SPEAKER. The gentleman from Kansas is now speaking in his own time. [Laughter.]

Mr. MORRILL. I want to ask the gentleman if every general pen-

sion bill since the war has not been passed under a suspension of the rules? The bill repealing the limitations for arrears, in 1879, involved an expenditure of three times as much as this bill. Was not that bill passed under a suspension of the rules? Was not, also, the Mexican pension bill, the dependent-pension bill, and every bill of that kind?

Mr. HENDERSON, of Iowa. The bill increasing pensions of widows?

Mr. MORRILL. The widows' bill.

Mr. HENDERSON, of Iowa. The bill increasing pensions to one-armed and one-legged soldiers, was not that passed under a suspension of the rules?

Mr. MORRILL. Yes. Were not the bills increasing the pension to one-armed and one-legged soldiers passed under a suspension of the rules?

Mr. YODER. I will answer that question now in this way: Is it not your intention to gag us and keep us from being put on record on the service-pension bill that we have this outrageous proceeding here?

A MEMBER. Well, you are on record.

Mr. HENDERSON, of Iowa. We intend to tie every Democratic hand that has a dagger for the soldier in it. [Applause on Republican side.] This bill will give the boys \$40,000,000, and if not passed it will be by Democratic votes that it will be defeated. [Applause.]

The SPEAKER. The House will be in order. There is no difficulty about the House being in order, but there is some difficulty in keeping it in order.

Mr. SAWYER. Mr. Speaker, I have been somewhat surprised at the course taken in the discussion of this bill. I had supposed that the intention was to consider the bill; but I understand now the opportunity is taken for one political party to attack the other.

Now, the Democratic party has had control of Congress for several years; and I wish that the gentlemen of that party who may speak will tell us of a single solitary exception where they have brought before the House for its consideration any service-pension bill. I would ask them to tell us when they brought before this House for its consideration any general pension legislation and asked for its consideration except in the very manner in which this bill is being considered. Every general pension bill has been considered in this House under suspension of the rules; and yet we find that gentlemen are clamoring that there is something unusual in the consideration of this particular bill.

Now, in the last Congress, when the Democratic party had control of the House and a majority of the Committee on Invalid Pensions, if they were in favor of a service-pension bill, why did they not consider it? Such bills—several of them—were before the committee. The majority of the committee were Democrats. If they were in favor of the service-pension bill why not report it to the House and have it considered? It is simply because then as now the majority of them are opposed to any service pension. There has never been a service-pension bill brought before the House for its consideration except the Mexican pension bill, and that received almost the entire vote of the Democratic party.

Now, Mr. Speaker, our committee has had its attention called to a large number of bills, some of which were proposed by outside organizations. The Grand Army of the Republic asked for a general service-pension bill, with a minimum of \$8 a month, and varying from that to \$14 a month.

The gentleman from Ohio [Mr. YODER] presented for consideration a bill—simply a service-pension bill, without any minimum fixed at all. Complaints have been made that there were four kinds of legislation that should be provided for. First, there should be some kind of service-pension bill adopted. Second, that the disabled soldiers who were suffering from disabilities not arising from their service—the poor, disabled soldiers—should be cared for. Then it has been claimed that the widow of the disabled soldier should be cared for, and the Committee on Invalid Pensions have adopted a bill which, in our judgment, is the best practical answer to all these questions. That is, first, that every soldier who served three months and was honorably discharged, at the age of sixty-two years, shall have a pension. And why? Because that is the age at which officers are retired from the service; that is the age recognized in the Pension Office when men are disabled from earning their support by manual labor. That was the age adopted in the granting of service pensions to Revolutionary soldiers, to the soldiers of 1812.

It is the age that was adopted in granting service pensions to soldiers of the Mexican war. Now, in order to conciliate all classes, those who favored the Mexican pension bill and every other class, we have adopted that age when we say that we can grant a service pension—

The SPEAKER. The time of the gentleman has expired.

Mr. YODER. I yield one minute to the gentleman from Illinois [Mr. WILLIAMS].

Mr. WILLIAMS, of Illinois. Mr. Speaker, within the short time allowed me I shall not undertake to make any argument upon this bill. I simply rise to enter my protest against this manner of considering a measure of this importance. Of course it is within the power of the majority to adopt any kind of rules they please for the passage of measures here, but I do say, Mr. Speaker, that it is unfair to the thousands of soldiers in this country, whose interests are entirely disregarded in this bill and who have friends upon this floor, to pass a measure of this kind under the gag law, without permitting amendments to be offered and considered in this House. It is an open confession before the coun-

try that your bill will not stand investigation. Let it be considered in such manner that the House may have an opportunity to amend it and improve it.

The SPEAKER. The time of the gentleman has expired.

Mr. YODER. I yield one minute to the gentleman from Indiana [Mr. CHEADLE].

Mr. CHEADLE. Mr. Speaker, I want the country to know that this substitute removes the element of dependence from the Senate bill and I want the country to know that it removes it at the expense of reducing the pension from \$12 to \$8 a month. I objected to the consideration of this bill, and one of the reasons was because by eliminating the word "dependence" it reduces the pension from \$12 to \$8 a month. Since applications for pension have been filed in the Department more than 100,000 of my comrades have died and the widows of only about 55,000 have been granted pensions; so that nearly 50,000 widows of soldiers who died with their claims pending have never been pensioned at all, and this bill proposes to give them \$8 instead of \$12 a month.

The SPEAKER. The time of the gentleman has expired.

Mr. YODER. I yield one minute to the gentleman from Michigan [Mr. ALLEN].

Mr. ALLEN, of Michigan. Mr. Speaker, \$40,000,000 in addition to the sums now paid to the soldiers is something towards aiding them. It is not as much as they deserve, but, if I can not get more, I propose to take what I can get, and in doing so I expect to live long enough to see it doubled by another Congress at another time. The people of this country will soon understand that to pension the soldiers is not going to impoverish the Treasury, as gentlemen upon the other side have always claimed it would; and I, for one, prefer this bill to the one which came from the Senate, with pauper features which many soldiers feel to be degrading. I am in favor of the per diem bill, but if I can not get it now I certainly will not be so foolish as to say that I will take nothing else. And to the gentlemen upon the other side who talk about forcing this bill through the House, I say I am glad that Congress, which has been accustomed for years to force to the front, by this means, measures of no considerable merit, has for once dared to say to the country, "We will give you a pension law if we have to do it under a suspension of the rules."

The SPEAKER. The time of the gentleman has expired.

Mr. LAWLER. Let us give them \$12 a month.

Mr. YODER. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has four minutes remaining.

Mr. YODER. Mr. Speaker, the gentleman [Mr. ALLEN, of Michigan] said he was glad that we should have some pension legislation, even in this way, but he did not stand up on that side of the House and say that he was not afraid to be put on record. He did not say, and he will not say now, that this is honest, square legislation. He will not say that this is designed to meet the demand of the soldiers, to give them what they are entitled to and what they ought to have. Here we have the spectacle presented to the American people of the professed friends of the soldiers turning their backs upon them in this way.

I can hear my friend from Iowa [Mr. HENDERSON] on the stump next fall telling the soldiers how he whipped the rebel brigadiers on this floor because they would not vote for a service-pension bill. I can hear these gentlemen talking to the soldiers of this country and telling them that they could not pass a service-pension bill because of the opposition on this side of the House. Think of it? I demanded recognition, and at the first demand of that kind you say, "We will put a gag upon you; you can not offer an amendment; you can not offer a substitute; you shall have no hearing for a service-pension bill. You service-pension advocates, you soldier organizations of this country, you must stand dumb until we go home and get on the stump, and then we will explain to you how the rebel brigadiers prevented us from passing a just and equitable measure."

Oh, you can not fool the boys any longer. You have fed them on taffy long enough. [Laughter.] This will not go down. You have the majority here, you have the House, you have the rules, you have the Speaker, you have the committees; and yet you must put a gag on us and shut our mouths so that we can not be heard in favor of a service-pension bill.

Mr. BOUTELLE. The gag does not seem to work very well in your case. [Laughter.]

Mr. YODER. I fear we shall never get one on you. [Renewed laughter.] Now, Mr. Speaker, I can only say, in conclusion, that we have no time to talk about this as it should be talked about. It was not thought that this pension bill would be brought up for a week or two yet, and we were promised to have notice, so we expected to have time to prepare ourselves, ample time. Why, sir, I was preparing a speech on this subject myself, one of the best pension speeches ever delivered on this floor. [Laughter.]

I came here this morning expecting, as much as I ever expected anything, to be recognized on a motion to suspend the rules to discharge the Committee on Invalid Pensions from the consideration of the service-pension bill—the bill whose passage is demanded by the soldiers of this country—and fix a day (Thursday next) for the consideration of the per diem rated service-pension bill.

A MEMBER. What is the number of the bill?

Mr. YODER. No. 1070, which bill I moved in the Committee on Invalid Pensions to substitute for the bill now before the House. Yet, instead of that we have the spectacle here presented, without a moment's notice, unexpected, unaware, of a substitute brought in for the Senate bill, forty minutes allowed on each side for discussion, and then we must vote, with no opportunity for amendment or for proper debate. We must vote on this proposition, and if we do not vote for it we are "rebel sympathizers" and enemies of the soldier!

A MEMBER (to Mr. YODER). Ask unanimous consent to offer your bill as a substitute.

Mr. YODER. I now ask unanimous consent to offer as a substitute—

The SPEAKER. The gentleman's time has expired. [Laughter.]

Mr. YODER. Here the gag is tightened and I am shut off. [Applause.]

Mr. MORRILL. Mr. Speaker, how much time have I left?

The SPEAKER. Fifteen minutes.

Mr. MORRILL. I yield three minutes to the gentleman from Michigan [Mr. CUTCHEON].

Mr. CUTCHEON. Mr. Speaker, I do not know when I have ever been so much moved as I have been in listening to the earnest and zealous appeals that have come from the other side of the House this morning in favor of the soldier. I may say that I have with difficulty restrained my tears as I have listened to their pathos and their eloquence. But, Mr. Speaker, I should have been much more moved if I had not recollect that the control of this House has been in the hands of the Democratic party since 1875, excepting the two years of the Forty-seventh Congress, and in all those years up to this time the Democratic side of the House has never brought in or attempted to bring in for consideration a service-pension bill.

I have been affected also by their earnest protests against bringing this bill up under a suspension of the rules. Mr. Speaker, I am now in my eighth year of service in this House and I have had the pleasure and honor of voting for many pension bills, but I have never yet had an opportunity to vote for any general pension bill while the Democratic party was in supremacy in this House that we did not have to take it up under a suspension of the rules. I voted for your Mexican pension bill under a suspension of the rules; I voted for the increase of widows' pensions under a suspension of the rules; I voted for the dependent pension bill under a suspension of the rules; and after we passed it in this House by Republican votes it was vetoed by your President, and most of you on that side, after the veto, went back on the bill and voted to sustain the veto.

I am in favor of all that is in this bill. I am in favor of every pension which it proposes to grant. I am in favor of pensioning these veterans of sixty-two years of age; I am in favor of pensioning those less than sixty-two years of age who are disqualified for earning their livelihood. I am in favor of pensioning soldiers' widows who are sixty-two years or upward, without reference to the cause of the death of the soldier. And I am in favor of pensioning every soldier's widow, no matter what her age may be, if she has no other dependence for a livelihood than her personal labor. Because we can not get everything we want shall we refuse to take that which we can now have?

I have heard here this morning a great deal about the sixty-two-year limit. Why, gentlemen [addressing the Democratic side], you set the example here in the Forty-ninth Congress in your Mexican pension bill with a sixty-two-year age limit; and you did that forty years after the close of the Mexican war. We bring you here to-day a bill with a sixty-two-year limit only twenty-five years after the close of the war for the preservation of the Union. Gentlemen of the Democratic side, your lips ought to be sealed in this presence when you remember the record you have made in this House for the last six or eight years on this pension question. Why, let us look at this matter in regard to age. The first service-pension bill was passed for soldiers of the Revolutionary war, with a sixty-two-year limit, in 1818.

The first general service-pension bill for that war was passed in 1828, forty-five years after the close of that war, when the average age of the soldiers was seventy-three years. The first service-pension bill for the war of 1812 was passed in 1871, fifty-six years after the close of that war, when the average age of the soldiers was eighty-two. The sixty-two-year bill for the soldiers of the Mexican war was passed in 1888, forty years after the close of the war, when the average age of the soldiers of that war was sixty-six. The average age of the soldiers of these three wars was seventy-two years when their service pensions were granted. We bring you here a bill granting a pension to every man sixty-two years of age or upward only twenty-five years after the close of the war, when the average age of the soldiers of that war is but fifty-one years and eight months.

Mr. Speaker, if this bill is to be defeated I appeal to my friends on this side of the House that not a single Republican vote be recorded against it. If you would have more, so be it; but let us take this now, and then we will go forward for the rest hereafter, if need be. But let us not refuse this measure of justice because some of us conceive that it is not the full measure of justice. As for this pathos, this eloquence, this zeal, this sudden, unexpected fervor for the soldier

which we have had exhibited on the other side to-day in the face of the fact that the repeal of the limitation of arrears, the bill to increase widows' pensions, the dependent-pension bill, and every other general pension bill, excepting the Mexican pension bill, have been passed against the vote of a majority of that side of the House, it sounds exceedingly like insincerity, not to say demagoguery.

[Here the hammer fell.]

Mr. MORRILL. I yield three minutes to the gentleman from Ohio [Mr. WILLIAMS].

Mr. WILLIAMS, of Ohio. Mr. Speaker, this bill is well considered, and so far in advance of any pension laws now on the statute-book that when it comes to a vote I shall heartily support it. But I feel, Mr. Speaker, that I have a right to criticise mildly the manner of introducing this bill. Under the fifty-first clause of Rule XI the Invalid Pension Committee was made privileged, with the right to report at any time on general pension bills. Why was it made privileged? Because the soldiers of the Union Army all over the country were demanding an advanced step in pension legislation, were demanding service pensions, an advance so great that we as members of Congress felt that whatever was done ought to be done after full and free discussion in the House.

But I want to say in justice to the Committee on Invalid Pensions that the bill they have reported to the House is full of good measures, such as will gladden the hearts and homes of soldiers all over the country.

But I am reminded of the past. I remember twenty-five years ago one of the greatest acts of patriotism, one of the greatest acts of self-denial, that in my judgment stands out brighter in the pages of history than the bravest deeds on the field of battle: that was, when peace was proclaimed and the cannon's roar was hushed, a million and a half of men, soldiers at the front, returned home to the quiet pursuits of life. At that time they had only to demand and the Government would yield; they had only to demand and no matter what that demand might be the Government would be compelled to respect their wishes.

Twenty-five years have passed away, and we have become first and foremost among the nations of the earth in wealth and power. The soldiers feel the time has come when they ought to be placed on the roll of honor by a service-pension law. We have heard their demand through the petition box time and again to the extent of 350,000 voices, and I want to say to you and say to the country that the soldiers will yet be heard, and they will speak by voice and vote until a full measure of justice is rendered for the services of the men who crushed the rebellion and preserved the Union.

[Here the hammer fell.]

Mr. MORRILL. I yield now for three minutes to the gentleman from Michigan [Mr. BLISS].

Mr. BLISS. I want to voice my sentiments in favor of this bill. The soldiers demand consideration at the hands of this Congress and they have a right to it. It was through their bravery and hardships that the nation's honor and credit were saved and now they are only asking that they be placed on the roll of honor, and this bill is a step in the right direction. We are taking a step further forward than any other Congress has yet taken. But I have one objection, that it does not go forward enough. I was in hope Congress would see its way clear to pass what we call the service-pension bill, putting every man who served the country between '61 and '65 and coming home with an honorable discharge on the pension-rolls at \$8 a month, and this Congress will not have done its whole duty until such a law is enacted. I offered such a bill March 12 last, in favor of that, House bill 8096.

Now, if we can not do that this is a step forward, and, as was stated by the gentleman from Michigan [Mr. CUTCHEON], when we get this in the next Congress or the next afterward we will get more, but my voice will not be silent as long as I am a member until this is done.

I was in hope instead of a service pension being limited to sixty-two years of age the limitation would be put at fifty-two. I would like to offer an amendment to that effect, but I will not be able to do so under suspension of the rules.

The gentleman says petitions and letters are pouring in upon us to pass a service-pension bill. I receive them every day. I would be glad to vote for a service pension putting every soldier and every soldier's widow and children under sixteen years on the roll.

Mr. Speaker, the committee have worked out this bill and arrived at what they consider a wise proposition, and I hope the soldiers of the country will, as I believe they will, see it is one step in advance, and that at the next Congress we will take another step forward, and, if here, I shall be glad to record my vote in that direction.

[Here the hammer fell.]

Mr. MORRILL. I now yield two minutes to the gentleman from Iowa [Mr. CONGER].

Mr. CONGER. Mr. Speaker, I am not going to attempt to discuss the merits of the pending question in two minutes. I simply rise to say to my friends on the opposite side of the House that we know, and the country knows, the reason of their opposition to this measure. Some of you gentlemen have given one reason and some another, but we know, the soldiers know, and the country understands that you have never been in favor of pension legislation.

Why, every single line, word, and syllable relating to the pensions of

Union soldiers of this country from 1861 to 1875 has been enacted, passed, and written upon the statute-books by Republican Congresses, by Republican votes, and approved by Republican Presidents. And from that day to this every single general pension bill that has been passed has been passed by Republican votes. In every case more Republicans have voted for the general pension measures than Democrats, and in every single case but one no Republican vote has ever been cast against any general pension measure.

I want to say to my friends on this side of the House that if there shall be one or two or any other number of members who shall record their votes to-day against the passage of this bill, such gentlemen ought to take their seats on the other side of the House with those who have uniformly opposed any bill that was in favor of general pension legislation. [Applause.]

Mr. MORRILL. I now yield one minute to the gentleman from Ohio [Mr. MOREY].

Mr. MOREY. Mr. Speaker, the Democratic party is always in favor of pension legislation when it is not in power and it is always opposed to pension legislation when it is in power. They have never formulated or passed a single general pension law except the Mexican war pension bill. They have always been opposed to general pension legislation, and they are simply following out their own uniform rule in their opposition to this bill.

It does not contain all that I myself would favor. I have for eight years, on the stamp and everywhere, been an ardent advocate of a general service-pension law. In the Forty-eighth Congress I introduced a bill to that effect, providing for a graduated service-pension according to the age of the soldier; and I would be glad to vote for that kind of legislation now. But because I can not have all that my judgment would approve I do not propose to stand here and oppose this beneficent measure, which goes far in advance of anything we now have on the statute-books, and which will bring comfort and good cheer to the homes and firesides of half a million veterans, their widows and orphans, where now penury and want sit enthroned. This bill is brought forward as a measure of relief, and as such it shall have my voice and my vote. It is general pension legislation looking to the relief, not of individuals, but large classes of the brave men who dared all for their country's weal, and for their widows and orphans, and as such it is in the line and direction of my settled judgment and policy of extending aid to the greatest number, and I hope the bill will pass.

Mr. MORRILL. I now yield the remainder of the time to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. How much time, Mr. Speaker, is remaining?

The SPEAKER. The gentleman has three minutes.

Mr. MORRILL. I thought there were six minutes remaining.

Mr. CANNON. The gentleman from Kansas was under the impression that six minutes remained; but in the three minutes I can only say that the chairman of the Committee on Invalid Pensions informs me that if all the general pension bills pass which are proposed before his committee, and which have merit, at this session of Congress, it will involve an expenditure of \$800,000,000. Therefore it is true now, as it is true always, that all legislation is a compromise. This is a compromise for this day and for this bill.

This bill if enacted into law would write the names of 440,000 soldiers of the late war on the pension-rolls at \$8 a month, not now receiving a pension; it would write the names of 60,000 on the rolls, now receiving a pension, at an increase to \$8 a month, making a total of 500,000 persons affected by the bill.

Now, then, gentlemen say they are in favor of a service pension. I have no quarrel with them. But the greater includes the less. This takes care of half a million of soldiers, and I submit to this side of the House and to the other side from the North—Northern Democrats—whether you can refuse to take care of a half million of soldiers because you say you can not get a service pension for all soldiers on this bill at this time.

One word for my colleague from Illinois [Mr. SPRINGER]. He says he is against this bill because he wants a service-pension bill. Why, when Grover Cleveland vetoed the dependent pension bill, that took many thousands of soldiers out of the poor-houses of the country, my colleague [Mr. SPRINGER] voted with the Southern Representatives to sustain that veto. [Applause on the Republican side.] There were thirty-nine Northern Democrats and all the Republicans who voted to pass the bill over the veto; but we did not get votes enough to reach the necessary two-thirds. The Southern Democratic Representatives voted solid with my colleague [Mr. SPRINGER] to sustain Cleveland's veto.

Now, there are just two sets of Representatives on the Democratic side in regard to pension legislation: One set who think we are paying pensions enough, most of them coming from the Southern States, and are voiced by the gentleman from Missouri [Mr. STONE]; they will vote against this bill. The other set are Northern Democratic Representatives, voiced by my colleague [Mr. SPRINGER], and I do not honor them so greatly, because some of them, notably my colleague from Illinois, are seeking excuses to vote against putting this half million or more soldiers on the pension-rolls because they say it does not go far enough. That cock won't crow, Brother SPRINGER. [Laughter and applause on the Republican side.]

THE SPEAKER. The question is on agreeing to the resolution proposed by the gentleman from Kansas.

The question was taken; and on a division there were—ayes 138—

Before the negative vote was counted—

MR. MORRILL. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 169, nays 87, not voting 72; as follows:

YEAS—169.

Adams,	Covert,	Lane,	Sanford,
Allen, Mich.	Craig,	Lansing,	Sawyer,
Anderson, Kans.	Culbertson, Pa.	Laws,	Scranton,
Atkinson, Pa.	Cummings,	Lind,	Seull,
Atkinson, W. Va.	Cutcheon,	Lodge,	Seney,
Baker,	Dalzell,	Magner,	Sherman,
Banks,	De Haven,	Maish,	Shively,
Bartine,	Dingley,	Martin, Ind.	Simonds,
Barwig,	Dolliver,	Mason,	Smith, Ill.
Bayne,	Dorsey,	McClellan,	Smith, W. Va.
Belden,	Dunnell,	McComas,	Smyser,
Belknap,	Dunphy,	McCorckick,	Snider,
Bergen,	Ewart,	McKenna,	Stahlnecker,
Bingham,	Farquhar,	McKinley,	Stewart, Vt.
Bliss,	Featherston,	Milliken,	Stivers,
Boothman,	Finley,	Moffitt,	Stockbridge,
Boutelle,	Flick,	Morey,	Struble,
Bowden,	Flower,	Morrill,	Stump,
Brewer,	Fowler,	Morrow,	Sweeney,
Brickner,	Gear,	Morse,	Taylor, E. B.
Brookshire,	Gest,	Mudd,	Taylor, Ill.
Brosius,	Greenhalge,	Niedringhaus,	Thomas,
Brown, J. B.	Grout,	Nute,	Thompson,
Buchanan, N. J.	Hall,	O'Neill, Pa.	Townsend, Colo.
Burrows,	Hansbrough,	Osborne,	Turner, Kans.
Butterworth,	Harmer,	Owens, Ohio	Vandeveer,
Bynum,	Haugen,	Parrett,	Van Schaick,
Campbell,	Haynes,	Payne,	Wade,
Candler, Mass.	Henderson, Ill.	Paynter,	Walker, Mass.
Cannon,	Henderson, Iowa	Payson,	Wallace, N. Y.
Carter,	Hermann,	Perkins,	Watson,
Caawell,	Hill,	Peters,	Wheeler, Mich.
Chadle,	Hitt,	Pickler,	Wickham,
Chipman,	Holman,	Post,	Wiley,
Clancy,	Hopkins,	Price,	Willcox,
Clark, Wis.	Houk,	Pugsley,	Williams, Ill.
Cogswell,	Kelley,	Quackenbush,	Williams, Ohio
Coleman,	Kerr, Iowa	Randall, Mass.	Wilson, Ky.
Comstock,	Kerr, Pa.	Reed, Iowa	Wilson, Wash.
Conger,	Ketcham,	Reyburn,	Yoder.
Connell,	Lacey,	Rife,	
Cooper, Ind.	La Follette,	Rowell,	
Cooper, Ohio	Laidlaw,	Russell,	

NAYS—87.

Abbott,	Cowles,	Lee,	Rusk,
Alderson,	Crisp,	Lester, Ga.	Sayers,
Allen, Miss.	Culberson, Tex.	Lewis,	Skinner,
Anderson, Miss.	Dargan,	Mansur,	Springer,
Bankhead,	Davidson,	Martin, Tex.	Stewart, Ga.
Barnes,	Dockery,	McClammy,	Stewart, Tex.
Biggs,	Edmunds,	McCreary,	Stone, Ky.
Bland,	Elliott,	McMillin,	Stone, Mo.
Blount,	Ellis,	McRae,	Tarsney,
Breckinridge, Ark.	Enloe,	Mills,	Tillman,
Breckinridge, Ky.	Forney,	Montgomery,	Tucker,
Buchanan, Va.	Gibson,	Moore, N. H.	Turner, Ga.
Buckalew,	Goodnight,	Moore, Tex.	Turpin,
Bullock,	Grimes,	Morgan,	Venable,
Bunn,	Hare,	Matchler,	Walker, Mo.
Candler, Ga.	Heard,	O'Ferrall,	Washington,
Carlisle,	Hemphill,	Peel,	Wheeler, Ala.
Carlton,	Herbert,	Perry,	Wike,
Caruth,	Hooker,	Pierce,	Wilkinson,
Clarke, Ala.	Kilgore,	Richardson,	Wilson, W. Va.
Clements,	Kilgore,	Rogers,	Wise.
Cothran,	Lanham,	Rowland,	
	Lawler,		

NOT VOTING—72.

Andrew,	Dibble,	Reilly,	Robertson,
Arnold,	Evans,	McAdoo,	Rockwell,
Beckwith,	Fitch,	McCarthy,	Spinola,
Blanchard,	Fithian,	McCord,	Spooner,
Boatner,	Flood,	Miles,	Stephenson,
Brower,	Forman,	Norton,	Stockdale,
Browne, T. M.	Frank,	Oates,	Taylor, J. D.
Browne, Va.	Funston,	O'Donnell,	Taylor, Tenn.
Brunner,	Geissenhainer,	O'Neil, Ind.	Townsend, Pa.
Burton,	Gifford,	O'Neil, Mass.	Tracey,
Caldwell,	Grosvenor,	Outhwaite,	Turner, N. Y.
Catchings,	Hatch,	Owen, Ind.	Wallace, Mass.
Cheatham,	Hayes,	Penington,	Whiting,
Clunie,	Henderson, N. C.	Phelan,	Whitthorne,
Cobb,	Kennedy,	Quinn,	Wilson, Mo.
Crain,	Kinsey,	Raines,	Wright,
Darlington,	Knapp,	Randall, Pa.	Yardley.
De Lano,	Lehbach,	Ray,	

So the resolution was rejected.

The following pairs were announced until further notice:

Mr. THOMAS M. BROWNE with Mr. RANDALL, of Pennsylvania.

Mr. DE LANO with Mr. FITCH.

Mr. TOWNSEND, of Pennsylvania, with Mr. LESTER, of Virginia.

Mr. SPOONER with Mr. REILLY.

Mr. STEPHENSON with Mr. HAYES.

Mr. KINSEY with Mr. NORTON.

Mr. JOSEPH D. TAYLOR with Mr. PENINGTON.

Mr. BECKWITH with Mr. GEISSENHAINER.

Mr. McCORD with Mr. WHITING.

Mr. LEHLBACH with Mr. BRUNNER.

Mr. ROCKWELL with Mr. DIBBLE.

Mr. FLOOD with Mr. HENDERSON, of North Carolina, from March 21. (This pair not transferable.)

Mr. KENNEDY with Mr. YODER.

Mr. ATKINSON, of West Virginia, with Mr. ALDERSON.

Mr. RAY with Mr. QUINN.

Mr. RAINES with Mr. FORMAN.

Mr. BURTON with Mr. OUTHWAITE.

For this day:

Mr. KNAPP with Mr. WHITTHORNE.

Mr. BROWER with Mr. McCARTHY.

Mr. BROWNE, of Virginia, with Mr. OATES.

Mr. DAELINGTON with Mr. WILSON, of Missouri.

Mr. YARDLEY with Mr. SPINOLA.

Mr. GIFFORD with Mr. PHELAN.

Mr. CALDWELL with Mr. TURNER, of New York.

On this vote:

Mr. O'NEIL, of Massachusetts, with Mr. MCADOO.

Mr. EVANS with Mr. BLANCHARD.

Mr. FITHIAN with Mr. GROSVENOR, from Monday, April 7, including Saturday of same week.

Mr. FRANK with Mr. HATCH, from this date until April 13. (Not to be changed without the consent of both parties.)

Mr. FUNSTON with Mr. COBB, until the 19th of April.

Mr. TAYLOR, of Tennessee, with Mr. O'NEAL, of Indiana, from March 24 until April 13, both days inclusive. (This pair not transferable.)

Mr. BREWER. My colleague, Mr. O'DONNELL, was announced as paired with Mr. STUMP for to-day. That is not right. He was to be paired with Mr. TRACEY for to-day, and the other pair does not take effect until to-morrow.

Mr. McMILLIN. Mr. Speaker, I rise to a point of order. There is so much confusion that we can not hear what the gentleman has said.

The SPEAKER. The gentleman was explaining about a pair of his colleague.

Mr. BOATNER. I was unavoidably detained from the House when the roll was called. If present, I would have voted "ay."

Mr. MOREY. My colleague, Mr. CALDWELL, who is paired, would have voted "ay."

The vote was recapitulated.

Mr. SPRINGER. I desire to inquire if the gentleman from Georgia [Mr. BLOUNT] is recorded?

The SPEAKER. The gentleman is recorded in the negative.

Mr. SPRINGER. I asked that because his name was not read.

The SPEAKER. On this question the yeas are 169, the nays 87—not two-thirds; and the resolution is rejected.

PUBLIC BUILDING AT HOUSTON, TEX.

Mr. STEWART, of Texas. Mr. Speaker, I ask to take up the bill (S. 2860) to authorize the construction of an addition to the public building in Houston, Tex., and to provide a cistern, heating apparatus, etc., for said building.

This is precisely like House bill 5364, upon which there is a favorable report. I ask that the House bill lie on the table, and that the rules be suspended and the Senate bill passed.

The motion to suspend the rules was agreed to; and accordingly the bill was passed, two-thirds voting in favor thereof.

The SPEAKER. Without objection, the House bill 5364, for the same purpose, will lie on the table.

There was no objection.

PUBLIC BUILDING AT SALINA, KANS.

Mr. ANDERSON, of Kansas. Mr. Speaker, I move to suspend the rules and pass the bill (S. 595) for the erection of a public building at Salina, Kans., with the amendments recommended by the Committee on Public Buildings and Grounds to the House bill.

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 acquire, by purchase, condemnation, or otherwise, a site, and cause to be erected thereon a suitable building, including fire-proof vaults, heating and ventilating apparatus, elevators, and approaches, for the use and accommodation of the United States post-office and other Government offices, in the city of Salina and State of Kansas, the cost of said site and building, including said vaults, heating and ventilating apparatus, elevators, and approaches complete, not to exceed the sum of \$150,000, which said sum of \$150,000 is hereby appropriated for said purpose, out of any moneys in the United States Treasury not otherwise appropriated.

Proposals for the sale of land suitable for said site shall be invited by public advertisement in one or more of the newspapers of said city of largest circulation for at least twenty days prior to the date specified in said advertisement for the opening of said proposals.

Proposals made in response to said advertisement shall be addressed and mailed to the Secretary of the Treasury, who shall then cause the said proposed sites, and such others as he may think proper to designate, to be examined in person by an agent of the Treasury Department, who shall make written report to said Secretary of the results of said examination, and of his recommendation thereon, and the reasons therefor, which shall be accompanied by the original proposals and all maps, plats, and statements which shall have come into his possession relating to the said proposed sites.

If, upon consideration of said report and accompanying papers, the Secretary of the Treasury shall deem further investigation necessary, he may appoint a commission of not more than three persons, one of whom shall be an officer of the Treasury Department, which commission shall also examine the said proposed sites, and such others as the Secretary of the Treasury may designate,

and grant such hearings in relation thereto as they shall deem necessary; and said commission shall, within thirty days after such examination, make to the Secretary of the Treasury written report of their conclusion in the premises, accompanied by all statements, maps, plats, or documents taken by or submitted to them, in like manner as hereinbefore provided in regard to the proceedings of said agent of the Treasury Department; and the Secretary of the Treasury shall thereupon finally determine the location of the building to be erected.

The compensation of said commissioners shall be fixed by the Secretary of the Treasury, but the same shall not exceed \$6 per day and actual traveling expenses: *Provided, however.* That the member of said commission appointed from the Treasury Department shall be paid only his actual traveling expenses.

So much of the appropriation herein made as may be necessary to defray the expenses of advertising for proposals, actual traveling expenses of said agent, and the compensation and actual traveling expenses of said commissioners, and other expenses incident to the selection of the site, and for necessary survey thereof, shall be immediately available.

So much of said appropriation as may be necessary for the preparation of sketch-plans, drawings, specifications, and detailed estimates for the building by the Supervising Architect of the Treasury Department shall be available immediately upon the approval by the Secretary of the Treasury of such site.

No money appropriated by this act shall be available, except as hereinbefore provided, until a valid title to the site for said building shall be vested in the United States, nor until the State of Kansas shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

After the said site shall have been paid for and the sketch-plans and detailed estimates for the building shall have been prepared by the Supervising Architect and approved by the Secretary of the Treasury, the Secretary of the Interior, and the Postmaster-General, the balance of said appropriation shall be available for the erection and completion of the building, including fire-proof vaults, heating and ventilating apparatus, elevators, and approaches.

The building shall be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys.

The amendments recommended by the House committee were read, as follows:

Strike out "one hundred and fifty," in lines 12 and 13, and insert in lieu thereof the words "seventy-five," so as to reduce the appropriation to \$75,000.

Also, strike out the following: "Which said sum of \$150,000 is hereby appropriated for said purpose out of any moneys in the United States Treasury not otherwise appropriated."

Mr. ROGERS. We ought to have a second on that; but I am willing to consider the second as ordered.

The second was considered as ordered.

Mr. ANDERSON, of Kansas. All I want to state in this case, Mr. Speaker, is that a term of the district court is held at Salina, Kans., and it is the most important city in the western part of the State, having a population of from 12,000 to 14,000 and fast increasing. Many of the counties in that portion of the State are tributary to that city. A post-office, of course, is there, the annual receipts of which are nearly \$19,000, and increasing rapidly.

Mr. ROGERS. That is enough.

Mr. HOLMAN. Mr. Speaker, I ask that the report be read in my time.

The report was read, as follows:

Your committee have had under consideration the bills H. R. 327 and S. 595, for the erection of a public building at Salina, Kans., and recommend the passage of the Senate bill with an amendment reducing the sum appropriated from \$150,000 to \$75,000, and that the House bill do lie on the table.

Salina is the largest city in Western Kansas, having a population of about 12,000, and is the center of a populous country, from which business will come to the term of the United States district court which is held here. It has five railroads, the United States land office, a postal business which has about doubled in the last two years, and the free-delivery system.

The land-office records are not in a fire-proof building. After careful examination your committee are satisfied that the interests of the Government require the erection of the building.

Mr. HOLMAN. Mr. Speaker, I notice that the Senate bill proposes \$150,000 and that this amendment proposed by the House reduces it to \$75,000. I would like to ask the gentleman in charge of the bill if \$75,000 is to be the final amount?

Mr. ANDERSON, of Kansas. Yes, sir; it is amended so as not to exceed \$75,000. This bill does not make the appropriation.

Mr. HOLMAN. That is to be accepted as the final amount?

Mr. ANDERSON, of Kansas. Yes.

The rules were suspended and the bill passed, two-thirds voting in favor thereof.

ESTABLISHMENT OF LAND DISTRICTS IN THE STATE OF NEBRASKA.

Mr. KILGORE. I ask to suspend the rules and pass the bill (S. 368) to establish two additional land districts in the State of Nebraska.

The bill was read, as follows:

Be it enacted, etc. That all that portion of the State of Nebraska bounded and described as follows: Commencing at a point where the fifth guide meridian west of the sixth principal meridian intersects the line between townships 26 and 27 north; thence east along said line to the northeast corner of township 26 north, of range 21 west; thence south to the fifth standard parallel north; thence east along said standard parallel to the second guide meridian west; thence south to the fourth standard parallel north; thence west to the southwest corner of township 17 north, of range 27 west; thence north to the northeast corner of township 18 north, of range 28 west; thence west to the fifth guide meridian west, and thence north along said fifth guide meridian west to the place of beginning, be, and the same is hereby, constituted a new land district, to be called the Broken Bow land district, the land office for which shall be located at Broken Bow, in the State of Nebraska.

Sec. 2. That all that portion of the State of Nebraska bounded and described as follows: Commencing at a point where the line between townships 27 and 28 north intersects the western boundary of the State; thence east along said township line to the northeast corner of township 27 north, of range 41 west; thence south to the southeast corner of township 19 north, of range 41 west; thence west to the southwest corner of township 19 north, of range 45

west, all of the sixth principal meridian; thence north to the fifth standard parallel north; thence west along said fifth standard parallel north to the western boundary of the State; and thence along said boundary line to place of beginning, be, and the same is hereby, constituted a new land district, to be called the Alliance land district, the land office for which district shall be located at Alliance, in the State of Nebraska.

Sec. 3. That the President, by and with the advice and consent of the Senate, is hereby authorized to appoint a register and receiver for each of the said land districts hereby created, who shall reside in the places where the land offices are located, and shall discharge like and similar duties and receive the same amount of compensation therefor as other officers discharging like duties in the land offices of the State of Nebraska; and said land districts shall be subjected, as other land districts are, under the laws, to be changed or consolidated with any other district or districts, and the land offices may be changed to any other location by order of the President.

Mr. HOLMAN. I think there should be a second, though I have no objection to its being considered as ordered.

A second was considered as ordered.

Mr. HOLMAN. I only wish to say, Mr. Speaker, that there are before the Committee on Public Lands two very strong remonstrances against the passage of this bill, one of which I hold in my hand. The passage of the bill is objected to as not required by the public service, but that it would operate unjustly to the persons interested in the purchase and entry of public lands. I will not ask that the remonstrances be printed in the RECORD, but I wish to have it understood that the remonstrances received proper consideration by the Committee on Public Lands. I think the facts stated in the remonstrances ought to defeat the passage of my friend's bill; but I have never known a bill of this kind to fail of late years, and I take it for granted that it will pass. If my individual vote would defeat it, it would be defeated.

Mr. BLOUNT. I desire to ask the gentleman from Indiana whether this bill was reported unanimously by the Committee on Public Lands.

Mr. HOLMAN. No, sir; I did not acquiesce in the bill. I say that there were remonstrances filed against it; and I am explaining that so far as my vote is concerned I would vote against it.

Mr. BLOUNT. I understand from my friend's argument that he is opposed to the measure.

Mr. HOLMAN. I am opposed to the measure. I do not believe in the increase in any large degree of the general land offices of the United States. I think that in the case of the State of Washington the increase proposed was a proper one to the extent of two additional land offices. I do not think so in the case of Nebraska. That is about all I desire to say.

The rules were suspended and the bill passed, two-thirds voting in favor thereof.

The SPEAKER. Without objection, the House bill 531, for the same purpose, will be laid on the table.

There was no objection.

LEGISLATIVE APPROPRIATION BILL.

Mr. BUTTERWORTH, from the Committee on Appropriations, reported a bill (H. R. 9066) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1890, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. BRECKINRIDGE, of Kentucky. All points of order are reserved, Mr. Speaker.

ASA ELLIS.

Mr. MORROW. Mr. Speaker, I move to suspend the rules and pass the bill (S. 2361) for the relief of Asa Ellis, collector of internal revenue for the first district of California.

The bill was read, as follows:

Be it enacted, etc. That the proper accounting officers of the Treasury Department are hereby authorized and directed, in the settlement of the accounts of Asa Ellis as collector of internal revenue for the first collection district of California, to allow said collector a credit of \$810, the same being the nominal value of certain special-tax stamps which were destroyed by accidental fire at Fresno, Cal., on the 12th day of July, 1889, while in the custody of a deputy of said collector.

Mr. BRECKINRIDGE, of Kentucky. I demand a second, so as to give the gentleman an opportunity to explain the case; but I have no objection to a second being considered as ordered.

Mr. MORROW. Mr. Speaker, this bill is for the relief of the collector of internal revenue at San Francisco, Cal., from the loss of \$810, the nominal value of certain special stamps destroyed at the city of Fresno, in the post-office, when they were being transmitted from Fresno to San Francisco. That is all there is of the bill. The Department is not authorized under the present law to allow the collector for those stamps, and this legislation is necessary.

Mr. BRECKINRIDGE, of Kentucky. How did they get burned?

Mr. MORROW. A fire occurred in the house where they were, and they were consumed. Eight affidavits are made by persons familiar with the occurrence, all of whom testify that the stamps were burned, and the revenue department recommend the passage of the bill because they have no authority under existing law to make an allowance to the collector for the loss of the stamps.

Mr. McMILLIN. Were the stamps in transit through the mail at the time of their destruction?

Mr. MORROW. I do not know about their being in the mail, but they were in transit from the deputy collector.

Mr. McMILLIN. Where was the deputy collector?

Mr. MORROW. At Fresno. They were being returned by him to the collector at San Francisco.

Mr. McMILLIN. I suppose there is no doubt about their destruction?

Mr. MORROW. No. There are eight affidavits to the effect that the stamps were destroyed.

The question was taken and, two-thirds having voted in the affirmative, the motion of Mr. MORROW was agreed to, and the bill was passed.

SUPERVISING SURGEON-GENERAL MARINE HOSPITAL.

Mr. FLOWER. Mr. Speaker, I move to suspend the rules and pass the bill (S. 2483) increasing the salary of the Supervising Surgeon-General of the Marine Hospital Service.

The bill was read, as follows:

Be it enacted, etc. That hereafter the Supervising Surgeon-General of the Marine Hospital Service shall receive the sum of \$6,000 per annum.

Mr. HOLMAN. I call for a second on that bill, but I have no objection to a second being considered as ordered.

Mr. FLOWER. Mr. Speaker, I will state for the information of the House that this bill proposes to put the salary of the Supervising Surgeon-General of the Marine-Hospital Service at the same figure as the salary of the Surgeon-General of the Army or of the Surgeon-General of the Navy. His duties are quite as onerous as theirs, and before he took this office he was earning a larger sum annually than he now receives. When the yellow fever broke out in Florida you found him down at Jacksonville supervising the hospitals and putting them in proper shape. He has never regarded his own safety where he has been called upon to meet contagious disease or any such public dangers, and it is no more than just to give him the same salary as the Army Surgeon-General or the Navy Surgeon-General.

Mr. BRECKINRIDGE, of Kentucky. Will the gentleman state why this officer should receive the same salary as the Surgeon-General of the Navy, who has very considerable administrative work to do, or the Surgeon-General of the Army, who has very large administrative duties?

Mr. FLOWER. If the gentleman will investigate he will find that this officer has as much to do as either of them.

Mr. BRECKINRIDGE, of Kentucky. This gentleman is the Surgeon-General of what?

Mr. FLOWER. He is Supervising Surgeon-General of the Marine-Hospital Service.

Mr. BRECKINRIDGE, of Kentucky. What salary is he receiving now?

Mr. FLOWER. Only \$4,000 a year.

Mr. BLOUNT. I wish to ask the gentleman from New York whether, since the fixing of the salary at \$4,000, this officer has not been charged with the duties which formerly belonged to the Board of Health?

Mr. FLOWER. Yes, sir. I ask for the reading of the report, which will explain this matter to the House.

The report (by Mr. BROWNE, of Virginia) was read, as follows:

The Committee on Commerce, to whom was referred Senate bill 2483, "increasing the salary of Supervising Surgeon-General of the Marine-Hospital Service," have had same under consideration, and beg leave to report it back and recommend its passage.

A bill of like character and for same purpose was reported favorably from this committee at the second session of the Fiftieth Congress, which is adopted as part of this report. The reasons then given for favorable action still exist, and the passage of the bill is but an act of justice.

[House Report No. 4086, Fiftieth Congress, second session.]

The Committee on Commerce, to whom was referred Senate resolution 124, "Joint resolution relating to the salary of the Supervising Surgeon-General of the Marine-Hospital Service," have had same under consideration, and beg leave to report it back and recommend its passage.

The object of the resolution is to equalize the salaries of the three Surgeon-Generals by making the compensation paid the Surgeon-General of the Marine-Hospital Service equal to that received by the Surgeons-General of the Army and Navy.

The adoption of the plan placing the quarantine service under Federal control has greatly increased the duties of the Surgeon-General of the Marine-Hospital Service, and it is well known that those duties are as arduous as those of the Surgeons-General of the Army and Navy.

The salary received by the latter officers at present is \$6,000, and the compensation of the former officer is also placed at that amount.

Mr. FLOWER. I now yield five minutes to the gentleman from Georgia [Mr. BLOUNT].

Mr. BLOUNT. Mr. Speaker, the older members of the House will recollect something of the history of the National Board of Health. It is a story of wastefulness and scandal, running through a period of many years, which resulted in the final abolition of that board and the transfer of the work to the present Surgeon-General of the Marine-Hospital Service. That transfer resulted in a saving of several hundred thousand dollars to the Treasury in a handling of the funds in that connection which has been creditable to this official, and in services to the public health in connection with yellow fever and other dangers which I think have been appreciated and commended throughout the whole country.

Mr. BRECKINRIDGE, of Kentucky. I would like to ask the gentleman from Georgia a question for information. I do not wish to do

any injustice, but I have on my mind an impression which unless removed will urge me to oppose this bill. When the yellow fever was prevailing in Florida and when the officers of this branch of the service were in control there—I do not know that this particular officer was connected with these charges, but they certainly affected some of his corps—there were some charges in regard to the management there which were grave. Now, I would like to know something about that matter and whether Dr. Hamilton was in control there. These charges were publicly made. I recollect that one of them was that soon after the yellow fever broke out in Jacksonville the churches were closed, while the saloons were open; that a species of martial law was proclaimed, and that camps were established in which people were—

Mr. BLOUNT. My friend is taking up too much of my time. I have only five minutes.

Mr. BRECKINRIDGE, of Kentucky. We have twenty minutes on the other side.

Mr. BLOUNT. Very well; if you have control of the time I am perfectly willing you shall use it; but I wish to say directly, in response to my friend from Kentucky, that my friend from Florida [Mr. DAVIDSON] does not concur in these harsh criticisms against the Surgeon-General—

Mr. BRECKINRIDGE, of Kentucky. I do not think—

Mr. BLOUNT. I ask to be permitted to proceed.

Mr. BRECKINRIDGE, of Kentucky. I do not think that my friend—

Mr. BLOUNT. I want to go on. The gentleman will observe that I have only five minutes, and most of that time the gentleman has already used.

Mr. BRECKINRIDGE, of Kentucky. I do not think—

Mr. BLOUNT. I decline to yield, Mr. Speaker.

Mr. BRECKINRIDGE, of Kentucky. I do not suppose the gentleman would do me intentional injustice—

Mr. BLOUNT. I am exercising the right I have to occupy my own time. The gentleman asked me a question, and now he is intimating possibly I am trying to do him an injustice, when he claims he has twenty minutes on the other side. The gentleman ought not to make any such insinuation, for he must know that it is unjust.

Mr. BRECKINRIDGE, of Kentucky. The gentleman said that I was guilty of a "harsh criticism" about Dr. Hamilton, when I expressly said that I was asking information as to whether he had anything to do with the matters of which I spoke.

Mr. BLOUNT. And then the gentleman, in the form of a question, went on to make comments which took very much the character of a speech, and practically took me off the floor. It was to that I objected.

Mr. Speaker, I rose without having had any expectation of taking the floor in this connection. I did so simply because it happened in my public experience here that the Congress of the United States, when the country was suffering from scandal and wastefulness under the Board of Public Health, resorted to this official, who took charge of the funds and conducted or supervised the medical arrangements in a manner which resulted most beneficially to the country. Having known something of the character of this official in that matter, I deemed it proper to testify my appreciation of him.

As to the exact amount that is proper for this officer in the way of salary I do not undertake to say; that is a matter which has been considered by the committee; but I do undertake to say that since this salary was fixed at \$4,000 the duties of this officer have been very greatly enlarged.

Mr. HOLMAN. The gentleman will allow me to ask a question. How long is it since the duties of the National Board of Health were transferred to the Supervising Surgeon-General of the Marine-Hospital Service? Nine years ago, I believe.

Mr. BLOUNT. How many years?

Mr. HOLMAN. About nine.

Mr. BLOUNT. Oh, no.

Mr. HOLMAN. I believe it was about nine years ago.

Mr. McMILLIN. Was it not before the present incumbent accepted this office?

Mr. BLOUNT. Oh, no; he occupied this position at the time the transfer was made.

Mr. HOLMAN. The transfer, I think, was made in the Forty-seventh Congress.

Mr. BLOUNT. I am not sure whether it was at that time or not.

Mr. HOLMAN. I yield my time to the gentleman from Kentucky [Mr. BRECKINRIDGE].

Mr. BRECKINRIDGE, of Kentucky. I do not wish to occupy more than a few minutes. My purpose in rising a few moments ago was to avoid doing any injustice to Dr. Hamilton. I desired to vote for this bill if I could have removed from my mind an impression in regard to him which is unpleasant. I thought that my friend from Georgia, in advocating as he did that the salary of this officer be increased 50 per cent. on account, as I understood, of services rendered by him at the time of the yellow fever in Florida, would afford me the opportunity to obtain from him the information I desired. Therefore I was very much surprised when he cut me off in the manner he did, and said that I made "harsh criticisms" against the very person in regard to

whom I desired to have removed from my mind any unfavorable impression which might do him injustice.

Mr. BLOUNT. Will the gentleman allow me?

Mr. BRECKINRIDGE, of Kentucky. With pleasure.

Mr. BLOUNT. The gentleman complains that when he was asking me a question I characterized it as "harsh criticism."

Mr. BRECKINRIDGE, of Kentucky. I do.

Mr. BLOUNT. Well, I accept as a correction the gentleman's statement that I was mistaken. Perhaps in the hurry of debate I may have done the gentleman injustice. I had but five minutes; I was hurrying to a conclusion; and I sought to satisfy my friend by simply referring him to the gentleman from Florida [Mr. DAVIDSON] as ready to testify to the character of Dr. Hamilton.

Mr. BRECKINRIDGE, of Kentucky. The matter to which I refer is a public matter. I do not know Dr. Hamilton by sight. If I have met him and been introduced to him I do not now recall the circumstance. I have no feeling against him, because, I presume, he wants to do his duty. But it was publicly announced in the newspapers throughout the country that the surgeon in charge at Jacksonville at the time of the yellow-fever epidemic had an open rupture with the officers of the Red Cross Association; that during the time he was in charge the churches were closed by a sort of semi-martial law, while the saloons and other places of improper resort were permitted to be open; that camps were established close to the town in which people from the country around were supported at a very large public expense and absolutely without any good reason; that the officer in charge was a subordinate of Surgeon-General Hamilton, and that when the matter was brought to the attention of Dr. Hamilton no rectification was made.

Now, I do not know that these statements were true. I do know that they appeared in the public prints, and I believe that a statement appeared from the lady at the head of the Red Cross Association, and whose subordinate was a Colonel Southmayd, of New Orleans, whom I barely know, but who I know was a hero in the terrific yellow-fever scourge at New Orleans, and who was at the head of one of the branches of the Howard Association at Memphis on the occasion of the terrible yellow-fever epidemic there. This lady, Miss Clara Barton, one of the most remarkable women I ever knew, made some statement which, as I understood, was not exculpatory of the officer in charge at Jacksonville.

Now, I do not want to say anything unkind of him. I rose simply for the purpose of asking whether there was any foundation for this scandal.

Mr. DAVIDSON rose.

Mr. BRECKINRIDGE, of Kentucky. I will yield to the gentleman from Florida.

Mr. DAVIDSON. I have no desire but to do justice in this matter. I state that the Legislature of Florida passed resolutions commending Dr. Hamilton for his able and faithful services in Florida during the yellow-fever epidemic.

Mr. BRECKINRIDGE, of Kentucky. Was there any truth in the rumors which were prevalent?

Mr. DAVIDSON. I do not remember any. There may have appeared something in the newspapers, but I believe it was without foundation.

Mr. BRECKINRIDGE, of Kentucky. What was it?

Mr. DAVIDSON. He did not have charge at Jacksonville.

Mr. BRECKINRIDGE, of Kentucky. It was under his supervision, under his control; did he not have supervisory authority?

Mr. BLOUNT. Restraints necessarily growing out of the situation there produced bitterness and vituperation against Dr. Hamilton, which were afterward withdrawn.

Mr. DAVIDSON. I did not know there was a great deal, but there was some, and it was afterward withdrawn, as stated by the gentleman from Georgia.

Mr. BRECKINRIDGE, of Kentucky. So far as I knew there had been no withdrawal. I never heard any explanation of the matter. I saw the charges. I had heard of no explanation of them. It seemed that this increase of a salary from \$4,000 to \$6,000 was for the reason that he had performed his duties in an acceptable manner, and because the Surgeon-General of the Army and the Surgeon-General of the Navy receive this salary he should have a like compensation. If there was anything in these charges I desired to know it; and I have merely called attention to the matter without any desire to do any injustice, but rather that the truth may be known and made matter of record.

Mr. BLOUNT. I do not claim to speak from official information, but I remember quite well my attention was called to it by reason of Dr. Hamilton's connection with the board of health. I know he was greatly denounced by the papers in Florida, but that subsequently the charges were withdrawn and the situation was accepted, as stated by the gentleman from Florida [Mr. DAVIDSON]. The services of Dr. Hamilton were commended in the resolutions passed by the Legislature.

Mr. BRECKINRIDGE, of Kentucky. I yield back the time to the gentleman from Indiana.

Mr. HOLMAN. I yield now to the gentleman from Minnesota [Mr. LIND], a member of the committee.

Mr. LIND. This bill has been before the Committee on Commerce,

of which I am a member, and after considerable discussion and consideration the committee resolved to report it favorably. It was agreed by certain members of the committee that they would make a minority report, but that has not been done. I do not say anything against the merit of Dr. Hamilton's services. I think he is entitled to all that has been claimed for him on the score of merit and ability, but it does not seem to me that there is any good reason given why this salary should be increased from \$4,000 to \$6,000 a year. No argument was advanced why this increase should be made, except that Dr. Hamilton was an excellent man and had performed faithful and efficient service. I submit, because a man fills an office well and discharges the duties faithfully, that is no reason why his salary should be increased. Not a word was advanced that this increase of salary from \$4,000 to \$6,000 was necessary, and that unless it was done it would be impossible to secure a competent person to fill that office. I do not know why this office should receive a salary higher than that given to a member of this House or of the Senate. He accepted the office at \$4,000 a year and discharged the duties of the office at that salary and will probably continue to do so whether it is increased or not.

Mr. HILL. Before the gentleman takes his seat I wish to inquire whether there is any proof before the committee or whether the committee has any knowledge of the fact as to whether or not this gentleman practices outside of his official duties.

Mr. LIND. One moment more, Mr. Speaker, with permission of the gentleman from Indiana, to answer a question. The gentleman asks whether it appeared before the committee that Dr. Hamilton had any opportunity to practice outside. That did not actually appear in evidence, but it was stated that he could, and that he was frequently called in consultation in important cases. But this, of course, is no argument for or against the proposition, although it must be borne in mind that when he is away on his official duties his expenses are paid.

Mr. HOLMAN. I now yield four minutes to the gentleman from Iowa [Mr. KERR].

Mr. KERR, of Iowa. Mr. Speaker, this, as has been stated by the gentleman who just took his seat, is simply increasing a man's salary for performing his official duty. We have reason to expect and the country has a right to believe that he will perform his duties well; and I understand this official has the right and is actually practicing outside the office, and receives from that source of practice large sums of money.

I think \$4,000 enough for this office, and that that salary will bring good service, will secure for the Government the services of men who will at least be faithful in the performance of duty, and fully competent.

Now, the remark of the gentleman from Georgia, that he had performed some services which required personal sacrifice at Jacksonville, is certainly no good reason for giving him a gratuity three or four years after the services were performed. If it should happen that the yellow fever should break out again and his personal services were required, if such services were rendered by him, let him be paid at the time. But do not give gratuities. I think that is a false principle of legislation. And I am surprised to see my friend from New York [Mr. FLOWER] rising here and presenting this measure, for no doubt when the campaign opens next fall he will be found upon the stump charging this side of the House with undue extravagance and that we have enlarged upon the expenses of the Government and made larger charges than ever before on the public Treasury. The gentleman will perhaps not then, while on the stump, make the statement that I make now, that he is leading in that direction himself by making a motion to bring this subject before the House with the request that it shall be put through under a suspension of the rules. I do not think that ought to be done, and I do not propose to vote for any increase of salaries during this session of Congress.

The Republican party was held responsible years ago for that, and every Republican who voted for an increase of salaries was treated handsomely, by being left at home. But unfortunately, I am sorry to say, it did not hurt the members on the Democratic side at all, and for the reason that the Republican organization in this country is very careful to hold a man to his professions, and require, on all occasions, that his vote shall accord with his professions of economy. Recognizing that fact and for the reasons I have already stated, I am opposed to the passage of this bill. The proposition is not just to all classes of the people, and the present salary is sufficient.

Mr. HOLMAN. I yield the remainder of the time to the gentleman from Alabama [Mr. HERBERT].

The SPEAKER. The gentleman has one minute and a half remaining.

Mr. HERBERT. Mr. Speaker, in the short time at my disposal I desire to say that it seems to me we should set a very bad precedent by the passage of this bill.

The argument of the gentleman from Georgia, as I understand it, is that this officer is a very capable man and that he has discharged his duties nobly and faithfully. Grant all that. The proposition then is for an increase permanently of a salary connected with the duties of an office which he holds temporarily. Is the House ready to do that? Is this House ready, whenever it is shown that an incumbent of an office has been well and faithfully discharging his duties, to increase

the salary of that office for all time? That is what this amounts to; because there never is such a thing as a reduction of salaries here. It is almost impossible to reduce a salary when once it has been fixed by law. And the man who comes after the present incumbent is to enjoy the benefits of this increased salary. Six thousand dollars, as proposed here, is more, I believe, than the Surgeon-General of the Navy is getting by \$1,000, and more than the Surgeon-General of the Army gets by \$1,000.

Mr. HOLMAN. No; I think the gentleman is mistaken; they get \$6,000.

Mr. HERBERT. Well, in some cases it may be that much by reason of longevity pay, but no such salary attaches to the office; this is a permanent enlargement of the salary.

These are the reasons, Mr. Speaker, why I am opposed to the passage of this bill, and it does seem to me that the bill ought not to pass. I had not an opportunity to hear the gentleman from Georgia, but, conceding all that he claimed, it seems to me that the bill ought not to pass.

Mr. BLOUNT. The gentleman disposes of me most summarily. He says, conceding all that I claimed, the bill ought not to pass. [Laughter].

Mr. HERBERT. Because I do not think there can be any sufficient reasons assigned to justify the increase.

Mr. BLOUNT. Nothing in the facts of the case to justify it?

Mr. HERBERT. What I mean is that no reason drawn from the facts he may have stated can justify the conclusion that this salary should be increased \$2,000.

Mr. FLOWER. I yield now two minutes to the gentleman from Georgia [Mr. BLOUNT].

Mr. BLOUNT. Mr. Speaker, if the concluding portion of the argument of my friend from Alabama were all that it contained, I would not undertake to answer it. He says that he did not hear me, but conceding all the facts and arguments I make—

Mr. HERBERT. Conceding all the gentleman claimed.

Mr. BLOUNT. Well, I have no reply to make to that. The only reason I took the floor, however, was to say, in response to the gentleman's statement of my position, that because this officer did his work well therefore his salary ought to be increased—

Mr. HERBERT. Let me say to the gentleman—

Mr. BLOUNT. I have but two minutes, and I merely want to refer to another point.

I only want to say, Mr. Speaker, that the office of Surgeon-General of the Marine-Hospital Service is not all the work that has been assigned to this official; his connection with the Marine-Hospital Service is one thing, but he has charge, in the event of an epidemic disease breaking out in this country, yellow fever, cholera, or anything of that kind, of guarding the whole of our coast and caring for the lives of our people. It is for that reason, the enlargement of his duties, that I have believed this increase ought to be made. Besides that he has in the past exercised this new duty in a way to commend himself to the judgment of the people as deserving of credit before the whole country. These duties, I repeat, are additional to what legitimately belong to his office.

I recollect well, sir, the origin of the use of that fund. A distinguished gentleman on the other side of the House, subsequently President of the United States, but, unfortunately, now dead (General Garfield), in a spirit of humanity, rose on this floor and voted for the expenditure of a half million of dollars, at the discretion of the President, in the event of a contingency like that. Then came the Board of Health, and these duties which were assigned to this officer; and I trust, sir, that there is no one in Alabama, Louisiana, Florida, or any region exposed to the ravages of these imported diseases who feels like criticising or scanning too closely the amount of the salary which is paid to the man who has charge of so important a subject, a salary which is subordinate, I believe, to that of a Surgeon-General of the Army or the Navy, although the duties, in my opinion, are greater.

Mr. FLOWER. I yield two minutes to the gentleman from Illinois.

Mr. MASON. I think no gentleman upon the floor of this House will vote against this bill, if I understand all the circumstances surrounding the case. The bill was fully considered by the Committee on Commerce. This man's salary is now proposed to be raised, or, as my friend from Iowa [Mr. KERR] calls it, "increased," and the gentleman from Alabama [Mr. HERBERT] calls it "increasing it beyond that of the Surgeon-General of the Army." It does not raise his salary above that of the Surgeon-General of the Army or the Surgeon-General of the Navy. It simply equalizes the salaries, and pays him the same as now paid to Surgeons-General who do not do half the work this man does. This gentleman is a perfect genius in the position in which he is engaged; and he has stood between this country and disease time and again. After the Congress of the United States has placed at his disposal half a million dollars to check the incoming disease in the shape of yellow fever and after he has handled his force like a general of an army and saved this country, when every one says "What a splendid man; what a genius" and when he has earned for himself a place in the hearts of the people, when he comes before the people and says, "Pay me the same as you pay other men in my business," some economist from the

country, who does not wish other people to be paid because he thinks that members of Congress (I think as my brother from Iowa said) do not get enough—but gentlemen want—

Mr. KERR, of Iowa. I did not say that. The gentleman is misrepresenting me. I said nothing about members of Congress.

Mr. MASON. I do not know whether it was you who said so or not; but some gentleman did speak about members of Congress. Some gentleman did object that they do not get enough.

I say that if this man has performed that wonderful service for this country it is but a small recompense to him to equalize his salary with other men who are in the same business.

[Here the hammer fell.]

Mr. FLOWER. I yield two minutes to the gentleman from Maryland [Mr. STOCKBRIDGE].

Mr. STOCKBRIDGE. There is one point that should not be introduced—that is, that it is personal to Dr. Hamilton. This bill is not for the personal advantage of an individual. It assumes that the Supervising Surgeon-General will do his duty, whoever he may be. The main essential is the rendition of this service to the country and what this service may be worth. It is not simply that the Surgeon-General of the Marine-Hospital Service has occasion at the time of an epidemic, such as the yellow fever, to exercise his ability and skill to stay its progress all along the Atlantic coast, that some supervision must be exercised to prevent the bringing of contagious diseases in from abroad. That service has risen from comparatively a small force until now there are 3,500 people in it, who take their orders from day to day from him for the well-being of our 60,000,000. As has been said, he is doing a work greater than any corresponding medical officer in this country. It is said that this bill is to equalize his salary with those of the Surgeons-General of the Army and Navy. Not so. In the cases of the Surgeons-General of the Army and the Navy there is a provision for retirement and for pensions in certain cases, but nothing of that sort applies here.

There is nothing in the way of payment for past services rendered. The estimation in which he is held by the people is shown by the Florida affair. This is simply doing an act of justice to an able man who is charged with a great duty for our whole people.

[Here the hammer fell.]

Mr. FLOWER. I now yield three minutes to the gentleman from New York [Mr. BAKER].

Mr. BAKER. Mr. Speaker, this bill is reported favorably by the Committee on Commerce because it was considered an act of justice to an officer upon whom was placed great responsibility. It was made to appear before the committee that he had protected this country by his wise management against ravages by the yellow fever last year. Resolutions of the Florida Legislature were presented, showing how well he performed his duty. Now, I think the Republican party can afford to take the responsibility of passing a measure like this. It is simply a matter of justice. It is due to him in face of the duties he has been called upon to perform. The Surgeon-General himself took his life in his hands and went forth in the performance of the duties charged upon him last year. Some of his assistants met their death in the performance of their duties. He has charge of a work of such great dimensions that it embraces the whole country, and from the Pacific to the Atlantic he is guarding the health of the country against ravages of imported disease and pestilence. I think it is of the utmost importance that he should be adequately compensated for such services as he has rendered and such as he will be called upon to render.

[Here the hammer fell.]

Mr. FLOWER. I would not have presented this bill for increasing the salary of Surgeon-General Hamilton unless I believed it absolutely right. The gentleman from Iowa ought to know that. I will forgive the Republican party or the Democratic party for any record they may make in raising this man's salary commensurate with the value of his service to his country. When yellow fever last year broke out in Florida Surgeon-General Hamilton went to Jacksonville and exerted himself to crush out the disease, and as an evidence of how well he performed his duties the Florida Legislature unanimously passed resolutions thanking him. [Cries of "Vote!" "Vote!"]

Mr. ALLEN, of Mississippi. Mr. Speaker, I ask unanimous consent for one minute to express my opinions upon this bill.

There was no objection.

Mr. ALLEN, of Mississippi. Mr. Speaker, I have heard a good deal about equalizing salaries since I have been here, but the effort is always to "equalize" them up; I have never heard of any effort being made to equalize salaries down. Sir, I read every day that the farmers of Kansas are burning their corn and that farms in Pennsylvania and in Kansas and everywhere else are being sold under mortgage, yet nobody is rising here to "equalize" the products of the farmer, but everybody is wanting to "equalize" salaries up, and I have been expecting to see some gentleman rise here and propose to raise the salaries of members of Congress to \$10,000 a year, so as to put them on an equality with Vanderbilt's cook. [Laughter.]

The SPEAKER. The time of the gentleman has expired.

The question was taken on the motion to suspend the rules and pass the bill; and it was rejected—ayes 39, noes 75.

NAVAL APPROPRIATION BILL.

Mr. BOUTELLE. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 8909) making appropriations for the naval service for the fiscal year ending June 30, 1891, and for other purposes.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. BUTTERWORTH in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the consideration of the naval appropriation bill.

Mr. BOUTELLE. Mr. Speaker, this bill is a regular annual appropriation bill for the maintenance of the naval establishment of the United States. I shall not detain the House at this time with any elaborate discussion of the bill—

Mr. BRECKINRIDGE, of Kentucky. It is understood, Mr. Speaker, that we do not waive the right to ask for the reading of the bill.

Mr. WILKINSON. Mr. Speaker, I demand the reading of the bill.

Mr. BOUTELLE. I ask unanimous consent that the bill be considered as read.

Mr. WILKINSON. I object.

Mr. BOUTELLE. What is the gentleman's object?

Mr. WILKINSON. I want the bill read.

Mr. BOUTELLE. The gentleman understands, I presume, that the intention is to have it read by paragraphs in Committee of the Whole.

Mr. WILKINSON. I want it read now.

Mr. BOUTELLE. And again also? Well, I presume the gentleman has the right, if he desires, to delay the business of the House.

The CHAIRMAN. The gentleman has. The Clerk will read.

The Clerk proceeded to read the bill.

Before the completion of the reading

Mr. WILKINSON said: Mr. Chairman, I withdraw the demand for the reading of the bill.

Mr. MCCREARY. Mr. Chairman, I ask that the reading of the bill be completed.

Mr. BOUTELLE. I trust the gentleman from Kentucky will not insist upon wearying the clerks by this reading. The bill is to be read later and considered by paragraphs.

Mr. MCCREARY. I think every bill that comes before the House of Representatives ought to be read.

Mr. ROGERS. That is right.

Mr. BOUTELLE. The gentleman from Kentucky makes that remark with such an appearance of meaning it that I shall not attempt to change his purpose.

The Clerk resumed the reading of the bill.

Mr. BOUTELLE (before the completion of the reading). Mr. Chairman, is it in order to give notice of amendments at this reading of the bill?

The CHAIRMAN. It is not.

Mr. MCCREARY. I did not understand the observation of the gentleman from Maine.

The CHAIRMAN. The gentleman from Maine inquired whether it was in order to give notice of amendments at this time and the Chair answered that it was not.

Mr. MCCREARY. Mr. Chairman, while I am on the floor I desire to say, in justice to myself and in response to a remark made by the gentleman from Maine [Mr. BOUTELLE] when I asked for the reading of this bill, that I asked for it because I believe that every bill that is considered in this House should be read through. I asked for it also because, under the existing rules of the House, we have no opportunity of knowing what is coming up until it comes up. At present, under the rules of this House, members having bills or memorials of a private nature to present are required to deliver them to the Clerk, and "all other bills, memorials, and resolutions may in like manner be delivered, indorsed with the names of the members introducing them, to the Speaker." That is an innovation on the rules that have controlled the proceedings of this House in all the past. Now, I asked for the reading of this bill, as I have asked for the reading of other bills, in order that we might know something of what was presented for our consideration, and also that I might have time to examine the report made by the committee and the measure itself. I think that under the existing rules it is right and proper to ask for the reading of the bills that come before us, and for these reasons I made the demand in this case, as I shall make it in others.

Mr. BOUTELLE. Mr. Chairman, I think if the gentleman is unwilling to allow the chairman of the committee in charge of this bill to occupy any time he is hardly justified in occupying so much himself.

The CHAIRMAN. All this is out of order. The Clerk will proceed.

The Clerk resumed and completed the reading of the bill.

Mr. BOUTELLE. Mr. Chairman, it was the hope of the Committee on Naval Affairs that this bill might be expedited so as to take up as little as possible of the time of the House. There is very little disposition on the part of any of the members of the committee to occupy time in discussing it, and I am justified in saying that the measure of agreement among the members of the committee in regard to the pro-

visions of the bill is such that there is no reason to anticipate anything but the most prompt disposal of these appropriations. I shall not occupy the time of the House myself beyond making a brief statement of some of the amounts carried by the bill. The total is \$22,156,523.21, which shows an increase of only \$464,012.94 over the appropriations for the current fiscal year. This increase is accounted for, and somewhat more than accounted for, by the additional appropriations required for purposes coming under the head of "Increase of the Navy" connected with the carrying on of the work of construction and armament of the vessels of the new Navy, which have been increased somewhat from year to year, thereby making an increased demand upon the annual appropriations. The amount appropriated in this bill under the special classifications of "Increase of the Navy" and for "Public works" aggregates \$8,928,780.

Deducting this from the aggregate amount of the appropriation, we have left as the amount appropriated for the annual expenses of the Department \$13,227,743.21, which is a few thousand dollars less than the annual appropriation for the current fiscal year.

Mr. Chairman, as the customary hour of adjournment is at hand and the House is very thin, and as such observations (very brief, I will say) as I desire to make in regard to the more important provisions of the bill may possibly be of some interest to members who are not now present, I will move that the committee rise.

Mr. SAYERS. I will ask the gentleman in charge of the bill whether, to-morrow, before we proceed to consider the bill by paragraphs, he will not give to the House information upon some other matters connected with the bill.

Mr. BOUTELLE. I will state, for the information of the gentleman, that if the time this afternoon had not been consumed by the reading of the bill it was my purpose to yield the floor to the gentleman from Alabama [Mr. HERBERT] and the gentleman from New Jersey [Mr. MCADOO], who, in conjunction with the brief remarks I have offered myself, would have been able, I trust, to enlighten the House sufficiently in regard to the provisions of the bill.

Mr. SAYERS. The gentleman can do it to-morrow.

Mr. BOUTELLE. As it is, we will take up the bill in regular course to-morrow and those gentleman will have an opportunity to speak.

Mr. MCCREARY. I would like to ask the gentleman from Maine a question. I understood him to say that if so much time had not been taken up in the reading of the bill the gentleman from New Jersey, the gentleman from Alabama, and perhaps others would have been able to make remarks. Now, I desire to know from the gentleman what necessity there is for such great haste in the passage of this bill. As I understand, the bill appropriates about \$22,000,000—half a million dollars more than the last bill. As I understand, also, we are here to consider just such bills as the one now before us. I am a friend of the naval appropriation bills; I am in favor of a Navy; my record in this House shows that for the last four years I have always voted for appropriation of money to continue the construction of our Navy. But I am opposed to the continued statements which are made by the gentleman from Maine that, because I asked that the bill be read, therefore I have been consuming time unnecessarily. I had the right to ask for the reading of the bill. I have the right to demand that any bill which is called up for consideration in this House be read. I have simply exercised that right, for which I make no apology whatever.

Mr. BOUTELLE. Mr. Chairman, has the gentleman concluded?

Mr. MCCREARY. For the present.

Mr. BOUTELLE. The gentleman having exercised his right and the time having been consumed, I now move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. BUTTERWORTH reported that the Committee of the Whole on the state of the Union having had under consideration the bill (H. R. 8909) making appropriations for the naval service for the fiscal year ending June 30, 1891, and for other purposes, had come to no resolution thereon.

LEAVE OF ABSENCE.

Leave of absence was, by unanimous consent, granted in the following cases:

To Mr. STONE, of Missouri, for four days, on account of important business.

To Mr. ANDREW, for this day, on account of important business.

To Mr. COVERT, for ten days, on account of important business.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced the passage without amendment of House bills of the following titles, namely:

- A bill (H. R. 15) to pension Julia Fleming;
- A bill (H. R. 16) to pension Hiram Wilbur;
- A bill (H. R. 1041) granting a pension to Mary A. Van Etten;
- A bill (H. R. 1043) granting a pension to Theresa Herbst;
- A bill (H. R. 1482) for the relief of Eliza Stanton;
- A bill (H. R. 1678) granting a pension to John R. Petrie;
- A bill (H. R. 1873) granting a pension to Lovina Wright;

A bill (H. R. 1875) granting a pension to Elizabeth E. Groff;
 A bill (H. R. 1927) granting an increase of pension to George Colwell;
 A bill (H. R. 2132) to restore the pension of Mrs. Helen S. Spring;
 A bill (H. R. 2302) granting a pension to Bridget Carroll;
 A bill (H. R. 2615) for the relief of Mattie W. House;
 A bill (H. R. 2767) increasing the pension of John Taylor;
 A bill (H. R. 2832) granting a pension to Sarah McTavey;
 A bill (H. R. 3221) granting a pension to Margaret J. Fletcher;
 A bill (H. R. 3225) granting an increase of pension to Daniel M. Maulding;
 A bill (H. R. 3227) for the relief of Samuel L. M. Proctor;
 A bill (H. R. 3228) for the relief of William Carroll;
 A bill (H. R. 3382) granting a pension to Lucy R. Olmstead;
 A bill (H. R. 3581) to pension John D. Prater for service in the Indian war;
 A bill (H. R. 3582) to pension Joel B. Tribble for service in the Indian war;
 A bill (H. R. 3597) to pension Cyntia Day;
 A bill (H. R. 3636) granting a pension to William H. Brimmer;
 A bill (H. R. 3954) granting an increase of pension to General Horace Boughton;
 A bill (H. R. 3955) granting a pension to Ann Ford;
 A bill (H. R. 3956) granting a pension to Ellen Shears;
 A bill (H. R. 4195) to increase the pension of Mrs. Emma A. Hart;
 A bill (H. R. 4202) to pension Henry S. Morgan;
 A bill (H. R. 4420) granting a pension to Abbie D. Johnson;
 A bill (H. R. 4421) to increase the pension of Horace B. Lewis;
 A bill (H. R. 4749) for the relief of Elizabeth O. Gibson;
 A bill (H. R. 4840) to increase the pension of William Boone;
 A bill (H. R. 4854) to pension Green B. Lee;
 A bill (H. R. 4855) granting a pension to Delia W. Marshall;
 A bill (H. R. 4865) granting a pension to Carrie Wirtz;
 A bill (H. R. 4904) granting a pension to George Faulk;
 A bill (H. R. 4984) granting a pension to Thomas Kelly;
 A bill (H. R. 5010) granting a pension to Mary Taffe;
 A bill (H. R. 5030) granting a pension to Henrietta L. Arlin;
 A bill (H. R. 5161) granting a pension to Robert Hill;
 A bill (H. R. 5162) granting a pension to William R. Scurlock;
 A bill (H. R. 5484) to increase the pension of Mary M. Gibson, widow of Commander William Gibson;
 A bill (H. R. 5516) to increase the pension of Alonzo Alden;
 A bill (H. R. 5995) granting a pension to Amasa Chase;
 A bill (H. R. 6304) granting a pension to Frederick Bischer;
 A bill (H. R. 6328) granting a pension to Jane Reynolds;
 A bill (H. R. 6303) granting a pension to Joseph D. Wilson;
 A bill (H. R. 105) in relation to immediate transportation of dutiable goods, amendatory of the act of July 10, 1880;
 A bill (H. R. 4975) providing for the appointment of an assistant general superintendent and a chief clerk, railway mail service; and
 A bill (H. R. 7498) to establish three new land districts in the Territory of Wyoming.
 It also announced that the Senate had passed, with amendments in which concurrence was requested, House bills of the following titles, namely:
 A bill (H. R. 1015) to provide for town-site entries of lands in what is known as Oklahoma, and for other purposes;
 A bill (H. R. 2861) for the relief of Helen E. Dewey; and
 A bill (H. R. 7010) for the relief of John J. Freeland.
 It also announced the passage of bills of the following titles; in which concurrence was requested, namely:
 A bill (S. 168) granting a pension to William Gardner;
 A bill (S. 329) granting a pension to John L. Russell;
 A bill (S. 404) granting a pension to William Clawson;
 A bill (S. 448) granting a pension to Dobson Amick;
 A bill (S. 510) granting a pension to John W. Reynolds;
 A bill (S. 513) granting a pension to Alfred Denny;
 A bill (S. 563) for the relief of Cornelia A. Stanley;
 A bill (S. 713) granting a pension to Joseph McGuckian;
 A bill (S. 786) granting a pension to Mrs. M. A. Hooper;
 A bill (S. 789) granting an increase of pension to Henry G. Healy;
 A bill (S. 796) granting a pension to Maggie Stauffer;
 A bill (S. 797) granting a pension to Lucy I. Bissell;
 A bill (S. 798) granting a pension to Mariah L. Pool;
 A bill (S. 820) granting a pension to Mary Kinney;
 A bill (S. 843) granting a pension to Thomas Todd;
 A bill (S. 992) granting a pension to Phillipine Ray;
 A bill (S. 995) increasing the pension of Zachariah T. Crawford;
 A bill (S. 1048) granting a pension to Lloyd H. Snell;
 A bill (S. 1064) granting a pension to Margaret E. Adamson;
 A bill (S. 1143) granting a pension to Henry Imsande;
 A bill (S. 1109) granting a pension to John Kinney;
 A bill (S. 1103) granting a pension to Robert H. Stewart;
 A bill (S. 1184) to pension Mrs. Theodora M. Piatt;
 A bill (S. 1238) granting a pension to Daniel Donovan;
 A bill (S. 1282) granting a pension to Alice Nicholas;
 A bill (S. 1302) granting a pension to John Beechen, sr.;

A bill (S. 1294) to increase the pension of James Coey;
 A bill (S. 1303) granting a pension to Mrs. Amanda L. Wisner;
 A bill (S. 1304) granting an increase of pension to Stephen D. Redfield;
 A bill (S. 1314) granting a pension to Davis Foster;
 A bill (S. 1356) granting an increase of pension to Daniel H. Kent;
 A bill (S. 1365) granting a pension to Annie E. Dixon;
 A bill (S. 1408) granting a pension to Miss Charlotte Bradford;
 A bill (S. 1446) granting a pension to Elizabeth Wilson;
 A bill (S. 1524) granting a pension to Mena Holmes;
 A bill (S. 1546) granting an increase of pension to Mrs. Sallie M. Michler, widow of the late Bvt. Brig. Gen. Nathaniel Michler, United States Army;
 A bill (S. 1565) granting a pension to Ann Ruffner;
 A bill (S. 1577) granting a pension to Francis E. Smith;
 A bill (S. 1681) granting a pension to John Bridenback, late private Company L, Fourth Regiment Ohio Volunteer Cavalry;
 A bill (S. 1702) granting a pension to Rozalia Junk;
 A bill (S. 1703) granting a pension to Betsy Mansfield;
 A bill (S. 1717) granting a pension to Mrs. Harriet Dada Emens, formerly Miss Hattie A. Dada;
 A bill (S. 1729) granting a pension to Lucy A. Coffield;
 A bill (S. 1732) granting a pension to Nancy A. Thornton;
 A bill (S. 1735) granting a pension to J. M. Stevens;
 A bill (S. 1741) granting an increase of pension to James H. Shewalter;
 A bill (S. 1817) granting a pension to Mary F. Hopkins;
 A bill (S. 1840) granting a pension to Sallie Douglass Hartranft;
 A bill (S. 1902) granting a pension to Sarah C. Anderson and children under sixteen years of age;
 A bill (S. 1928) for the relief of Henrietta E. Boggs;
 A bill (S. 2017) to increase the pension of Henry H. Penrod;
 A bill (S. 2036) granting an increase of pension to Mrs. F. Selina Buchanan;
 A bill (S. 2144) granting a pension to Edmund T. Spotswood;
 A bill (S. 2197) to increase the pension of Ziba Yarnell;
 A bill (S. 2309) for the relief of Joseph O. Cotton, dependent father of Gregory H. Cotton;
 A bill (S. 2366) granting a pension to Florida Kennerly;
 A bill (S. 2698) granting a pension to Johanna Loewinger;
 A bill (S. 2733) granting a pension to Theodore Gardner;
 A bill (S. 2734) granting a pension to Ada Johnson;
 A bill (S. 2765) granting a pension to William Richardson;
 A bill (S. 2766) granting a pension to John McLaren;
 A bill (S. 2833) granting a pension to John Finnon;
 A bill (S. 2859) for the relief of Caroline Baker Stevens, relict of the late Col. Robert J. Stevens and daughter of the late Col. Edward D. Baker;
 A bill (S. 2863) increasing the pension of Andrew J. Konkle;
 A bill (S. 2933) granting a pension to James H. Palmer;
 A bill (S. 2954) granting a pension to Charles A. Norton;
 A bill (S. 2976) granting a pension to Mary L. Bradley, formerly Mary L. Smith, who served as a nurse in the war of the rebellion;
 A bill (S. 3177) granting a pension to Ursula Lucretia Haight;
 A bill (S. 246) to authorize the Secretary of the Treasury and the proper accounting officers to restate, settle, and pay to the owners of private dies the balance of commissions due them;
 A bill (S. 363) to amend an act entitled "An act to amend sections 2262 and 2301 of the Revised Statutes of the United States, in relation to the settler's affidavit in pre-emption and commuted homestead entries," approved June 9, 1880;
 A bill (S. 388) to remove the charge of desertion now standing against the record of Noyes Barber on the rolls of the Navy Department;
 A bill (S. 562) for the relief of Eunice Tripler, widow of Charles S. Tripler;
 A bill (S. 597) to authorize the conveyance of certain Absentee Shawnee Indian lands in Kansas;
 A bill (S. 885) authorizing the Lexington Pontoon Bridge Company to construct and maintain a pontoon bridge across the Missouri River, and to legalize the bridge already constructed at the city of Lexington, in the State of Missouri;
 A bill (S. 948) for the relief of Laban Heath & Co., of Boston, Mass.;
 A bill (S. 949) for the relief of W. H. Ward;
 A bill (S. 1005) to authorize and direct the Secretary of War to place on file in the War Department the names of the officers and members of the Frontier Guards, mustered into the volunteer military service of the United States on the 18th day of April, 1861, and issue discharges to the same;
 A bill (S. 1252) for the relief of Maj. James Belger;
 A bill (S. 1293) for the relief of Charles F. Bowers;
 A bill (S. 1424) to provide for the disposal of the interest on the Virginian indemnity fund;
 A bill (H. R. 1427) for the relief of John McBean, of Umatilla County, Oregon;
 A bill (S. 1455) to construct a road to the national cemetery at Dover, Tenn.;

A bill (S. 1520) to amend section 1754 of the Revised Statutes of the United States;

A bill (S. 1854) for the relief of James H. Bacon;

A bill (S. 1926) for the relief of Mary L. Ross;

A bill (S. 2030) donating condemned cannon and small-arms to Naval Post No. 400, Grand Army of the Republic, Department of Pennsylvania;

A bill (S. 2167) to provide for building and maintaining an Indian industrial school at Flandreau, State of South Dakota;

A bill (S. 2353) for the regulation of all dealers in distilled or fermented liquors, wines, or cordials within the District of Columbia;

A bill (S. 2378) to prevent fraudulent transactions on the part of commission merchants and other consignees of goods and property in the District of Columbia;

A bill (S. 2443) to authorize the Duluth, Red Wing and Southern Railroad Company to construct a bridge across the Mississippi River at or near the city of Red Wing, in the State of Minnesota, and to establish it as a post-road;

A bill (S. 2492) for the relief of Napoleon B. Giddings;

A bill (S. 2594) providing for an inspection of meats for exportation, prohibiting the importations of adulterated articles of food or drink, and authorizing the President to make proclamation in certain cases, and for other purposes;

A bill (S. 2740) to provide for the erection of an additional fire-proof building for the National Museum; and

A bill (S. 2784) to amend section 204 of the Revised Statutes of the United States relating to the District of Columbia.

It also announced that the Senate disagreed to the amendments of the House to the bill (S. 1873) authorizing the Brazos Terminal Railway Company to construct a bridge across the Brazos River in the State of Texas, asked a conference with the House on the disagreeing votes thereon, and had appointed Mr. VEST, Mr. CULLOM, and Mr. COKE conferees on the part of the Senate.

It also announced that the Senate agreed to the amendments of the House to the joint resolution (S. R. 46) authorizing the Secretary of the Navy to remove the naval magazine from Ellis Island in New York Harbor, and to purchase a site and erect a naval magazine at some other point, and for other purposes; and

Also to the amendments of the House to the bill (S. 430) to authorize the Secretary of the Treasury to cause to be examined certain vouchers filed, or to be filed, by the State of Missouri, or her agent or agents, for sums claimed to be due from the Government of the United States on account of payments made by said State since April 22, 1882, to the officers and enlisted men of her militia forces for military services rendered to the United States in the suppression of the rebellion, as evidenced by the proper pay-rolls heretofore filed with, examined, and accepted by the Government of the United States, and to report to Congress.

Then, on motion of Mr. BOUTELLE, the House (at 4 o'clock and 50 minutes p. m.) adjourned.

EXECUTIVE AND OTHER COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following communication was taken from the Speaker's table and referred as follows:

LIGHT AND STEAM FOG-WHISTLE, NEW LONDON, CONN.

Letter from the Secretary of the Treasury, recommending the establishment of a light and steam fog-whistle at New London, Conn.—to the Committee on Commerce.

MEMORIALS AND RESOLUTIONS OF STATE LEGISLATURES.

Under clause 3 of Rule XXII, the following memorials and resolution were introduced and referred as follows:

By Mr. CONGER: Memorial and joint resolution of the General Assembly of Iowa, urgently requesting Iowa Senators and Representatives in Congress to vigorously support, and if possible secure the passage of, the bill placing jute and sisal-grass upon the free-list—to the Committee on Ways and Means.

Also, memorial and concurrent resolution instructing and requesting Iowa Senators and Representatives in Congress to ask for an appropriation to pay the claim of Capt. Washington Galland for expenditures in raising, organizing, and subsisting recruits for the Army of the United States—to the Committee on War Claims.

Also, joint memorial and resolution asking Congress to enact a law providing for pensioning certain women enrolled as army nurses—to the Committee on Invalid Pensions.

REPORTS OF COMMITTEES.

Under clause 2 of Rule XIII, reports of committees were delivered to the Clerk and disposed of as follows:

Mr. SNIDER, from the Committee on Military Affairs, reported favorably the following bills of the House; which were severally referred to the Committee of the Whole House:

A bill (H. R. 1036) to remove the charge of desertion against the name of James M. McNeil, alias James W. Gibson;

A bill (H. R. 1618) for the relief of James W. Snyder;

A bill (H. R. 1474) to remove the charge of desertion from the military record of George W. Madden;

A bill (H. R. 3454) for relief of De Witt Eastman;

A bill (H. R. 1593) for the relief of George M. Henry;

A bill (H. R. 1040) for the relief of James A. Murphy; and

A bill (H. R. 1358) to remove the charge of desertion against John Milroy and authorizing his honorable discharge.

Mr. LAIDLAW, from the Committee on Claims, reported favorably the bill of the House (H. R. 1042) for the relief of Nehemiah Osburn—to the Committee of the Whole House.

Mr. ENLOE, from the Committee on War Claims, reported with amendment the bill of the House (H. R. 1616) for the relief of the First Methodist Church, in the city of Jackson, Tenn.—to the Committee of the Whole House.

Mr. STONE, of Kentucky, from the Committee on War Claims, reported with amendment the bill of the House (H. R. 1315) for the relief of Henry S. Saunders—to the Committee of the Whole House.

Mr. BROWER, from the Committee on War Claims, reported favorably the bill of the House (H. R. 7740) for the relief of Mrs. A. Shirley—to the Committee of the Whole House.

Mr. HENDERSON, of North Carolina, from the Committee on Pensions, reported favorably the following bills of the House; which were severally referred to the Committee of the Whole House:

A bill (H. R. 7578) granting a pension to Thompson N. Statham; and

A bill (H. R. 7414) granting a pension to Washington F. Short.

Mr. HENDERSON also, from the Committee on Pensions, reported with amendment the following bills of the House; which were severally referred to the Committee of the Whole House:

A bill (H. R. 6757) granting a pension to William Crawford;

A bill (H. R. 6756) granting a pension to Joseph Morris; and

A bill (H. R. 4297) increasing the pension of Mrs. Dorothea D. Yates.

Mr. PARRETT, from the Committee on Pensions, reported with amendment the bill of the House (H. R. 4474) granting a pension to Nancy Hartley—to the Committee of the Whole House.

Mr. ROGERS, from the Committee on the Judiciary, reported favorably the bill of the House (H. R. 9014) to define and regulate the jurisdiction of the courts of the United States—to the Committee of the Whole House on the state of the Union.

Mr. RANDALL, of Massachusetts, from the Committee on Pensions, reported favorably the bill of the Senate (S. 1813) granting increase of pension to Florida G. Casey—to the Committee of the Whole House.

Mr. BROWNE, of Virginia, from the Committee on Pensions, reported favorably the following bills of the House; which were severally referred to the Committee of the Whole House:

A bill (H. R. 6164) to increase the pension of Thomas H. Isbell; and

A bill (H. R. 8109) to pension George W. Scott for service in the Florida war.

Mr. PAYSON, from the Committee on the Public Lands, reported, with amendment the bill of the House (H. R. 4631) authorizing the city of Aberdeen, S. Dak., to purchase certain lands—to the Committee of the Whole House on the state of the Union.

Mr. MAISH, from the Committee on War Claims, reported with amendment the bill of the House (H. R. 3146) for the relief of the estate of Andrew J. Duncan, deceased—to the Committee of the Whole House.

He also, from the same committee, reported favorably the bill of the House (H. R. 3317) to indemnify the State of Pennsylvania for money expended in 1864 for militia called into the military service by the governor under the proclamation of the President of June 15, 1863—to the Committee of the Whole House on the state of the Union.

Mr. GROUT, from the Committee on the District of Columbia, reported with amendment the bill of the House (H. R. 7079) for the relief of Thomas J. Parker—to the Committee of the Whole House.

Mr. HEMPHILL, from the Committee on the District of Columbia, reported favorably the bill of the House (H. R. 5401) for the relief of holders of District of Columbia special assessment certificates, and for other purposes—to the House Calendar.

Mr. DE LANO, from the Committee on Pensions, reported favorably the following bills; which were severally referred to the Committee of the Whole House:

A bill (H. R. 8087) granting a pension to Johnson Reddick; and

A bill (S. 2598) increasing the pension of Walter P. Harrison.

Mr. DE LANO also, from the Committee on Pensions, reported with amendment the bill of the House (H. R. 6792) granting a pension to Hetta Brainard—to the Committee of the Whole House.

Mr. BINGHAM, from the Committee on the Post-Office and Post-Roads, reported favorably the bill of the House (H. R. 7558) to fix the rate of postage on periodical publications containing the print or reprint of books—to the House Calendar.

Mr. STONE, of Kentucky, from the Committee on War Claims, reported favorably the bill of the House (H. R. 3109) for the relief of D. K. Ponder—to the Committee of the Whole House.

Mr. POST, from the Committee on Public Buildings and Grounds, re-

ported with amendment the following bills of the House; which were severally referred to the Committee of the Whole House on the state of the Union:

A bill (H. R. 4615) for the erection of a public building at Zanesville, Ohio;

A bill (H. R. 3337) for the erection of a public building in the city of Clarksville, Tenn.; and

A bill (H. R. 210) to provide for the construction of a public building at Sterling, Ill.

ADVERSE REPORTS.

Under clause 2 of Rule XIII, adverse reports were delivered to the Clerk and laid on the table, as follows:

By Mr. BELKNAP, from the Committee on Invalid Pensions, on the bill of the Senate (S. 1527) for an increase of pension to Oscar K. Rogers.

By Mr. SNIDER, from the Committee on Military Affairs, on the following bills of the House:

A bill (H. R. 1018) for the relief of Levi Neitz;

A bill (H. R. 1912) to remove the charge of desertion against Frank Wempe;

A bill (H. R. 1278) to remove the charge of desertion against Levi E. Ferrin; and

A bill (H. R. 1815) for the relief of George A. Cassidy.

BILLS AND JOINT RESOLUTIONS.

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

By Mr. VANDEVER: A bill (H. R. 9057) to restore William A. Winder to the United States Army and to place him on the retired-list with the rank of captain of artillery—to the Committee on Military Affairs.

By Mr. CLARKE, of Alabama: A bill (H. R. 9058) to provide for the completion of the improvement of Mobile Harbor, Alabama—to the Committee on Rivers and Harbors.

By Mr. HEARD (by request): A bill (H. R. 9059) to incorporate the City and Suburban Railway Company of the District of Columbia—to the Committee on the District of Columbia.

By Mr. STONE, of Missouri: A bill (H. R. 9060) for the erection of a public building at the city of Nevada, Mo.—to the Committee on Public Buildings and Grounds.

By Mr. OATES: A bill (H. R. 9061) to prevent cruelty to domestic animals—to the Committee on the Judiciary.

By Mr. BOOTHMAN: A bill (H. R. 9062) granting a service pension to persons serving in the Army, Navy, or Marine Corps of the United States during the war of 1861-1865, and for other purposes—to the Committee on Invalid Pensions.

By Mr. HANSBROUGH: A bill (H. R. 9063) creating an additional land office in the State of North Dakota—to the Committee on the Public Lands.

By Mr. HILL: A bill (H. R. 9064) to provide for the erection of a government building at Joliet, Ill.—to the Committee on Public Buildings and Grounds.

By Mr. CLARKE, of Alabama: A bill (H. R. 9065) for the relief of inland navigation—to the Committee on Commerce.

By Mr. BOATNER: A bill (H. R. 9067) for the prevention of the adulteration and misbranding of food and drugs, and for the prevention of poisonous or injurious adulterations, and for other purposes—to the Committee on Agriculture.

By Mr. WILSON, of Washington (by request): A bill (H. R. 9068) for the relief of the Kaw Indians—to the Committee on Indian Affairs.

By Mr. PICKLER: A bill (H. R. 9069) to enlarge the Missouri River Commission and provide for the survey and improvement of said river in the States of Montana, North Dakota, and South Dakota—to the Committee on Rivers and Harbors.

PRIVATE BILLS, ETC.

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

By Mr. CANDLER, of Massachusetts: A bill (H. R. 9070) for the relief of Francis S. Davidson—to the Committee on Military Affairs.

By Mr. CANNON: A bill (H. R. 9071) granting a pension to John S. Magee—to the Committee on Invalid Pensions.

By Mr. CARUTH: A bill (H. R. 9072) increasing the pension of Alexander Evans—to the Committee on Pensions.

Also, a bill (H. R. 9073) increasing the pension of Mrs. Julia C. Irwin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9074) for the relief of Matilda Tisheaur—to the Committee on Banking and Currency.

By Mr. EWART: A bill (H. R. 9075) for the relief of Stephen M. Honeycutt—to the Committee on War Claims.

Also, a bill (H. R. 9076) to place the name of Eason Pate on muster-roll of Company M, Eighth Tennessee Cavalry—to the Committee on Military Affairs.

By Mr. HILL: A bill (H. R. 9077) to relieve Christopher J. Smith of the charge of desertion—to the Committee on Military Affairs.

By Mr. LANSING: A bill (H. R. 9078) to grant a pension to Ida A. Taylor—to the Committee on Invalid Pensions.

By Mr. LAWLER: A bill (H. R. 9079) for the relief of Peter Casey—to the Committee on Military Affairs.

By Mr. MILLS: A bill (H. R. 9080) for the relief of L. P. Eaves—to the Committee on Invalid Pensions.

By Mr. O'NEILL, of Pennsylvania: A bill (H. R. 9081) to relieve John W. White from the charge of desertion—to the Committee on Military Affairs.

By Mr. OSBORNE: A bill (H. R. 9082) for the relief of Rebecca Eldridge—to the Committee on Invalid Pensions.

By Mr. PERKINS: A bill (H. R. 9083) granting a pension to Mrs. Donzella Hubb—*to the Committee on Invalid Pensions.*

By Mr. QUACKENBUSH: A bill (H. R. 9084) granting a pension to David Stockwell—to the Committee on Invalid Pensions.

By Mr. ROGERS: A bill (H. R. 9085) for the relief of Mrs. Catherine Brown—to the Committee on Invalid Pensions.

By Mr. RUSSELL: A bill (H. R. 9086) for the relief of Joseph A. Doane—to the Committee on Invalid Pensions.

By Mr. SMITH, of Illinois: A bill (H. R. 9087) granting a pension to Media Butler, daughter of Andrew Butler, deceased, late of Company F, Fifty-fourth Regiment of Illinois Volunteer Infantry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9088) granting a pension to Mrs. Henrietta Capoot, former widow of William T. Jaccard, and to William T. Jaccard, jr., son of said William T. Jaccard, deceased—to the Committee on Invalid Pensions.

By Mr. STONE, of Kentucky: A bill (H. R. 9089) for the relief of the heirs of D. A. Butler, deceased—to the Committee on War Claims.

Also, a bill (H. R. 9090) for the relief of T. M. Butler—to the Committee on War Claims.

Also, a bill (H. R. 9091) for the relief of S. M. Grace—to the Committee on War Claims.

By Mr. STRUBLE (by request): A bill (H. R. 9092) for the relief of Frank Crathorne—to the Committee on Military Affairs.

Also (by request), a bill (H. R. 9093) for the relief of Miles Holton—to the Committee on Military Affairs.

Also (by request), a bill (H. R. 9094) for the relief of F. B. Matthews—to the Committee on Military Affairs.

Also (by request), a bill (H. R. 9095) for the relief of Joseph Murray—to the Committee on Military Affairs.

By Mr. STUMP: A bill (H. R. 9096) for the relief of the Locust Point Company of the city of Baltimore—to the Committee on Claims.

By Mr. EZRA B. TAYLOR: A bill (H. R. 9097) for the relief of certain ex-cadets of the United States Military Academy—to the Committee on Claims.

By Mr. TUCKER (by request): A bill (H. R. 9098) for the relief of the widow of Martin Webb—to the Committee on War Claims.

By Mr. WHEELER, of Michigan: A bill (H. R. 9099) granting a patent of land to Mrs. Maria Thomas—to the Committee on the Public Lands.

By Mr. WILSON, of Washington: A bill (H. R. 9100) for the relief of Thomas Wright—to the Committee on Claims.

PETITIONS, ETC.

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

By Mr. ATKINSON, of West Virginia: Petition of Grand Army Post at West Union, W. Va., praying for the passage of the per diem pension bill—to the Committee on Invalid Pensions.

By Mr. BANKS (by request): Petition of Moses Amar Benusuli, for redress and damages—to the Committee on Foreign Affairs.

By Mr. BARNES: Petition of merchants of Augusta, Ga., against the passage of the bill imposing a tax on compound lard—to the Committee on Agriculture.

By Mr. BERGEN: Petition of the New Jersey Canned Goods Association, that the duty on tin-plate be not increased—to the Committee on Ways and Means.

By Mr. CHIPMAN: Petition of vessel-owners, navigators, merchants, manufacturers, and others, of Michigan, in favor of deepening the west channel of Detroit River—to the Committee on Rivers and Harbors.

By Mr. COGSWELL: Protest of Albert Connor and others, of Newburyport, Mass., against increased duty on imported lime—to the Committee on Ways and Means.

Also, protest of F. L. Cousins and others, of New York, manufacturers of boots and shoes and clothing, against further increase of duty on flax and linen threads and hacked flax—to the Committee on Ways and Means.

By Mr. CONGER: Petition of J. J. Town and 77 others, citizens of Des Moines, Iowa, against the enactment of sections 24 and 25 of H. R. 8278—to the Committee on Commerce.

Also, petition of W. W. Williams and 27 other citizens, against the

enactment of sections 24 and 25 of H. R. 8278—to the Committee on Commerce.

By Mr. DARGAN: Petition of citizens of Marlborough County, South Carolina, against the passage of the bills regulating the sale of compound lard—to the Committee on Agriculture.

By Mr. DOLLIVER: Petition of Cassius Fairchilds Post No. 431, Grand Army of the Republic, Williams, Iowa, for service-pension bill—to the Committee on Invalid Pensions.

Also, petition of U. S. Harlan and 50 other citizens of Webster County, Iowa, for the more effectual prevention of the circulation of obscene and vicious literature—to the Committee on the Post-Office and Post-Roads.

Also, the petition of Nationalist Club, of Lehigh, Iowa, against the Pacific refunding bill—to the Committee on the Pacific Railroads.

By Mr. DORSEY: Petition from county commissioners of Dakota County, Nebraska, for bridge across Missouri River at Sioux City, Iowa—to the Committee on Commerce.

Also, petition of citizens of Dakota, for same purpose—to the Committee on Commerce.

By Mr. GEAR: Resolutions of 82 ex-soldiers of Jefferson County, Iowa, in regard to a service pension—to the Committee on Invalid Pensions.

By Mr. HAUGEN: Petition of farmers of Pierce County, Wisconsin, for free sugar, binding twines, etc.—to the Committee on Ways and Means.

By Mr. HOLMAN: Remonstrance of P. R. Brady, of Florence, Ariz., one of the oldest citizens of Arizona, against the establishment of a land bill in that Territory—to the Committee on Private Land Claims.

By Mr. LACEY: Resolution favoring widows' pensions from Floris (Iowa) Grand Army Post—to the Committee on Invalid Pensions.

By Mr. McCLELLAN: Petition of Subordinate Union No. 7, Fort Wayne, Ind., of the Bricklayers and Masons' International Union of America, praying for the amendment of the law so as to prevent the employment of aliens upon United States public buildings, navy-yards, fortifications, or other structures, signed by Frederick Kilzemon, president, Lewis Aricon, secretary, under the seal of the order—to the Committee on Labor.

By Mr. MCRAE: Resolutions of the Fort Smith (Ark.) Chamber of Commerce, against the bill H. R. 283 to tax and regulate the sale of compound lard—to the Committee on Agriculture.

Also, petition of W. A. Robinson and 179 others, citizens of Texarkana, Ark., against bill H. R. 283 to tax and regulate the sale of compound lard—to the Committee on Agriculture.

By Mr. MARTIN, of Indiana: Petition of Jefferson Lodge No. 2955, F. M. B. A., of Huntington County, Indiana, and of Hugh S. Maxwell and 32 other members thereof, for legislation authorizing the Federal Government to loan money on farm security—to the Committee on Agriculture.

By Mr. MASON: Memorial from various citizens of Illinois, against House bill 8278—to the Committee on Commerce.

By Mr. O'NEILL, of Pennsylvania: Petition of John M. White, late Company E, Thirteenth Regiment Pennsylvania Cavalry, for the removal of charge of desertion—to the Committee on Invalid Pensions.

Also, affidavit of same party in reference to petition above referred to—to the Committee on Military Affairs.

By Mr. OWENS, of Ohio: Petition of 561 citizens of Sixteenth Congressional district of Ohio, asking for a Sunday-rest law—to the Committee on Labor.

By Mr. PAYNE: Resolutions of Garfield Post, No. 193, Grand Army of the Republic, for increasing pension—to the Committee on Invalid Pensions.

Also of Dwight Post, No. 109, Grand Army of the Republic, New York, for same purpose—to the Committee on Invalid Pensions.

Also of Lockwood Post, No. 175, Grand Army of the Republic, New York, for same purpose—to the Committee on Invalid Pensions.

Also of George C. Stozell Post, No. 153, Grand Army of the Republic, New York, for same purpose—to the Committee on Invalid Pensions.

Also a petition of 39 persons in Twenty-seventh district of New York, for a national Sunday-rest law—to the Committee on Labor.

By Mr. PAYNTER: Petition of Jacob Eckost, Company K, Twenty-third, and Company I, Fifteenth V. and C. Kentucky Infantry Volunteers, for original invalid pension and arrears of pay and bounty—to the Committee on Invalid Pensions.

By Mr. PERKINS: Petition of S. A. Woods and 88 others, of Arkansas City, Kans., and vicinity, asking that a reduction be made in the amount of land set apart for the benefit of Indians educated at the Chilocco schools in the Indian Territory—to the Committee on Indian Affairs.

Also, a petition of John Horn and 257 others, residents and citizens of Galena, Kans., and vicinity, asking for the free coinage of silver, and the issuing of full legal-tender United States notes, to take the place of retiring national-bank notes—to the Committee on Coinage, Weights, and Measures.

By Mr. PETERS: Resolutions of Board of Trade of Wichita, Kans., favoring the Conger lard bill—to the Committee on Agriculture.

By Mr. ROGERS: Memorial of various citizens of Arkansas, against

the passage of H. R. bill 283 in relation to taxing compound lard—to the Committee on Agriculture.

Also, memorial of Chamber of Commerce of Arkansas, against same measure—to the Committee on Agriculture.

Also, memorial of various other citizens of Arkansas, for same purpose—to the Committee on Commerce.

Also, memorial from various other citizens of Arkansas, for same purpose—to the Committee on Commerce.

By Mr. SANFORD: Petition of 33 residents of Montgomery County, New York, for legislation to increase the import duty on hay from \$2 to \$4 per ton—to the Committee on Ways and Means.

Also, petition of 232 residents of Caujoharie, Montgomery County, New York, for same purpose—to the Committee on Ways and Means.

Also, petition of 57 residents of Rural Grove, Montgomery County, New York, for same purpose—to the Committee on Ways and Means.

By Mr. STEWART, of Vermont: Petition of Helen M. Brownson, for pension to soldiers' widows during life—to the Committee on Invalid Pensions.

By Mr. STUMP: Petition for the relief of the Locust Point Company, of Baltimore—to the Committee on Appropriations.

By Mr. TOWNSEND, of Colorado: Protest against H. R. 8278 to amend an act to regulate commerce—to the Committee on Commerce.

Also, a protest of other citizens of Colorado, for same purpose—to the Committee on Commerce.

By Mr. TURNER, of Georgia (by request): Petition of William Kersey, R. F. Crittenden, and others, of Shellman, Ga., for the passage of the bill "for the prevention of the manufacture and sale of adulterated lard"—to the Committee on Agriculture.

By Mr. WALKER, of Massachusetts: Papers to accompany H. R. 9039, granting a pension to Charles H. Merrill—to the Committee on Invalid Pensions.

By Mr. WASHINGTON: Petitions asking amendment to section 22, interstate-commerce law—to the Committee on Commerce.

By Mr. WATSON: Petition of Union Veterans' Union of Pennsylvania, for a service pension—to the Committee on Invalid Pensions.

Also, petition of Union veteran soldiers of McKean County, Pennsylvania, to grant medals to certain soldiers—to the Committee on Military Affairs.

By Mr. WHEELER, of Michigan: Petition of 88 persons, members of various unions and others, of the Tenth district of Michigan, for a Sunday-rest law—to the Committee on Labor.

SENATE.

TUESDAY, April 8, 1890.

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

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

EXCLUSION OF CHINESE LABORERS.

The PRESIDENT *pro tempore* laid before the Senate the following communication from the Secretary of the Treasury; which was read:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., April 7, 1890.

Sir: I have the honor to acknowledge the receipt of Senate resolution of the 23d ultimo, as follows:

"Resolved, That the Secretary of the Treasury be directed to transmit to the Senate a statement of the number of arrivals and departures of Chinese persons at the port of San Francisco, monthly and annually, since the 2d day of August, 1882; and that he further transmit any information in his possession respecting the evasion or violation of the laws now in force for the exclusion of Chinese laborers from the territory of the United States, and respecting the neglect or failure of duty of any officer of the United States under said laws."

In compliance with said resolution, transmit herewith a tabulated statement prepared in the Bureau of Statistics, showing the number of arrivals and departures of Chinese persons at the port of San Francisco, quarterly and annually, since the 2d of August, 1882.

A statement of the number of arrivals and departures monthly can not be furnished.

Respecting that portion of the resolution which directs me to transmit any information in my possession respecting evasions or violations of the laws now in force for the exclusion of Chinese laborers and the neglect or failure of duty of any officers of the United States under said laws, I have to state that an examination of the records and files of this office discloses many allegations of infractions of the law on the part of persons other than Government officers, but that, except in a very few instances, such allegations are not supported by tangible or reliable proof.

The alleged violations appear to consist mainly in the use of fraudulent certificates, in smuggling across the northern and southern frontiers of Chinese laborers, and in the existence of a general system among Chinese residents in this country and Canada for the fraudulent landing of Chinese laborers within the territory of the United States.

No proofs or allegations are on file, so far as I am advised, concerning complicity of officers of the Government in such fraudulent transactions.

Respectfully yours,

W. WINDOM, Secretary.

To the PRESIDENT of the United States Senate.

The PRESIDENT *pro tempore*. This communication is in response to a resolution offered by the Senator from Iowa [Mr. WILSON].

Mr. WILSON, of Iowa. I move that the communication, with the accompanying papers, be referred to the Committee on Immigration, and printed.

The motion was agreed to.