SENATE.

SATURDAY, *December* 20, 1890.

The Senate met at 10 o'clock a. m.
Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.
The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATIONS.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, requesting that an appropriation of $3,000 be made for the public building at Jefferson, Tex., in order that outstanding contract liabilities may be adjusted; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Postmaster-General, transmitting certain information in response to a resolution of the 13th instant respecting safes for post offices; which, with the accompanying papers, was referred to the Committee on Post Offices and Post Roads, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Lighthouse Board inclosing the draught of a bill carrying out the suggestions contained in divisions Nos. 11 and 12 of the report of the International Marine Conference; which, with the accompanying papers, was referred to the Committee on Commerce, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. GORMAN presented the petition of George Eake and 103 other citizens of Baltimore, Md., praying for the passage of the Conger lard bill; which was ordered to lie on the table.

Mr. DAVIS presented petitions of the Northwestern Decoriah Farmers' Alliance, No. 941, of Blue Earth County; of citizens of Blue Earth County, and of citizens of Le Sueur County, in the State of Minnesota, praying for the passage of House bill 11568, known as the Conger lard bill; which were ordered to lie on the table.

He also presented a petition of the Chamber of Commerce of St. Paul, Minn., praying that appropriations be made for boring artesian wells in the States of North and South Dakota; which was referred to the Committee on Appropriations.

Mr. CULLOM presented a memorial of citizens of Morris, Ill., remonstrating against the enactment of any bankruptcy law; which was ordered to lie on the table.

Mr. EDMUNDS presented the petition of Rufus B. Tobey, of Boston, Mass., in behalf of the family of Solon Eaton, late captain Company K, Second Vermont Volunteers, praying that a pension be granted to Reuben W. Eaton, dependent father of Solon Eaton; which was referred to the Committee on Pensions.

Mr. PADDOCK presented the petition of Mrs. John Lucas, president, and the other officers of the Women's Silk Culture Association of the United States, praying for a continuance of the appropriation of $5,000 a year for the development and protection of the silk industry; which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of the New York Board of Trade and Transportation, remonstrating against the passage of the Conger lard bill; which was ordered to lie on the table.

Mr. MANDERSON presented sixteen petitions of citizens of Nebraska, praying for the adoption of a rebate amendment on tobacco in the tariff act; which were ordered to lie on the table.

Mr. SHERMAN presented a petition of the South Side Farmers' Alliance, No. 105, of Columbus, Ohio, praying for the passage of the Conger lard bill; which was ordered to lie on the table.

Mr. VANCE presented a memorial of citizens of Concord, N. C., remonstrating against the passage of the Conger lard bill; which was ordered to lie on the table.

Mr. ALLEN presented the petition of Tacoma Typographical Union, No. 170, State of Washington, praying for the enactment into law of House bill 8046, relieving workers in the Government Printing Office from unjust discrimination as against other classes of Government employés, and remonstrating against the Senate committee's substitute for the bill; which was ordered to lie on the table.

Mr. WASHBURN presented resolutions of the Chamber of Commerce of St. Paul, Minn., urging appropriations for the sinking of artesian wells in the States of North and South Dakota, for irrigation purposes, etc.; which were referred to the Committee on Appropriations.

He also presented a petition of citizens of Minnesota, praying for the passage of an amendment to the tariff and tax bill, in its application to tobacco, snuffs, etc.; which was ordered to lie on the table.

Mr. QUAY presented the petition of John Eagan and other citizens of Newark, N. J., veterans of the late war, praying for an increase of pensions to soldiers who have lost a leg or an arm or who are blind; which was referred to the Committee on Pensions.

He also presented the petition of Charles Ritchey, of South Chicago, Ill., late a private in Company K, Thirty-ninth Regiment Indiana Infantry Volunteers, praying for an increase of pension; which was referred to the Committee on Pensions.

Mr. VEST presented resolutions of the Commercial Club of Kansas City, Mo., praying for the extension of the time for withdrawing imported merchandise from bonded warehouse to July 1, 1891; which were referred to the Committee on Finance.

He also presented resolutions of the Commercial Club of Kansas City, Mo., praying for the passage of Senate bill 4329 amending the census act so as to provide for a more thorough examination and report on electrical apparatus and supplies in the United States; which were referred to the Committee on the Census.

Mr. WILSON, of Iowa, presented a petition of 38 citizens of Allamakee County, Iowa; a petition of 16 citizens of Meadow Township, Clay County, Iowa; a petition of 23 citizens of Guthrie County, Iowa; a petition of 18 citizens of Wapello County, Iowa; a petition of 15 citizens of Northwood, Iowa; a petition of Washington Alliance, No. 1223, of Sioux County, Iowa; resolutions of Farmers' Alliance, No. 1126; resolutions of Washington Alliance, No. 1223, of Hawarden, Iowa; resolutions of Bladensburgh Alliance, No. 1722; resolutions of Oak Grove Alliance, No. 931, and resolutions of Alliance No. 1393, praying for the passage of the Conger lard bill; which were ordered to lie on the table.

He also presented resolutions of Typographical Union No. 75, of Burlington, Iowa, praying for the passage of the international copyright bill; which were ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. SAWYER, from the Committee on Pensions, to whom were referred the following bills, reported them without amendment, and submitted reports thereon:

A bill (H. R. 7471) to provide increase of pension to Hosea Brown, of the war of 1812; and

A bill (S. 2529) granting a pension to Sarah J. Powers.

Mr. DAVIS, from the Committee on Pensions, to whom was referred the bill (H. R. 7879) granting a pension to Emily P. Collins, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the petition of Charles W. Geddes, praying to be allowed a pension, submitted a report thereon, accompanied by a bill (S. 4697) to pension Charles W. Geddes for services rendered in the war with Mexico; which was read twice by its title.

Mr. MOODY, from the Select Committee on Indian Depredations, to whom was referred the bill (H. R. 8150) to provide for the adjudication and payment of claims arising from Indian depredations, reported it with an amendment.

Mr. EVARTS, from the Committee on the Library, to whom was referred the bill (S. 3923) providing for the erection of an equestrian statue of General Francis Marion, reported it without amendment.

BILLS INTRODUCED.

Mr. PETTIGREW introduced a bill (S. 4698) to prohibit the sale of firearms and ammunition to the Indians residing upon reservations; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. ALLEN introduced a bill (S. 4699) granting arrears of pension to P. Q. Healy; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. MANDERSON (by request) introduced a bill (S. 4700) granting an honorable discharge to Patrick Philben; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. SAWYER introduced a bill (S. 4701) to amend section 1225 of the Revised Statutes, relating to the detail of officers of the regular Army as military instructors in State universities and colleges; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. QUAY introduced a bill (S. 4702) for the relief of Thomas Bevington and Delilah Bevington; which was read twice by its title, and referred to the Committe on Claims.

He also introduced a (bill S. 4703) granting an increase of pension to Charles Ritchey; which was read twice by its title, and with the accompanying papers, referred to the Committee on Pensions.

Mr. EVARTS introduced a bill (S. 4704) granting an honorable discharge to Edward O'Rourke; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. COCKRELL introduced a bill (S. 4705) to establish an assay office at Socorro, in the Territory of New Mexico; which was read twice by its title, and referred to the Committee on Finance.

AMENDMENTS TO BILLS.

Mr. PETTIGREW submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. REAGAN submitted sundry amendments intended to be proposed by him to the bill (S. 4675) to provide against the contraction of the currency, and for other purposes; which were ordered to lie on the table and be printed.

Mr. VEST submitted an amendment intended to be proposed by him to the Federal elections bill; which was ordered to lie on the table and be printed.

THE ELECTIONS BILL.

Mr. MORGAN submitted the following resolution; which was read:

Whereas in the substitute reported to the Senate for House bill No. 11045 on the 7th of August, 1890, in section 31 of said substitute, it is provided that sections 643, 645, 2017 to 2024, both inclusive, and sections 1982 to 1987, both inclusive, and sections 2027 and 5511 to 5517, both inclusive, and sections 5521 to 5523, both inclusive, of the Revised Statutes of the United States are each and every of them hereby made a part of this act, and their provisions are made to refer and apply to this act with like force and effect as if this act was specifically mentioned or referred to therein, save as such sections are in terms changed or modified by the provisions of this act; and, without the incorporation of such changes and modifications of said sections of the existing law into the substitute so reported, it is uncertain what changes are intended to be made therein: Therefore,

Resolved by the Senate, That the Committee on Privileges and Elections are hereby directed so to amend section 31 of the proposed amendment as to show what are the changes and modifications in said sections of the existing law which were intended to be made by the bill so reported by said committee. And, to avoid the necessity of again committing said bill and proposed amendment to said committee, that they are instructed to make a supplemental report, without delay, showing such changes and modifications in said existing statutes, which they recommend and provide for in the amendment reported to the Senate.

Mr. EDMUNDS. Let that go over, Mr. President, subject to all points of order.

Mr. MORGAN. Let it be printed.

Mr. EDMUNDS. And printed, of course.

Mr. MORGAN. The Senator from Vermont has no objection to printing it, I suppose.

Mr. EDMUNDS. Not the slightest; it ought to be printed; it is a resolution. It is a new way to amend a bill, that is all.

The VICE PRESIDENT. The resolution will go over and be printed.

B. S. ROAN.

The VICE PRESIDENT. If there is no further morning business, that order is closed and the Calendar under Rule VIII is in order. The first bill on the Calendar will be announced.

The bill (H. R. 9950) granting a pension to B. S. Roan was announced as first in order on the Calendar, and the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to place on the pension roll the name of B. S. Roan, of Campbell County, Georgia, who was a private soldier in Capt. Thomas Wilson's Company in the Creek Indian war of 1836, at $12 per month.

Mr. EDMUNDS. Why is the sum of $12 a month there put in instead of the usual clause, "according to the limitations of the pension laws?" Unless he is a dependent soldier he would only be entitled, if he were a private, I believe, to $8 a month. I should like to hear the report. That perhaps may explain it.

The VICE PRESIDENT. The report will be read.

The Chief Clerk read the following report, submitted by Mr. TURPIE December 11, 1890:

The Committee on Pensions, to whom was referred the bill (H. R. 9950) granting a pension to B. S. Roan, have examined the same, and report that from the facts stated in the House report upon this bill, which report is hereto attached and made a part hereof, your committee are of the opinion that this is a meritorious measure, and do therefore recommend the passage of the bill.

[House Report No. 3136, Fifty-first Congress, first session.]

The Committee on Pensions, to whom was referred the bill (H. R. 9950) granting a pension to B. S. Roan, have considered the same and report as follows:

The claimant, whose full name is Benjamin S. Roan, bases his application for a pension upon his service in the Florida Indian war of 1836. The records show two enlistments by claimant in that year, one in Capt. Thomas Wilson's company of Georgia Volunteers and the other in Capt. Benjamin F. Ward's company of Georgia Mounted Volunteers. The records fail to show that these two enlistments aggregated a period of service of over eleven days, but the claimant swears that he rendered actual service in Captain Wilson's company alone for two months and twenty-one days, and that he served in Captain Ward's company for fourteen days. He was honorably discharged from both organizations.

Jonathan Davis corroborates the claimant's statement relative to length of service in Captain Wilson's company. Davis's affidavit is substantially as follows: That he volunteered in 1836 in Butts County, Georgia, for service with Capt. Thomas Wilson's company in the Florida Indian war, and that Benjamin S. Roan (this claimant) was a private in the same company; that said company went from Butts to Hawkinsville, Ga., at which place a battalion was formed, and they then went to Black Creek, Florida, and he (witness) and Benjamin S. Roan were in said service about two months and twenty days.

Dr. J. B. Moble, of Fairburn, Ga., testifies that the claimant is about seventy-five years old and very feeble, being afflicted with asthma and dropsy, which have confined him to his bed most of the time for the past two years. He further testifies that the claimant has no property from which to derive a support.

The claimant's post-office address is Fairburn, Campbell County, Georgia.

In view of the facts stated above your committee recommend the passage of the bill, amended, however, so as to allow a pension of $12 per month.

Mr. EDMUNDS. That is enough for me. He appears to be a dependent, and, if we give a pension at all, $12 would be right.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROBERT A. ENGLAND.

A bill (H. R. 10263) granting a pension to Robert A. England was announced as next in order on the Calendar; and the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to place on the pension roll the name of Robert A. England, of De Kalb County, Georgia, who was a private soldier in Capt. John P. Lucas's company in the Creek Indian war of 1836, at $20 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CONSIDERATION OF PRIVATE PENSION BILLS.

Mr. DAVIS. I ask unanimous consent that the Senate proceed to the consideration of all the pension cases unobjected to on the Calendar. There are very few of them and they can be disposed of in a few minutes.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the next pension bill on the Calendar will be announced.

GEORGE A. PERKINS.

The bill (S. 3976) granting a pension to George A. Perkins was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George A. Perkins, late a private in Company A, One hundred and eleventh Regiment New York Volunteers, at $24 a month, in lieu of the pension he is now receiving.

Mr. COCKRELL. Let the report be read in that case. The bill proposes an increase of pension.

The VICE PRESIDENT. The report will be read.

The Chief Clerk read the following report, submitted by Mr. DAVIS December 13, 1890:

The Committee on Pensions, to whom was referred the bill (S. 3976) granting a pension to George A. Perkins, have examined the same and report:

This applicant is now in receipt of a pension of $16 a month for gunshot wounds of left leg and results, and asks that this pension be increased to $24. He has applied to the Pension Office for such increase, and his application has been rejected three times. There is no question about the incurrence of the disabilities claimed in line of duty, and the only point involved is whether such disabilities entitle the claimant to a higher rating than $16.

The evidence furnished by the board of examining surgeons discloses the following objective conditions: "Six inches above the left heel is a large cicatrix, result of shell wound, and sloughing. It is 4 inches long by 3 inches wide, irregular, bridled, red, very tender, slightly movable, deeply depressed, owing to a great loss of substance. Immediately above scar there is a great bunch of muscular tissue, also a small bunch below. Heel is slightly elevated; ankle joint impaired in motion about 40 per cent., and two-thirds of an inch larger than the right; knee slightly flexed on thigh, about 10 per cent.; foot is covered with varicose veins size of a lead pencil; leg below and above scar presents varicose veins size little finger.

"Over center of upper third of crest of left tibia is a linear scar, purple, depressed, slightly attached, tender; result of shell wound. A little below and to the outer side of scar last described is a third scar, a bullet wound. There exists considerable tenderness in parts adjacent to wounds. The outer side of foot and leg is nearly completely anæsthetic. Power of limb impaired about 50 per cent. His combined disabilities are not quite equal to the loss of a hand or foot, but are equal to twenty-thirtieths."

The law recognizes no such rating as twenty-thirtieths, but the above examination shows claimant's disabilities nearly equal to the loss of a hand or foot, and your committee recommend the passage of the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHANNA TEUBNER.

The bill (S. 4507) granting a pension to Johanna Teubner was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Johanna Teubner, widow of Augustus C. Teubner, late captain of Company G, One hundred and sixty-third Regiment New York Volunteers, at the rate provided by law for a captain's widow.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RICHARD JACKSON.

The bill (H. R. 4508) granting a pension to Richard Jackson was considered as in Committee of the Whole. It proposes to place upon the pension roll the name of Richard Jackson, of Jefferson County, West Virginia, who was wounded while serving as a teamster in the United States Army in the Valley of Virginia.

Mr. COCKRELL. Let the report be read in that teamster pension case, please.

The VICE PRESIDENT. The report will be read.

The Chief Clerk read the following report, submitted by Mr. FAULKNER December 15, 1890:

The Committee on Pensions, to whom was referred the bill (H. R. 4508) granting a pension to Richard Jackson, have carefully examined the same and would respectfully report.

We adopt the report submitted by the Committee on Invalid Pensions of the House of Representatives and recommend the passage of the act.

The House report is as follows:

"Richard Jackson was employed as a teamster in March, 1862, in the quartermaster's service in General Banks's army, then invading the Valley of Virginia. About the 10th of May, 1862, while driving his team and foraging for the Union Army, the detachment to which he belonged was attacked; said Jackson was shot in the left leg and wounded below the knee and taken prisoner by the Confederates. Several weeks afterward, in an effort to escape, he was shot again in the groin, and the ball is still lodged in his body.

"He was a stalwart man of unusual strength and vigor before receiving these wounds and has been lame and unable to do a man's full work since. Being a colored man and a slave he was unable after his second wound to escape from his captors.

"His statements are fully confirmed by affidavits, and among them are found those of Charles J. Manning, to whose family Jackson belonged, and also of Dr. John D. Story, a Confederate surgeon who treated his wound. Hon. W. Wilson also testifies that he has known Jackson from his earliest boyhood and fully believes that all his statements are true; that he knew him as a youth of great physical vigor, and that he (Jackson) has been since the war a cripple—lame and unfit for heavy work—and that he has some indefinite recollection of the circumstances of Jackson's capture and wound.

"We recommend that the bill do pass."

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SUSAN NELSON PAGE.

The bill (H. R. 9531) to restore the pension of Susan Nelson Page was considered as in Committee of the Whole.

It proposes to provide that the act "to restore pensions in certain cases," approved June 9, 1880, shall be construed so as to include within its provisions Susan D. Page, widow of Capt. Francis Nelson Page, United States Army.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NANCY RARDEN.

The bill (H. R. 7915) granting a pension to Nancy Rarden was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Nancy Rarden, widow of Lewis P. Rarden, late a private in Company A, Thirteenth Regiment Indiana Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LYDIA HOOD.

The bill (H. R. 9132) granting a pension to Lydia Hood was considered as in Committee of the Whole.

It proposes to place on the pension rolls, at $12 a month, the name of Lydia Hood, of Chelsea, Vt., mother (by adoption) of Hollis H. Hood, late of Company I, Tenth Vermont Volunteers.

Mr. COCKRELL. Let the report be read in that case.

The VICE PRESIDENT. The report will be read.

The Chief Clerk read the following report, submitted by Mr. DAVIS December 1, 1890:

The Committee on Pensions, to whom was referred the bill granting a pension to Lydia Hood, have examined the same and report:

The report of the Committee on Invalid Pensions of the House of Representatives, hereto appended, is adopted, and the passage of the bill is recommended.

HOUSE REPORT.

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 9132) granting a pension to Lydia Hood, submit the following report:

The evidence in this case shows the following facts: Lydia Hood is an old and well-known resident of Chelsea, Vt.; her husband was a feeble man, who long ago left her a widow, and she has never remarried. Before the war she and her husband took into their family a male child a few months of age, whose name was not known, if it had any, and they called the child Hollis H. Hood and brought him up as if he were their own child, gave him an education, and in all ways treated him like a son of their own. He was the only male child in their family and was much depended upon by the mother, who looked to him for support in her declining years.

At the breaking out of the war he enlisted as a private in Company I, Tenth Vermont Volunteers, being eighteen years old.

The soldier died in the service from measles, followed by fever, near Brandy Station, in February, 1864.

While this soldier was in the service he signed over to his mother his bounty and State pay, and after his death the chaplain wrote his mother that his strongest desire to live seemed to be on his mother's account.

Lydia Hood applied at Pension Office for pension as dependent mother of this soldier, and claim was rejected because she was not the natural mother of said soldier.

She is now ninety-three years old and is so destitute that the town authorities find it necessary to make provision for her partial support.

She is shown to be entirely worthy and in needy circumstances and to have taken this soldier and reared and cared for him from a babe till he became a volunteer in the service of his country. She christened him in her own name, and under that name he served and died, and the committee, to whom this bill was referred, think she ought not to be deprived of pension because she was not his natural mother.

We recommend that the bill do pass.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AARON H. LE VAN.

The bill (S. 4070) granting an increase of pension to Aaron H. Le Van was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, after the word "pension," to strike out "at the rate of $72 per month, in lieu of that he is now receiving" and to insert "commensurate with the degree of disability found to exist upon medical examination;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Aaron H. Le Van, late of Company A, Eighty-second Regiment Pennsylvania Volunteer Infantry, and pay him a pension commensurate with the degree of disability found to exist upon medical examination.

The amendment was agreed to.

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

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

JOHN LINDT.

The bill (H. R. 4254) granting a pension to John Lindt was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Lindt, late a private in Company B, Independent Regiment Light Artillery, Pennsylvania Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIS BROOKS.

The bill (H. R. 11306) to pension Willis Brooks was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Willis Brooks, of Longview, Ashley County, Arkansas, who served as a private in Captain House's company, Major Webb's battalion Alabama Volunteers, Creek war of 1836, and to pay him the same pension as is allowed by law for service in the war of 1812.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CARROLL RENFRO.

The bill (H. R. 11308) to pension Carroll Renfro was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Carroll Renfro, of Camden, Ark., who served as a private in Capt. John W. Otey's company, Alabama Volunteers, Creek war, 1838, and pay him the same pension as is allowed by law for service in the war of 1812.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY JANE MARTIN.

The bill (H. R. 11987) to pension Mary Jane Martin was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 4, after the word "pension-roll," to insert "subject to the provisions and limitations of the pension laws," and in line 11, after the word "of," to strike out "twenty" and insert "twelve;" so as to make the bill read:

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 Mary Jane Martin, of the city of Washington, in the District of Columbia, widow of Andrew Martin, deceased, late a private in Capt. James P. Barker's company of Colonel Smith's regiment, Pennsylvania Volunteers, Indian war of 1837, and pay her a pension at the rate of $12 per month.

The amendments were agreed to.

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

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

ORDER OF BUSINESS.

Mr. SAWYER. I believe we have completed the unobjected cases on the Calendar, and I move now that we proceed to take up Order of Business 1840, being the bill (S. 4234) to establish a limited post and telegraphic service, and for other purposes.

The VICE PRESIDENT. Is there objection?

Mr. COCKRELL. Let us hear what it is.

The VICE PRESIDENT. The title of the bill will be read.

The Chief Clerk. A bill (S. 4234) to establish a limited post and telegraphic service, and for other purposes.

Mr. COCKRELL. Mr. President, I should like——

Mr. SAWYER. Let the bill be read, and if there is objection I shall not press it at this time.

Mr. HOAR. Before the Senate goes to that, as it is a long bill, I ask, if there is no objection, that I may be allowed to call up a bill recently reported from the Finance Committee to issue a duplicate check for one which was lost, drawn by the collector of the port of Boston, which is Order of Business No. 2203.

Mr. PADDOCK. Why not continue with the Calendar?

Mr. DAVIS. I should like to know if the pension cases have been disposed of.

Mr. COCKRELL. Yes, they are all disposed of.

Mr. HOAR. The bill to which I refer will not take more than half a minute. If it does I shall not press it.

Mr. SAWYER. I will give way for that purpose.

DE BLOIS & CO.

The VICE PRESIDENT. The title of the bill will be stated.

The Chief Clerk. A bill (S. 4476) directing the issue of a duplicate of a lost check drawn by A. W. Beard, collector of customs at the port of Boston, Mass., in favor of De Blois & Co.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. EDMUNDS. Let us hear the report first.

The VICE PRESIDENT. The report will be read.

The Secretary read the following report, submitted by Mr. MORRILL from the Committee on Finance December 19, 1890:

The facts in the case are fully set forth in the accompanying papers:

I, William A. De Blois, a member of the firm of De Blois & Co., hereby certify on oath that on the 9th day of September, 1889, a check drawn by [to] the order of De Blois & Co., in amount $1,295.59, number 145966, signed by A. W. Beard, collector, being for the object of the repayment to importers on account of excess of deposits customs, was mailed to me from my Boston office in Temple Place to my address at my New York office in Union Square, New York, and that said check has not been received at the New York office by mail or otherwise, and has not been indorsed by my firm or any partner thereof. The check was made payable to me in partial satisfaction of suit number 3373, in case of W. A. De Blois and others, doing business under the name and style of De Blois & Co., *vs.* Leverett Saltonstall, brought in the circuit court in the district of Massachusetts. I have instructed the United States subtreasurer at Boston to stop pay-

ment on said check; also the North National Bank of the city of Boston. My residence is in the city, county, and State of New York.

In witness whereof I have hereunto set my hand and seal.

WM. A. DE BLOIS. [SEAL.]

Sworn and subscribed to before me this 22d day of September, 1890.

[SEAL.] GEORGE McHUGH,
Notary Public (20), *State of New York.*

[Charles P. Searle, counselor at law, 40 State street, room 20 A.]

BOSTON, *September* 22, 1890.

DEAR SIR: I desire to request you to stop payment upon a check drawn under date of the 8th day of September, 1889, by A. W. Beard, collector at this port, in amount $4,295.59, numbered 145966 and drawn to the order of De Blois & Co., being for the object of the "repayment to importers on account of excess of deposits customs."

This check has in some manner been lost, and I desire to notify you of that fact, and also to request that you will stop payment on the same.

Very truly, yours,

W. A. DE BLOIS & CO.

Hon. S. N. ALDRICH,
Assistant Treasurer of the United States,
Post-Office Building, Boston, Mass.

OFFICE OF ASSISTANT TREASURER UNITED STATES,
Boston, September 29, 1890.

SIR: Your letter dated September 22, instant, has been received, and in reply you are informed that check No. 145966, drawn on this office September 8, 1890, by A. W. Beard, collector, disbursing agent, payable to the order of De Blois & Co., for the sum of $4,295.59, has not been paid, and, as requested, payment thereon has been stopped until further advised.

Very respectfully,

S. N. ALDRICH,
Assistant Treasurer United States.

WILLIAM A. DE BLOIS,
No. 40 State Street, Boston.

CUSTOMHOUSE, BOSTON, MASS., COLLECTOR'S OFFICE,
September 30, 1890.

SIR: My attention has been this day officially called by Mr. Charles P. Searle, attorney for Messrs. De Blois & Co., to the fact that a check drawn by me on the 8th of September, 1889, payable to the order of De Blois & Co., being for the object of the "repayment to importers on account of excess of deposits customs," in amount $4,295.59 and numbered 145966, has been lost through the mails, and requesting me to notify you, as assistant treasurer of the United States in this city, to stop payment on said check. Such check was drawn at the time and in the amount above stated, and was numbered 145966.

In compliance with said request, I hereby not only advise you of the fact of the issuance of said check, but also the desire that payment thereof be withheld.

The further request is made that I issue a second original check in lieu of the one lost.

Yours respectfully,

A. W. BEARD, *Collector.*

Hon. S. N. ALDRICH,
Assistant Treasurer United States, Boston, Mass.

OFFICE OF ASSISTANT TREASURER UNITED STATES,
Boston, October 2, 1890.

SIR: Your letter, dated September 30, has been received, and, in reply, you are informed that check No. 145960, drawn on this office September 8, 1890, by yourself, payable to the order of De Blois & Co., for the sum of $4,295.59, has not been paid, and, as requested, payment thereon has been stopped until further advised. A similar notice has been sent to William A. De Blois.

Very respectfully,

S. N. ALDRICH,
Assistant Treasurer United States.

Hon. A. W. BEARD,
Collector of Customs, Boston, Mass.

The Secretary of the Treasury, to whom the bill was referred, submits the following:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., December 12, 1890.

SIR: I have the honor to acknowledge the receipt of your letter of the 16th instant, inclosing S. 4476, being a bill directing the issue of a duplicate of a lost check drawn by A. W. Beard, collector of customs at the port of Boston, Mass., in favor of De Blois & Co., with request for report of facts and my recommendation.

In reply you are informed that the facts in the case as reported by the collector to this office agree with those set forth in the preamble of the bill, and as the law authorizing the issue of duplicate checks does not apply to checks drawn for more than $2,500, further legislation is necessary to meet this case. I therefore recommend that favorable action be taken on S. 4476, herewith returned, which, upon examination, appears to be correct in form in all particulars.

Respectfully yours,

A. B. NETTLETON, *Acting Secretary.*

Hon. JUSTIN S. MORRILL,
Chairman Committee on Finance, United States Senate.

In view of the facts stated, the committee are of opinion that the relief should be granted, and therefore recommend the passage of the bill.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The VICE PRESIDENT. The question now is on agreeing to the preamble.

The preamble was agreed to.

ORDER OF BUSINESS.

Mr. SAWYER. Now, I renew my request to take up Senate bill 4234.

The VICE PRESIDENT. The title of the bill will be read for information.

Mr. DANIEL. Mr. President, I ask the Senate to take up——

Mr. SAWYER. I should like to know whether my bill is to be taken up or not. Either let it be taken up for consideration now or let us fix a day for its consideration. If it is taken up, then I will give way.

The VICE PRESIDENT. The bill will be read for information.

Mr. EDMUNDS. We can only pass one bill at a time.

Mr. COCKRELL. Let the bill be read, and then we may know something more about it.

Mr. HARRIS. I think we can hardly consider in the morning hour under the five-minute rule a bill of that importance.

Mr. EDMUNDS. I do not know what the bill is. Let us hear the bill read.

Mr. COCKRELL. Let the bill be read for information.

The VICE PRESIDENT. The bill will be read.

Mr. SAWYER. I ask unanimous consent that the bill be set down as a special order for the second Tuesday in January.

Mr. COCKRELL. Let the bill be read.

Mr. HARRIS. Let it be read subject to objection.

The VICE PRESIDENT. The bill will be read.

The CHIEF CLERK. A bill (S. 3234) to establish a limited post and telegraph service, and for other purposes.

Mr. EDMUNDS. That is all I care to hear read. I know what the bill is now.

Mr. WOLCOTT. Do I understand that unanimous consent is asked to take up the postal-telegraph bill?

Mr. EDMUNDS. No; but to make it a special order for some future day.

Mr. WOLCOTT. That it be made a special order for some day in January?

The VICE PRESIDENT. The request has been made that the bill be read for information. What is the pleasure of the Senate?

Mr. WOLCOTT. I understand the request of the Senator from Wisconsin [Mr. SAWYER] is that the bill be made a special order.

Mr. COCKRELL. That is not the question now.

Mr. WOLCOTT. I understand the request is that the bill be made the special order for some day early in January. To that I shall object. I think there are very many much more important measures to come before the Senate.

The VICE PRESIDENT. Is it the pleasure of the Senate that the bill shall be read?

Mr. COCKRELL. Let it be read.

Mr. INGALLS. Why should time be consumed in reading a bill that is not to be now considered?

Mr. EDMUNDS. Is the bill before the Senate or is the question on taking it up?

The VICE PRESIDENT. The question is on taking it up.

Mr. COCKRELL. Let the bill be read, so that we can determine whether to take it up or not.

Mr. PADDOCK. The request was that the bill be read for information.

Mr. WOLCOTT. I shall object to taking it up now in any event.

The VICE PRESIDENT. There appears to be objection to the reading of the bill, and it will go over.

Mr. DANIEL. I ask the Senate to take up and consider at this time the bill (S. 3770) to incorporate the Washington and Arlington Railway Company of the District of Columbia.

Mr. EDMUNDS. We can not do that to-day.

The VICE PRESIDENT. The Senator from Virginia asks that the bill referred to by him may be taken up for consideration. The title of the bill will be stated.

Mr. COCKRELL. I wish to say for the sake of regularity and order in our method of procedure that the Senator from Wisconsin [Mr. SAWYER] called up a bill and asked that it might be considered and the Senator from Colorado [Mr. WOLCOTT], as I understood him, objected to its being read. Under the rules, was it not the duty of the Chair to submit that question to the Senate? If a Senator objected to the bill being taken up, then it could not have been read. I am not insisting that it shall be submitted to the Senate, but I simply want to understand whether it was not the proper course, when the Senator from Colorado objected to the reading, that the question of the reading should be submitted to the Senate.

Mr. HARRIS. Was not the objection of the Senator from Colorado to the reading an objection to its consideration or to dealing with it at all, and does that not carry the bill over?

Mr. WOLCOTT. Mr. President, I intended that the objection should be to any consideration whatever of the bill, on the ground that there are any number of infinitely more important measures before the Senate. I object to its being taken up now, and I object to its being made a special order for any day in January.

The VICE PRESIDENT. That carries the bill over, in the opinion of the Chair.

Mr. DANIEL. I withdraw my motion to take up the bill I referred to.

Mr. EDMUNDS. I have that bill under examination, and I should like to have it lie over until Monday.

The VICE PRESIDENT. The next bill on the Calendar will be stated.

HENRY UNTERLEITER.

The bill (S. 3826) for the relief of Henry Unterleiter was announced as next in order; and the Senate, as in Committee of the Whole, proceeded to consider it.

The bill was reported from the Committee on Military Affairs with an amendment, in line 5, after the name "Cook," to insert "or Koch;" so as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove from the record of Henry Unterleiter, alias Henry Cook or Koch, late a member of Company B, Fifty-second New York Volunteers, any charge of desertion that may exist against him, and issue to him an honorable discharge.

The amendment was agreed to.

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

Mr. EDMUNDS. Let the report be read.

The VICE PRESIDENT. The report will be read.

The Secretary read the following report, submitted by Mr. DAVIS, from the Committee on Military Affairs, December 11, 1890:

It appears by sufficient evidence that Henry Unterleiter, whose assumed name was Henry Cook or Koch, was at the time of his enlistment an orphan boy between fifteen and sixteen years of age, and was under the guardianship of one Kipp.

He enlisted as a private in Company B, Fifty-second New York Infantry Volunteers, in 1861, without the knowledge or consent of his guardian or of his friends, under the assumed name of Henry Cook or Koch, and served with his regiment up to the date of the battle of Gettysburgh, except for about ten months, when he was on detached service with a battery.

The boy fought at Fair Oaks, White Oaks Swamp, Malvern Hill, Antietam, Fredericksburgh, and Gettysburgh, in which battle he was severely wounded in the right leg, and was sent to the hospital at Bedloe's Island. After his discharge from the hospital he went to his brother's and sister's home in New York City, and in 1864 was still suffering there from the wound in his leg. He was prevented from returning to his regiment by the influence of his brother and sister and guardian, although he was anxious to do so. The guardian threatened that if he attempted to return he would arrest and confine him in the house of refuge. Underleiter applied to the War Department to have the charge of desertion removed. The application was denied December 21, 1889, upon the ground that the case was not covered by existing law.

All the papers submitted to your committee show that this claimant when a mere boy fought with conspicuous gallantry in many battles and was wounded in the service of his country, although he was not of an age which entitled his country to demand his services.

It is the opinion of the committee that the charge of desertion against him, which resulted from the facts above stated, should be removed, and the passage of the bill is recommended, with the following amendments: Insert the words "or Koch" after the word "Cook," in the body of the bill, and the words "alias Cook or Koch" after the word "Unterleiter" in the title.

Mr. COCKRELL. There is one point in the case that I think ought always to be guarded in this and like bills. The bill says "and issue to him an honorable discharge," without stating the date at which that discharge shall take effect. The question would come up before the accounting officers of the Treasury Department, the discharge being granted in 1890 by a special act of Congress, whether this soldier would not get his pay clear up to the time the last members of his company were discharged. In one or two cases which we have had before us I have suggested that there should be a date fixed at which the discharge should take effect or from which it should date. I do not now recall the dates of the last battles referred to.

The report says:

The boy fought at Fair Oaks, White Oak Swamp, Malvern Hill, Antietam, Fredericksburgh, and Gettysburgh, in which battle he was severely wounded in the right leg.

What was the date of the battle of Gettysburgh?

Mr. INGALLS. July 2 and 3, 1863.

Mr. COCKRELL. The report says he was sent to hospital at Bedloe's Island and discharged from the hospital. He was doubtless then entitled to his discharge from the Army, and if he had pursued a legal course the medical officers had the right to discharge him and would have granted him a discharge.

After the word "discharge," at the end of the bill, I move to add "of the date January 1, 1864."

Mr. EDMUNDS. That is liberal.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. After the word "discharge," at the end of the bill, it is proposed to insert "as of date January 1, 1864;" so as to read:

And issue to him an honorable discharge as of date January 1, 1864.

The amendment was agreed to.

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

The title was amended so as to read: "A bill for the relief of Henry Unterleiter, alias Cook or Koch."

LEAVE OF ABSENCE.

Mr. INGALLS. Mr. President, I ask leave to absent myself from the service of the Senate for two weeks after to-day.

The VICE PRESIDENT. Leave will be granted, if there be no objection. The Chair hears none.

DR. KOCH'S LYMPH.

Mr. PLATT. As the hour has nearly arrived when we take up the regular business of the Senate, I desire to introduce a joint resolution which I ask may have its first and second readings.

The VICE PRESIDENT. The joint resolution will be read.

The joint resolution (S. R. 136) authorizing the President of the United States to obtain from the German Government a supply of the remedy known as Dr. Koch's lymph and the formula for its manufacture was read the first time at length, as follows:

Be it resolved, etc., That the President of the United States be, and he is hereby, authorized and directed to take such action as he may think proper and expedient to obtain from the German Government a supply of the remedy known as Dr. Koch's lymph and the formula for its manufacture, and to employ such measures as he may think expedient for its manufacture and distribution in the United States; and that the sum of $100,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to carry out the purpose and object of this resolution, the same to be expended under the direction of the President of the United States.

Mr. PLATT. I ask that the joint resolution may have its second reading, and then I should like to have it printed and lie upon the table. I hope that it may pass without a reference to a committee.

Mr. COCKRELL. That is the proper course to take, but I should like to submit that a medical officer has already been sent from the United States to Germany on that very question. The Surgeon General of the Marine-Hospital Service has sent a gentleman with whom I have the pleasure of being acquainted and who is a very distinguished young physician and surgeon.

Mr. PLATT. I am aware of that, and the State Department has offered to different institutions in the country such facilities as it could to obtain small quantities of the remedy, but I have some reason to think that if the joint resolution should pass a more adequate supply of it might be acquired, and we might possibly obtain the formula for its manufacture.

The VICE PRESIDENT. The joint resolution will be read the second time by its title.

The joint resolution was read the second time by its title, and ordered to lie on the table.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3271) to enable the Secretary of the Interior to carry out, in part, the provisions of "An act to divide a portion of the reservation of the Sioux Nation of Indians in Dakota into separate reservations and to secure the relinquishment of the Indian title to the remainder, and for other purposes," approved March 2, 1889, and making appropriations for the same, and for other purposes.

BALTIMORE AND POTOMAC RAILROAD.

The VICE PRESIDENT. The hour of 11 o'clock having arrived it is the duty of the Chair to lay before the Senate the unfinished business, being House bill 11045.

Mr. MCMILLAN. I present a conference report, which I ask may be read.

The VICE PRESIDENT. The report will be read.

The Chief Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 8243) supplementary to an act entitled "An act to authorize the construction of the Baltimore and Potomac Railroad in the District of Columbia," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment and agree to the House bill, amended to read as follows:

"*Be it enacted, etc.*, That the construction, maintenance, and use for railway purposes of the turnouts and sidings of the Baltimore and Potomac Railroad Company, now extending from its line between the Anacostia or Eastern Branch of the Potomac River and the Long bridge, in the city of Washington, into the several squares of ground known and designated on the plat of the city of Washington as follows: Square 737; square 739; square 695; square northwest of square 695; square west of square 695; square north of square 697; square east of square 642; square north of square 642; square 641; square 536; square 493; square south of square 463; square 464; square 386; square 267; and square south of square 267, is hereby authorized, but Congress may at any time revoke said authority, said tracks to be maintained in such manner as will least obstruct the public streets, avenues, or alleys on which said tracks are laid, and to be under the general supervision of the commissioners of the District of Columbia.

"SEC. 2. That it shall be the duty of the commissioners of the District of Columbia, and they are hereby authorized and empowered, whenever they consider it a public benefit, to grant the Baltimore and Potomac Railroad Company permission to lay, maintain, and use side tracks and sidings from the main line or lines of said railroad into any real estate in the said city abutting on the streets or avenues on which such line of such company is or may be situated, east of Four-and-a-half street and south of Virginia and Maryland avenues, which may be used or occupied for manufacturing, commercial, or other business purposes by parties desiring the use of such facilities. Such sidetracks or sidings shall be laid and maintained under the direction of said commissioners, and in such manner as shall least obstruct the use of the public streets for ordinary purposes: *Provided*, That the right to revoke the use of said sidetracks or sidings is reserved to Congress.

"SEC. 3. That the Baltimore and Potomac Railroad Company is hereby authorized and empowered to acquire, subject to the approval of said commissioners, for the purposes of its business, any one or more of the squares of ground in the city of Washington south of the line of the said railroad and north of L street and east of Delaware avenue and north of the Eastern Branch and east of Thirteenth street, southeast, and any one or more squares, as shall be approved by the said commissioners, abutting on the line of said railroad on

Maryland and Virginia avenues, east of Four-and-a-half street and south of its main track on Virginia avenue and west of Twelfth street, southwest, and to extend, maintain, and use tracks from convenient points on the line of said railroad into the said property, and to cross such streets as may be necessary for that purpose, and to construct thereon such facilities as may be necessary for its business as a common carrier and approved by said commissioners, and to maintain such facilities in connection therewith; such tracks, where they cross streets, to be laid and maintained under the direction of the commissioners of the District of Columbia, and in such manner as shall least obstruct the use of said streets for ordinary purposes. The right to remove such tracks is hereby reserved to Congress. And in case said company shall be unable for any reason to acquire such properties or any portion thereof by purchase, they may be acquired by said company in the manner provided by sections numbered from 648 to 663, both inclusive, of the Revised Statutes, relating to the District of Columbia; but nothing herein contained shall authorize the condemnation of any church or school property or property of the United States: *Provided*, That nothing contained in this act and no expenditure that may be made by said railroad company hereunder shall be held or construed to give said company any right, legal or equitable, not now possessed, to retain the passenger station of said company on Sixth street.

"SEC. 4. That Congress reserves the right to alter, amend, or repeal this act."

And the House agree to the same.

JAMES McMILLAN,
C. B. FARWELL,
ISHAM G. HARRIS,
Managers on the part of the Senate.
LOUIS E. ATKINSON,
JOHN T. HEARD,
Managers on the part of the House.

The VICE PRESIDENT. The question is on agreeing to the report of the conference committee.

Mr. VEST. Mr. President, I understand that to be the conference report on what is known as the Atkinson bill. I have not had time to examine it. It was made yesterday in another branch of Congress, and I would prefer that the conference report should be printed in order that we may understand it.

Mr. EDMUNDS. That is fair. It is a privileged report anyhow.

Mr. VEST. I have the impression from the morning papers and from what I see in the CONGRESSIONAL RECORD that one feature of the bill as it came to the Senate from the House, and as we sent it back to the House—I refer to the provision for a commission to consider the matters in difference between the citizens of this District and the Baltimore and Potomac Railroad Company—has been stricken out. I will say very frankly that I never would have remained silent when that bill passed the Senate but for that feature in it; and if that has been stricken out, then, in my judgment, though I have not had time to examine the bill as it now stands, it is an entirely *ex parte* matter, all the provisions being on the side of the railroad company and none on the side of the citizens.

Mr. HARRIS. If the Senator will allow me, I will state to him that the provision to which he refers is stricken out.

Mr. VEST. That is what I understand.

Mr. HARRIS. But I will state in addition that when stricken out it was considered by the conferees upon the part of the two Houses that the proper thing to do, instead of creating such a commission as was provided for, was to raise a joint select committee, clothed with ample power, to take into consideration all of the questions that were proposed to be referred to such commission. Whatever the suggestion is worth, that was the view.

Mr. VEST. Is that provision in the bill?

Mr. HARRIS. It is not. It will rest upon an independent resolution.

Mr. EDMUNDS. I do not understand this question very well, but as far as I can understand from the reading I suppose our conferees have done quite wisely; but I think it is fair on a matter of this importance that the report should be printed, in order that all Senators may see it and understand exactly what it is. I hope my friend from Michigan will allow it, as it remains privileged, to go over and be printed.

Mr. HARRIS. There can be no objection to that.

The VICE PRESIDENT. The report will be laid over and printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the following joint resolutions:

A joint resolution (S. R. 82) concerning the publication of the United States map for the use of Congress; and

A joint resolution (S. R. 131) defining a quorum of the Board of Commissioners of the District of Columbia, and for other purposes.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2349) to provide for the purchase of a site and the erection of a public building thereon at Kansas City, in the State of Missouri.

The message further announced that the House had agreed to the amendments of the Senate to the bill (H. R. 196) for the erection of a public building at the city of Bloomington, Ill.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1548) to provide for the purchase of a site and the erection of a public building thereon at Taunton, in the State of Massachusetts.

UNITED STATES ELECTIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 11045) to amend and supplement the election laws of the United States, and to provide for the more efficient enforcement of such laws, and for other purposes.

Mr. PADDOCK. Mr. President, I desire at this time to give notice that when the pending bill is disposed of, or if it is to be long drawn out in its consideration here before it is disposed of, I shall ask the Senate to take up and consider the bills known as the food-adulteration bills, one of which is Senate bill 3991, and another, which naturally will come up with it, being what is known as the Conger lard bill; and there is still another of like import introduced by the Senator from Massachusetts [Mr. DAWES]. These bills have been petitioned for almost universally by farmers from one end of the country to the other. The petitions have been generally for one or the other of these bills which I have named, and the protests have been against one or the other of them. There is a universal demand for this measure, and——

Mr. BUTLER. Mr. President, we can not hear a word on this side that the Senator from Nebraska is saying. There is a spirited conversation going on over here.

The VICE PRESIDENT. The Senator from Nebraska will suspend until order is restored. Senators will please discontinue audible conversation and resume their seats.

Mr. PADDOCK. I have been undertaking to notify the Senate that immediately after the consideration of the pending bill, and before it shall be concluded, if its consideration is to be protracted to any very great extent, I shall ask the Senate to proceed to the consideration of the food-adulteration bills, the passage of one or the other of which has been demanded by farmers from one end of this country to the other; and I desire now to let the Senate know that I shall not stand much on the order of the demand a little later on.

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

Mr. PADDOCK. Certainly.

Mr. BLAIR. What reason has he to suppose that he can arrive at conclusion and action upon the bill he suggests any more than the Senate can upon the one which is now pending if it be put aside in order that his may be considered?

Mr. PADDOCK. I have not made any demand that the pending bill shall be put aside, but relying upon the good sense of the Senate and the demand upon them from their constituencies that this legislation shall be enacted, I should rely upon their taking up one or the other or all of these bills together and considering them and concluding them speedily. I do not say this in any spirit of hostility to the present bill and I give this notice without expressing myself in regard to the merits of the bill one way or the other.

Mr. BLAIR. I did not ask the question with any spirit of hostility to any bill.

Mr. PADDOCK. Of course; the Senator never asks a question in any spirit of hostility.

Mr. BLAIR. But in a spirit of friendliness to all bills that ought to be passed.

Mr. PADDOCK. I so understood it.

Mr. BLAIR. The Senator intimated that he would move to take up his bill even before the pending bill is disposed of, if its disposition was long delayed.

Mr. PADDOCK. Under the circumstances before explained by me, if the consideration of the pending bill is to continue without limit and without hope, possibly, as to the result one way or the other, then I will ask that the Senate suspend at least temporarily the consideration of that bill and proceed to the consideration of the food-adulteration bills. That is all.

Mr. BLAIR. Mr. President, the Senator did not quite understand my question. The point of my question is this: The pending bill being talked upon without limit, as he says, and interjecting his bill upon this debate, which is prolonged because of the hope to prevent any disposition of the present bill, how can he hope that there will be any short debate upon his own measure, when the result of it will be that the conclusion of the debate on the pure-food bill will be simply to let the Senate back upon the elections bill again? Those who desire a little change in the nature of the diet which they serve to the Senate and the country will naturally be glad to talk about pure food a little while and a long time, and we shall have just as protracted a debate upon the pure-food bill as we are now having upon the elections bill in order that the elections bill may be defeated surely.

Mr. HOAR. Regular order, Mr. President.

Mr. BLAIR. It seems to me, for I have the floor, I believe, now, that the true course for everybody who wants to accomplish anything would be to bring forward that cloture, I believe it is called, which we have heard so much about and see whether we can make a rule by which we can conclude debate upon any bill whatever.

Mr. EDMUNDS. Mr. President, I call for the regular order, on which I believe the Senator from Wisconsin [Mr. SPOONER] is entitled to the floor.

The VICE PRESIDENT. The Senator from Wisconsin has the floor on the pending bill.

Mr. GRAY. If the Senator from Wisconsin will yield to me for a

single moment, I desire, with his permission, to offer two amendments to the pending bill. I ask that they be printed and lie on the table.

The VICE PRESIDENT. The proposed amendments will lie on the table and be printed.

Mr. SPOONER. Mr. President, as a member of the committee which reported this bill I feel constrained to address the Senate upon it. I do so with great reluctance, because I always dislike to take the time of the Senate and because I have rested during the discussion under a disability which prevented me from using my eyes at night, and as I have been a constant listener to the debate during the days am therefore obliged to speak in a somewhat desultory way.

It is perhaps to be expected that a discussion of this subject, upon whatever measure it is predicated, should have in it more or less of feeling and of bitterness, but one listening in the galleries to this debate, with no knowledge of the history of this country or of the makeup of this body, would be strongly impressed with the idea that all of the love of liberty and of devotion to the Constitution and of freedom from partisanship in this body was to be found on the other side of the Chamber. All Senators on the other side speak declaring themselves lovers of liberty. So they are, doubtless. I hope they do not assume that we on this side who favor this measure with proper amendments are not equally with them lovers of liberty. We take pride in belonging to a party whose origin was in a love of liberty and whose history has been a defense of liberty.

I never shall forget a speech I heard delivered some years ago by Senator Chandler, of Michigan, at the capital of Wisconsin, the only speech I ever heard him make. The occasion was the celebration of the twenty-fifth anniversary of the birth of the Republican party in that State, and he and General Garfield addressed the assemblage. I can see him now looking like a Roman, as he was, and I can hear now ringing in my ears his clarion tones as he said:

> It used to be said of the Republican party that it was a party of one idea. It offended me once; I glory in it now. The Republican party had but one idea, but it was an idea as broad as the earth and as boundless as the sky; it was the idea of human liberty.

Senators on the other side constantly assert that they speak for the Anglo-Saxon race and against the subjugation of that race. I beg them not to forget that we on this side of the Chamber belong to the Anglo-Saxon race and would be as unwilling as they can possibly be to disparage or to degrade it.

Senators denounce this bill as clearly unconstitutional and talk of their devotion to the Constitution. I beg them to remember that, while we may differ upon questions of constitutional construction, devotion to the Constitution is not confined to the Democratic side of this Chamber. Senators denounce us on this side as partisans, and every Senator who has spoken against this measure has been pleased to say that it had no motive except one ulterior and of partisanship. I beg to suggest to Senators on the other side that possibly some thoughtful people in this country may imagine that the solidarity of the opposition to it and the bitterness of the denunciation of it are attributable in part to partisanship and the desire to keep solid, by methods not altogether to be approved, the Democratic ranks in this country.

I concede the gravity of the subject. I concede the difficulties which environ it. But Senators on the other side ought to be willing to concede, if we are, that there is room at least for honest differences of opinion about it, and they ought not to forget that denunciation is not argument and that epithet never convinces any intelligent mind.

The debate, Mr. President, has been characterized by something of rudeness. The Committee on Privileges and Elections, at least the majority of the committee, have been referred to in language of discourtesy, gratuitous and without warrant, in my judgment, the like of which I have not during my short term in the Senate heard before. Almost every Senator on that side has made harsh and bitter reference to the Senator from Massachusetts [Mr. HOAR], who as chairman of the Committee on Privileges and Elections has this bill in charge. Doubtless that Senator has not been in the slightest degree disturbed by such references. No one knows better than I that he needs no defense, and that if it were otherwise he is abundantly competent to take care of himself. But I trust he will not regard it as officious upon my part if I venture to say that I have heard these allusions to him, based simply upon his advocacy of this measure, with regret and with indignation. I shall count it always as one of the pleasant phases of my life in the Senate of the United States that in the assignment to Senatorial duty I have been brought into close and friendly working relations with the Senator from Massachusetts.

The glory of Massachusetts—and her history is full of glory—depends in good part upon the character of her contributions to the public service of this country in the two Houses of Congress, and when Massachusetts counts her jewels she will find, in my opinion, none richer than the name and fame of the Senator who has charge of this measure. When the record of his life is made up it will be agreed that in wealth of historical and legal learning, in abundant and varied scholarship, in forensic ability, in constructive statesmanship, in unfaltering patriotism, in devotion to his State and to his country, he is the peer of any man who has ever spoken here for Massachusetts. I believe that it will be well and gratefully remembered of him in reviewing his long and great career as a public servant that he stood in these days, unmoved by taunt and undeterred by objurgation, as firm as a rock in this place in favor of honest Federal elections. I have not said this because the Senator from Massachusetts has any need of it, but because my heart sends the words to my lips and my judgment approves their utterance.

Mr. President, this measure is denounced on the other side (and I shall go hastily through it, referring briefly to some of the objections which have been made to its provisions) as a dangerous innovation upon established precedent and custom, as unconstitutional, as unnecessary, and as inexpedient. Of course if it be unconstitutional, or if it be unnecessary, or if it be inexpedient, it should be incontinently banished from the consideration of the Senate. If it be in some respect an innovation that fact is not conclusive that it should not receive the favorable consideration of this body.

It is not altogether by any means an innovation. There has been upon the statute book for twenty years a law passed by the Congress in the exercise of the constitutional power which we invoke for the passage of this bill. Under its provisions there may be supervision and scrutiny of elections at which a Member of Congress or a Delegate in Congress is to be elected. Under its provisions twenty years ago the citizen was authorized by petition to invoke the action of a Federal court to secure the appointment of supervisors, and the duties of the supervisors are defined by the statute.

That act has been in force in many parts of the North. It is applicable to thirty-four cities in the South and to one hundred and twenty-nine cities in the North. It has been put into operation in the city of New York from the time of its enactment. It has been put into operation frequently in the city of Chicago. It has been put into operation in the city of Indianapolis. It has been put into operation in the city of Cincinnati, and in St. Louis, and in a large number of other Northern cities, and I undertake to say to-day, notwithstanding the loose denunciation which has been indulged in on the other side of the Chamber, that its virtue has been established by its results.

Senators have had a great deal to say about Mr. John I. Davenport in connection with the administration of the law of 1871 in the city of New York. I think more than one Senator has placed in the RECORD a list of officials appointed, some of whom are said to have been convicts or ex-convicts, others men who had been arrested and indicted for various infractions of the law. Senators have used that list as if those appointments were made in 1878 and as if it were proper to charge upon John I. Davenport and the existing law the responsibility for such appointments. Those appointments were all made before John I. Davenport was appointed chief supervisor of elections. They were made before the law under which he is chief supervisor of elections was enacted by the Congress. They were appointed, I am informed, under an act of 1870, the apportionment act, which contained two sections upon this subject, which, as I remember, were clearly unconstitutional, because they vested the appointment of supervisors in the judge instead of in the court. Those officials were appointed by one of the United States judges in the city of New York, and one-half of them upon the recommendation of a Democratic organization in the city, the other half of a Republican organization in the city.

I am told, although I care nothing about discussing it, that the list and the statements concerning some of the men who are named in it are utterly inaccurate. One name referred to is William Irving; it is said opposite his name "a burglar." There was in the city of New York a William Irving who was a burglar, but the William Irving who was appointed and served as an election officer was not William Irving the burglar, but William Irving a respectable man who then lived and who has ever since lived in the city of New York. I am advised that there are many other similar errors in the list.

I do not feel called upon, Mr. President, to enter upon any defense of John I. Davenport as to the discharge of his duties under the act of 1871. I think, perhaps, it was legitimate argument for Senators to make criticisms upon the administration of the law by any chief supervisor; but I feel at liberty to deny, in the main, the justice of the reflections which they have cast upon Mr. Davenport's administration.

Senators will not have forgotten, although I shall not take the time to read it again to the Senate, the investigation into the administration of that law in New York made by Hon. S. S. Cox and his associates, as a Congressional committee and the strong commendation which he made of its efficiency and of the efficiency of Mr. Davenport in administering it. Mr. Cox took occasion not only to commend it in its application to the city of New York but to commend it to the cities of the entire country. The only reply Senators on the other side have to the commendation by this distinguished Democratic statesman of this law in its operation and its principle is to say that if Mr. Cox were here now he would oppose this proposed law. What communication from the spirit world those Senators have had which they consider sufficient to warrant them in speaking for Mr. Cox to-day of course I do not know. I know this, that he commended upon a careful investigation, in time of excitement and of bitter partisanship, the administration of the law and the operation of it as efficient to bring about fair elections in this country.

Neither shall I take time except to refer to the warm commendation

which Mr. William C. Whitney under oath gave before the same committee to Mr. Davenport, to his administration of the law, and to the efficiency of the law.

It was stated, and I restate it, that during the years it has been in operation many times the Democratic organizations in the city of New York have requested the co-operation of the chief supervisor in the elections, and the Democratic officials of the city of New York have requested the co-operation of the Federal authorities and have co-operated with them in so administering the law now upon the statute book as to secure an honest election in the city of New York. I read the other day, during the speech of the Senator from Maine [Mr. FRYE], a paper which I can not now find, an original letter written in 1885 by the corporation counsel of the city of New York, Mr. Lacombe, after the lapse of years during which Mr. Davenport had exercised the functions of chief supervisor, asking him to co-operate with the city and State authorities in the election and to enter into an agreement similar to that which had been entered into two years before in order to secure by the fullest Federal supervision in co-operation with the State authorities a fair election in the city of New York.

Mr. GRAY. Will the Senator from Wisconsin allow me to interrupt him there?

The VICE PRESIDENT. Does the Senator from Wisconsin yield te the Senator from Delaware?

Mr. SPOONER. Certainly.

Mr. GRAY. Does not the Senator understand that that letter of Judge Lacombe, written when he was corporation counsel to Mr. Davenport, was for the purpose of asking his co-operation with the constituted authorities of the city and State in order to avoid a collision and in order to preserve the peace of the city, which he considered threatened by a hostile demonstration on the part of Mr. Davenport's constabulary alone?

Mr. SPOONER. Mr. President, that is a suggestion which finds no warrant whatever in the letter of Mr. Lacombe or in the history of the administration of this law by the Federal authorities in conjunction with the State authorities in the city of New York. The Senator can not break the force of the application by the corporate authorities of New York to Mr. Davenport for his co-operation by any such suggestion. The Senator from Nebraska [Mr. MANDERSON] kindly turns to the letter, which is in the RECORD, and I will read it:

LAW DEPARTMENT, OFFICE OF THE COUNSEL TO THE CORPORATION,
New York, October 22, 1886.

SIR: Prior to the general election in 1884, a memorandum of agreement was entered into between the United States district attorney, the United States marshal, the United States chief supervisor of elections, the district attorney of the city and county of New York, and the police commissioners of the city of New York, having for its object the securing of harmonious action between the officers of the United States, on one hand, and those of the State and the city of New York on the other.

The police commissioners have requested me, as their representative, to consult you with a view to having a similar understanding arrived at prior to the election which is to be held on November 2.

I inclose you herewith a copy of the agreement entered into in 1884, altered only as to date so as to apply to the forthcoming election. Please advise me at your earliest convenience whether you are willing to unite with the other officers named in this letter in signing this agreement.

Yours, very truly,

E. HENRY LACOMBE,
Counsel to the Corporation.

JOHN I. DAVENPORT, Esq.,
United States Chief Supervisor of Elections.

Mr. Lacombe is a gentleman who was appointed by Mr. Cleveland shortly after his advent to the Presidential office to be a circuit judge of the United States for the district of New York.

Mr. HOAR. And he now holds the office.

Mr. SPOONER. And he now holds the office and will be charged in that State with the duties, if this bill shall pass, which are devolved by its provisions upon a judge of the United States court.

Mr. President, one of the Senators on the other side said that no one but the scum of the earth would apply to have such a law put into operation. I think the Senator from Maryland [Mr. WILSON] used that expression. Other Senators have freely said that honorable men, self-respecting citizens, lovers of liberty, would not apply for the exercise of the Federal jurisdiction under such a law.

Again and again in different States of the North application has been made by prominent Democrats to put in force the Federal supervisory law. I have a list of the gentlemen who applied to have it put in operation in the city of Chicago and they are all prominent Democrats. I am told that it was put in operation in the city of Indianapolis on a petition signed by two gentlemen, one of whom is an ex-member of this body and one of the ablest lawyers of this country, and one of the strongest Democrats of this country, Hon. Joseph E. McDonald. The practice under that law has clearly demonstrated that the Federal supervision provided by it is not offensive to the people of the North and that Democrats as well as Republicans have been glad to invoke its efficiency.

The Senator from Delaware [Mr. GRAY], the Senator from Virginia [Mr. DANIEL], and I believe the Senator from West Virginia [Mr. KENNA], although as to the latter I am not certain, have commented, basing their remarks upon reports of Congressional committees, upon what they charge to have been gross tyranny upon the part of Mr. Davenport in the administration of that law in New York City.

Mr. McPHERSON. Would it interfere with the Senator from Wisconsin, before he departs from that branch of the discussion, if I should ask him a question in relation to it or cite a single case? The Senator refers to the letter of Mr. Whitney and of Mr. Lacombe, in which an effort had been made to make some arrangement between the Federal and the State officers for the conduct of the election in the fear that a collision should occur. Was there not danger of collision between the State and Federal officers when John I. Davenport, either in the exercise of the power he claimed under the existing law or usurping the power, should proceed to arrest entire election boards of State officers, as he did?

Mr. SPOONER. Perhaps the Senator regards that as a question. I did not get the interrogation point.

Mr. McPHERSON. The Senator refers to the letters or correspondence which passed between Mr. Whitney and Mr. Lacombe and Mr. Davenport, I understand. The Senator from Delaware says it was done for the purpose of effecting an arrangement so that there should be no collision between State and Federal officers.

Mr. SPOONER. I did not refer to any letter from Mr. Whitney. I referred to testimony given by Mr. Whitney before the committee, in which he commended, as of the utmost efficiency in its operation in New York under the administration of John I. Davenport, the Federal election law.

Mr. McPHERSON. Then, if the Senator will bear with me a single word further, Mr. John I. Davenport, whom he is defending, on one occasion at least, upon an unverified statement made by a Federal officer, a complaint against the State inspectors, sent over the wire to the central office, where John I. Davenport was located, ordered their arrest by telegraphic wire and upon a statement unverified by anybody in the world. It seems to me that such an usurpation of power was sufficient to alarm the whole country.

Mr. SPOONER. Under the law if the State inspector committed an offense in the presence of the supervisor he might be arrested without any complaint, and this telegraphic correspondence was undoubtedly out of abundance of caution on the part of the official. I am not so sensitive about the protection of dishonest election State officers as Senators on the other side are. If the election of a member of Congress is, as I think it is, a matter which concerns the people of the whole country, if it is a Federal election in contradistinction from a State election, a matter of national concern in contradistinction from a matter of merely local concern, and the Congress of the United States in the exercise of its jurisdiction, in order to regulate its own election, in order to protect against fraud the ballot box at which members of Congress are elected, provides what duties shall be performed and what things shall not be done by a State official, and he violates that law, he ought to be arrested, and he ought to be punished, and it ought not to be necessary that he should be permitted to go on with his frauds until the sun has gone down on election day and until there can have been a careful inquisition held by some judicial functionary into the question. Frauds of that kind require prompt treatment, Mr. President, and ought to have prompt treatment.

Mr. DANIEL. If the Senator will allow me——

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Virginia?

Mr. SHERMAN. If in order, I respectfully object. The Senator is going on with a prepared speech, and I hope he will be allowed to proceed without interruption.

Mr. DANIEL. If it is in the least disagreeable to the Senator from Wisconsin I shall not insist.

Mr. GRAY. Does the Senator from Wisconsin object? I beg his pardon for the interruption I made, if he objects to interruption.

Mr. SPOONER. The Senator from Delaware knows, I think——

Mr. GRAY. I only wanted to beg his pardon, without knowing anything about it.

Mr. SPOONER. The Senator knows, I think, that I have never since I have been in the Senate declined to yield to an interruption.

Mr. GRAY. Nor have I.

Mr. HAWLEY. Now, Mr. President, let me say a word for the rest of us. Our colleague from Wisconsin is making what I know will be an interesting and valuable speech, and is making it systematically and logically and with eloquence. For the sake of those of us who want to hear him patiently, as we would hear an argument of law in the Supreme Court, I hope Senators will let him alone.

Mr. GRAY. I depend very much on the state of mind of the Senator from Wisconsin. If the Senator objects in the least to being interrupted——

Mr. SPOONER. I do not think——

Mr. GRAY. One moment, if the Senator pleases. If the Senator objects in the least, I would not think of interrupting him. If he does not, I shall, if occasion requires, take the opportunity to respectfully ask him a question or interrupt him.

Mr. DANIEL. Mr. President——

Mr. SPOONER. I have always yielded to interruptions and I do not think I shall undertake to reform that habit now.

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Virginia for a question?

Mr. SPOONER. Yes, sir.

Mr. DANIEL. Permit me to say that I do not wish to interrupt the Senator from Wisconsin, and would not have done so if he had not referred to me as relying upon reports of the legislative body for the allegations which I made against Mr. Davenport. I beg leave to call the attention of the Senator to the fact that I referred to 15 and 18 Blatchford's Reports, and also, if he has not the reports before him or has not examined them, I refer him in the same regard to 43 New York Superior Court Reports and to 9 Abbott's New Cases for the basis in a large measure of the allegations which I made.

Mr. SPOONER. Mr. President, if the Senator had not interrupted me—and I make no complaint that he has—he would have found that I have not forgotten his reference to the decision of Judge Blatchford as to Mr. Davenport, as I have the report before me and will refer to it in a moment. I think it will demonstrate when referred to that Mr. Davenport, who has no voice in this Chamber except as a Senator chooses to defend him, has not been by any means fairly treated by the Senators who have attacked him, including my friend from Virginia.

I was saying, Mr. President, that in many places this Federal law, instead of being offensive to the Democrats of the North, had been put in operation upon their application. I find here some memoranda upon that subject. The application for supervision at the election of 1888 in Chicago was signed by Silas D. Baldwin, Louis Adams, and nine others, all representatives of the Democratic party. The petitions and orders were drawn by Capt. W. P. Black as attorney at the instance of the Democratic committee in charge of the campaign. I find as to Massachusetts that the chief supervisor in Boston is a Democrat. In 1888 nine cities in Massachusetts, liberty-loving Massachusetts, applied for supervision, in four of which the application was made by chairmen of Democratic committees. In 1890, in the cities of Boston and Taunton, the applications for supervision were signed by Democratic chairmen. In New Bedford, a member of the Democratic State committee applied for supervision. In Lowell, a Democratic member of the city council joined in the application for supervision. In Chelsea, Lynn, Cambridge, and Worcester, Democrats joined in the application for supervision.

Mr. President, this sensitiveness about State rights seems to be, so far as it has relation to the administration of a Federal election law, confined mostly, except in this Chamber, to the Southern Democracy.

The Senator from Delaware referred to the Heinrich case and took considerable time of the Senate in descanting upon its merits and upon the action of John I. Davenport in relation to it. That case was simply this: The law as it stands authorizes the chief supervisor by his officials to verify by proper inquiry the registration list, to see whether men have registered as residing in certain places who do not reside there, to see whether conspiracies have been entered into for the false impersonation of actual voters, to the end that repeaters may be kept away effectually from the ballot box. The supervisor went to the house of Mr. Heinrich, who was, or had been, a Democratic alderman in New York City, and from whose house, as I now remember, a man had registered whom the chief supervisor had reason to believe did not live there. He knocked at the door. He went as any other man goes to the house of a citizen to make in a respectful way a legitimate inquiry, an inquiry which he had the power to make under the laws of the United States, and which under the laws of the United States it was the duty of Mr. Heinrich to answer. Mr. Heinrich, with Tammany indignation in his eye, instead of replying to the question bade him begone.

Mr. GRAY. What was the question?

Mr. SPOONER. The question was whether a certain man lived there.

Mr. GRAY. The sworn testimony was that he asked "How old are you?"

Mr. SPOONER. Well, to ask a man how old he is is no crime.

Perhaps the supervisor mistook Mr. Heinrich for the man whose antecedents he was looking up. Anyway, he was instructed to leave under penalty of having his brains mashed out with a hatchet, as I recollect it; and my friend from Delaware, as I am reminded by the Senator from Massachusetts, said "Good for Mr. Heinrich," as if such conduct upon his part were something to be approved; as if it is not in the interest of every good citizen that in every proper way the ballot box shall be protected and the purity of the franchise maintained. It is your interest, Mr. President, it is my interest, and it is equally the interest of every man, every woman, and every child under our flag.

Mr. Davenport arrested Mr. Heinrich or had him arrested. He ought to have arrested him. He was brought before him about 4 o'clock in the afternoon. He was committed until Monday morning and then was admitted to bail.

Complaints about this matter were made perhaps because of the local political prominence of this gentleman, in the newspapers of New York City, and a complaint was lodged before Judge Woodruff against Mr. Davenport. One of the complainants was a prominent editor in the city of New York, and they made the same charge against Mr. Davenport substantially that is made by the Senator from Delaware on this floor against him. A judge of the United States heard that case and passed upon it. He is dead now, Mr. President, after a long and stainless career as a lawyer and as a judge; but though dead he speaketh; and I may safely, and so may Mr. Davenport, so far as the Heinrich case is concerned, invoke the decision of Judge Woodruff upon his conduct as against the denunciation of the Senator from Delaware in a strictly nonpartisan speech, as of course his was. Judge Woodruff said:

> The impression upon my mind at the close of the investigation herein was that the charges were very largely founded in misapprehension of the duties of a United States commissioner, and that there was a failure to show either dereliction of duty, misconduct in office, want of integrity, or the influence of improper motives in the exercise of the power by law conferred upon the commissioner.

That was the impression of the judge when the testimony was concluded.

> I nevertheless deemed it prudent to examine more deliberately—

Possibly more deliberately than my friend from Delaware did in his judicial frame of mind—

> the evidence upon my minutes with the aid of a copy of the testimony furnished me by the counsel for the complainants and in connection with the documents produced on the investigation. That examination I have now made.
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> The complainants very freely charged that the respondent had used his official powers corruptly for partisan purposes. This is a serious matter and is often repeated in their specifications. Its establishment would necessarily involve want of personal integrity and therefore unfitness for any office of trust; and if any discrimination on such a subject were permissible it would impart a special unfitness for the discharge of any judicial duty. It might reasonably have been expected that a charge involving such consequences, and the resulting disgrace of the accused, would not be placed on file without some evidence to sustain it.

And the evidence should have gone before the judge instead of into the newspapers.

> The complainants, so far as may be inferred from the examination of two of them, had no knowledge of any facts supporting such a charge. They appeared to have acted upon hearsay, and it is only just that I should say that when the opportunity was given to show by any legal evidence that the charge was true they have entirely failed.
>
> There is no evidence that in the execution of the law imposing duties upon the respondent in his office, either of chief supervisor or commissioner, he did not act with equal promptness and with equal fairness, without distinction of persons and without regard to the political affinity of persons charged before him with offenses.
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> * * * * * * *
>
> There is no evidence that in the performance of his duties he has made any discrimination between all offenders, whether of one political party or another, or that his acts have been governed by any purpose other than the faithful and prompt enforcement of the law.

So far as the Heinrich case is concerned, I trust I may safely say that Mr. Davenport can leave his defense to the determination of this judge sitting upon the bench, acting in a judicial capacity, where the evidence was taken under oath and with the privilege of cross-examination.

Mr. EDMUNDS. A judge who commanded the admiration of the whole body of the Democratic bar.

Mr. SPOONER. As my friend from Vermont says, a judge who commanded the admiration of the whole body of the Democratic bar. It ought to be enough to protect this man against denunciations connected with that case that the charge was made against him, that the case was investigated, not by a committee, not in the heat of a partisan debate, but by a judge who passed upon every issue and element in his favor.

Now, the Senator from Virginia [Mr. DANIEL] calls my attention to 18 Blatchford. Mr. Davenport was again on trial upon charges which have been alluded to by Senators. It is a rule that no man shall be put twice in "jeopardy" for the same offense. That rule seems to have no applicability to the Senate of the United States so far as Mr. Davenport is concerned. It is not enough that upon a charge this man has been arraigned and tried and acquitted, but the charge is still fresh and new and the denunciation as bitter as ever when it comes to a debate upon this bill in the Senate.

Judge Blatchford heard the evidence against Mr. Davenport and rendered his decision.

Mr. SHERMAN. Is that the same case?

Mr. SPOONER. No; this is another case, the one referred to by the Senator from Virginia.

Mr. EDMUNDS. It was an application to remove him.

Mr. SPOONER. It was an application to remove him, an application which, under the law, any citizen may make whenever the officer exceeds his jurisdiction, if ever he perpetrates an outrage upon liberty or upon citizenship, and make it to a judge of the United States, who would give prompt ear to the complaint.

What did Judge Blatchford say? I do not remember now that in commenting upon this decision the Senator from Virginia read this part of the opinion of the court, although he may have done so. Among other questions involved was the one as to the validity of the instructions issued by Mr. Davenport, and the court held that one of his instructions was without warrant of law. The court was clearly right about it, but upon the question of good faith, of honest administration, this is what Judge Blatchford said:

> We are prepared to dispose of this matter now.

It seems that two of them sat. At the request of the circuit judge the district judge sat with him. The court was opened with great solemnity, I suppose, as my friend from Delaware said the other day

in referring to the applications for appointment of supervisors under this bill.

We are prepared to dispose of this matter now. The two judges concur entirely in their views upon the subject, although the decision must be considered as being made by the circuit judge sitting alone, with the advice and concurrence of Judge Choate. We do not think a case is made out for removing Mr. Davenport under this petition. The instructions, so far as the substance and materiality of them are concerned—everything that precedes the second further direction—appear to be the same which were issued previously and approved—

I call the attention of Senators to this—

approved, so far as such approval went, although *ex parte*, by the district attorney and by Judge Woodruff.

Under such circumstances this court would not be authorized to say that the reissuing of these instructions was evidence of want of fidelity or want of capacity on the part of the chief supervisor. Certainly these circumstances repel all imputations of any bad faith on his part, while at the same time they may not be conclusive upon this court, sitting judicially, as to the propriety of the instructions.

There he stood, by the decision of Judge Blatchford, concurred in by Judge Choate, acquitted absolutely of the charge of unfairness, of any want of integrity, or any want of capacity. The instructions which he issued, as the judge says, had been once approved, although *ex parte*, by the district attorney and Judge Woodruff, clearly warranting Mr. Davenport in assuming that they were lawfully to be continued by him.

Mr. President, it does not do for the Senator from Virginia or any other Senator to attempt to impeach before the people or in the Senate the significance of that finding by a judge upon hearing and testimony and argument by referring to Mr. Davenport as the creature of Judge Blatchford. Good men have no "creatures" in the sense in which the Senator uses the word. The long life of Judge Blatchford, his eminence for judicial learning and fairness, exempt him without need of speech in that behalf from suspicion that he could deal otherwise than as a judge ought to deal with the law and the testimony in that or any other case.

Mr. President, this ought not to be forgotten. John I. Davenport is the chief supervisor in the greatest city of this continent, the grand entrepôt of foreign peoples to the United States, with an element in its population such as we must expect would seek habitancy in such a city on the seaboard. He came to the administration of his duties confronted with fraud absolutely monumental and unique, with fraudulent naturalization papers by thousands and tens of thousands floating around the city of New York.

Mr. EDMUNDS. What courts did they come from?

Mr. SPOONER. They came from State courts, from McCune's court, and other courts.

Mr. EDMUNDS. Tammany courts?

Mr. SPOONER. They came from Tammany courts, thousands of them held by men who were not entitled to become citizens at all, thousands of them in the hands of men who were entitled to become citizens and who were cheated into the belief that they were clothed by those fraudulent papers with the right of citizenship and therefore invited to vote. With conspiracy against the ballot box of every conceivable character triumphant under the local administration at every election it is not very singular that, in issuing warrants under such circumstances, now and then it happened that a man was arrested who strictly ought not to have been arrested.

Mr. EDMUNDS. It happens in the best ordered States.

Mr. SPOONER. It happens in the best ordered States; and, Mr. President, no good citizen ought to object to being arrested, even though improperly, if thereby he aided to take up and secure the destruction of 40,000 fraudulent naturalization papers, the shelter of thieves and frauds and repeaters at the ballot box. The wonder to me is, looking at the environment in which Mr. Davenport acted in those days, that he arrested so few men who ought not to have been arrested.

Now, how does it happen that it is left for the distinguished Senators from Delaware [Mr. GRAY] and from Virginia [Mr. DANIEL] to spring into the arena here in behalf of outraged liberty in New York City? New York City and the people of New York are represented upon this floor by two distinguished Senators, one of whom for fifty years has been one of the most distinguished champions of the liberty of the citizen in the world. If John I. Davenport has ridden roughshod over the honest people of New York City, arresting men by the thousands and tens of thousands and casting them into bastiles, strange it is that the great Senators from New York are and have been all these years dumb in defense of their outraged constitutents, silent in face of the fact that liberty lay bleeding in the streets of New York City, and that after the lapse of years the people of New York, thus outraged, are dependent upon the Senator from Delaware and the Senator from Virginia to vindicate in the Senate their rights and to denounce their wrongs.

Mr. President, during all the years this law has been in operation I have heard of no petition, Democratic or otherwise, at any rate that came from the North, for its repeal. There was in control in the other House for twelve years the Democratic party. I do not remember that the Democrats from the North or from the South introduced a bill to repeal this infamous invasion of State sovereignty, as our friends seem to think it to be. This I do know, that that Democratic House did not during the years, the long years of its ascendancy and control, pass any bill to repeal this law. Why did they not? If the public sentiment of the North revolted against it, if it were considered an invasion of the rights of the citizen or of the State, how did it happen that the House never passed, although Democratic, any bill to repeal it? Its repeal was not suggested either in any message by Mr. Cleveland sent to the Congress of the United States. It has rested upon the statute book, put in operation at different places throughout the North for twenty years, without any demand from any party that it should be abrogated. The fact speaks well for the people of the North, at least, and their anxiety that we should have honest and fair elections for members of Congress in this country.

Our friends say this bill is offensive and vicious because its underlying principle is distrust of the States. Is not the underlying principle of the existing law to the same extent distrust of the States? No one doubts the capacity of the States to secure honest elections; but the State of New York, with all its capacity, at one time under a rule which has gone down to history as infamous—I refer to the city—did not secure honest elections; and the very first provision upon this subject of Federal regulation of Congressional elections which ever found its way into the statute book came from Senator Conkling, of New York, proud of his State, jealous of the sovereignty of his State and of the rights of the citizens of his State. Where have our Democratic friends on the other side been with their sensitiveness on this subject during the last twenty years? It is a new-born sensitiveness, Mr. President, evoked by a proposition to strengthen the existing law, and only this.

Mr. President, it is true, in my opinion, that while the frauds upon the elections in the North, such as exist, are largely perpetrated in the great cities, in the South they are largely perpetrated in the rural districts; and that fact, susceptible of easy proof, if proof were necessary, renders incomplete and inefficient, when applied to the country at large, the existing law, and calls for the passage of a law increasing its efficiency.

I must go very quickly through this bill, to consider as I go along some of the objections which have been urged to it; and I want to say now that some of the criticisms which have been made as to the phraseology of the bill in certain particulars I share.

By the first section the chief supervisors now in office and those to be hereafter appointed by the circuit judges of the United States, and they must be circuit court commissioners, are charged in their respective judicial districts with what?

The supervision of elections at which Representatives or Delegates in Congress are voted for, with the enforcement of the national election laws, and with the prevention of frauds and irregularities in naturalization.

If we are to have any Federal law upon the subject of Federal elections those are elements which confessedly ought to enter into it and those are functions which ought to be conferred upon the Federal agencies appointed to supervise or to conduct them.

Section 2 provides how this act shall be put into operation, and upon that the Senator from Delaware and the Senator from Virginia based a legal argument to which I desire to refer for a moment when I come to it:

SEC. 2. Any registration of voters held prior to or for any election, general or special, at which a Representative or Delegate in Congress is to be voted for, and any such election, shall be guarded, scrutinized, and supervised in the following-mentioned places and in the manner in this act set forth:

First, in any entire Congressional district—

Upon the application of 100 citizens and qualified electors, and—

Second, in any entire city or town having 20,000 inhabitants or upward—

Upon the application also of 100.

Third, in any parish, county, city, town, or election precinct in any Congressional district—

Upon the petition of 50 claiming to be citizens of the United States. There is something to be said in favor of the use of the word "claiming;" there is something to be said against it. It ought perhaps to be determined in some way before action upon the petition whether they are citizens and voters, and, for one, I shall be willing to have that matter left as it is left by the present law. But that is a minor matter.

Upon presenting this petition to the chief supervisor he is to inform the circuit judge that he has business to transact before the court relating to elections. Under the present law the application by the citizens goes directly to the circuit judge. The provision of the proposed law that the application for scrutiny or supervision shall be sent first to the chief supervisor of elections is, in my opinion, an improvement upon the old law, because as the law operates throughout one Congressional district or more, within the jurisdiction of the same circuit judge, it will be much more efficient, much more easy of administration, if the citizens who sign these applications for supervision may send them to the chief supervisors, who are localized, to be presented to the circuit judge or to the court, than to require the citizens to hunt up the judge and transmit the application themselves to him. Now, the application having been made to the chief supervisor, he brings the fact to the attention of the judge. The judge is obliged to open court, and, while my friend from Delaware criticised at some length and with some severity the language of the proposed section as to opening the court

and the discharge of the duties by the judge, in vacation or at chambers, I only call his attention to the fact that in this particular the proposed bill is in no wise changed from the existing law, which has been administered by circuit judges over the North for so many years.

Mr. GRAY. Mr. President, I have some hesitancy in interrupting the Senator from Wisconsin after the notice that has been served upon this side by certain leaders upon that, that no interruption should be made when a speech on that side was being made; but knowing the practice of the Senator from Wisconsin at least, and his good disposition in that regard, I venture to interrupt him to ask him this question: What is the objection or difficulty in fifty or one hundred citizens preferring directly to the court their petitions for supervision? Why do they have to hunt up the judge? Will not a petition lodged with the court or filed with the clerk receive proper attention and notice, and will that not obviate all difficulty, as suggested by the Senator, in looking up the individual judge and requiring the interposition of the supervisor?

Mr. SPOONER. There are several reasons. These applications are made ordinarily not very long before an election, and there is no great time to be wasted in hunting up the judges. The chief supervisor has certain duties to perform; he has to present—and it involves precedent investigation—certain lists to the court by way of recommendation for the appointment of supervisors upon the petition, and it is eminently proper and reasonable, and I can see no earthly objection to it, except a carping and hypercritical one, that these applications for supervision should be sent first from all parts of the district to this same officer, the chief supervisor, who is thereby informed as to the wish of the applicants, who hunts up the judge, who sees to it that he has notice of the application and the business to be transacted, and who makes ready then to discharge the duty imposed upon him of recommending when the court opens suitable persons for appointment as supervisors.

It is a great deal better than to file the application with the clerk of the circuit court or of the district court and require the chief supervisor to go day by day to the office to see whether such application is filed, the knowledge perhaps to come to him too late to afford him time to make the investigation which ought to be made in order to enable him to recommend fit persons to the court in the various localities for appointment as supervisors. I think the real objection to it on the other side must be that it increases the efficiency of the bill if enacted into law.

It is true that this jurisdiction is invoked and this supervision is to be granted upon the petition of certain citizens, and the Senator from Delaware gravely argued at some length, and the Senator from Virginia at greater length, that because the intervention of fifty citizens in the one case and one hundred citizens in the other is required in order to secure the performance of the judicial function upon the part of the court in the given case, and of the executive function upon the part of the supervisors, the bill is obnoxious to the objection that it is a delegation of legislative power, and one of the Senators read from Judge Cooley a principle of law, which no man disputes, and which is elementary, that a legislative body can not delegate legislative power except within certain limitations which are quite well settled.

Mr. President, I submit to Senators, whatever party they belong to, can there be anything of substance in such an objection? The law is a complete law upon the statute book the moment it is passed and approved by the President. It requires the circuit judges to appoint chief supervisors throughout the United States. It prescribes their duties. It provides for the appointment, under certain circumstances and by certain procedure, of supervisors and prescribes their duties. It provides for the appointment under certain circumstances of a canvassing board and prescribes the duties of that board. It provides how the election shall be conducted in certain cases and under certain circumstances. It provides for punishing ballot-box-stuffing. It provides for punishing false swearing in connection with an election at which a Member of Congress or a Delegate in Congress is to be chosen, and for the punishment of many other election offenses.

Mr. MORGAN. Will the Senator allow me to inquire whether the present law does not punish these same offenses?

Mr. SPOONER. The present law punishes some of the offenses which are embraced in the proposed bill.

Mr. MORGAN. If the Senator will pardon me just a moment——

Mr. SPOONER. Allow me to finish my sentence. The proposed bill, if it does not create some new offenses, so amends the language of the present law as to make it absolutely certain hereafter that if some transactions which have been denounced are not covered by the present law they will be by the proposed law.

Mr. HOAR. And it also applies to election officers.

Mr. SPOONER. Now I will listen to the Senator from Alabama.

Mr. MORGAN. The point of my inquiry was this, Mr. President: In section 31 of this bill, some seventeen, I think, or it may be as many as nineteen, of the existing statutes are incorporated into this bill. They are made by this bill a part of the text of this proposed new law, with such alterations and changes as this bill works upon those seventeen or nineteen existing statutes. They are not pointed out in this bill. We have not any idea how far the committee may have supposed the changes go or what words in the old statutes they apply to. It is an amendment of a statute in the dark, so that it requires, I think, a very able lawyer, and certainly a very diligent one, to find out what is the meaning of the thirty-first section; and the object of my inquiry is to draw the attention of the Senator, who is a member of the committee, to that section 31, in order that he may inform the Senate, if he chooses to do so, in the course of his remarks——

Mr. SPOONER. What is it? I do not hear the Senator.

Mr. MORGAN. I say that, in order that the Senator may do so if he chooses to and if it is agreeable for him to do so, he may inform the Senate as to what changes have been made in the existing statutes that are quoted in section 31 of the Senate amendment.

Mr. SPOONER. I shall endeavor before I finish to answer the Senator's inquiry, but I prefer now, as I am exceedingly anxious not to take up the time of the Senate unnecessarily, to go on with my remarks in the order which I have indicated for myself.

This bill is a complete law if enacted. It is the declaration of Congress that certain officers may exist, that they may be brought into being in the prescribed way, that their functions may be invoked upon a certain petition. There is nothing left to any outside will as to whether this shall become or shall not become a law. What legislative power is delegated here? The power of appointing these officers upon petition is not a legislative power. That is a judicial power under the Constitution. The power which is given to the supervisors to guard and scrutinize the registration and to guard and scrutinize the proceedings at an election is not legislative power. That is executive power, the functions are executive functions, and this is a declaration by Congress of its will that, whenever throughout the United States, in any town, city, election precinct, or Congressional district, fifty citizens in the one case and one hundred in the other present to the circuit court of the United States their petition, thereupon these executive officers shall be appointed and shall discharge purely executive functions. The going into effect of this act and its becoming a complete law depends upon no will except the will of Congress. Why, it would be as sound a contention, it seems to me, for Senators to insist that the act regulating the removal of causes from the State to the Federal courts is a delegation of legislative power, because, forsooth, it does not, without petition, operate to remove any cause.

Take the laws of the States. Almost every State has a general law as old as the State, providing that, upon petition of certain freeholders, certain proceedings shall be taken by a county board or by town officers to lay out a highway, involving the expenditure of money upon the part of the community. There would be to my mind as much force in the argument that such a law as that is incomplete, and therefore void as a delegation of legislative power, because the acts to be performed by the officials depend for jurisdiction upon petition as in an argument that this bill, if passed, would be incomplete and void as a delegation of legislative power because, forsooth, the performance of the duties which are to be performed by these officers under certain circumstances is to be invoked by petition of citizens. We have a law in the State of Wisconsin—and I presume it is so in other States—making it the duty of a county board of supervisors, upon the petition of certain citizens of the county, to submit to the voters of the county the question of the removal of the county seat. Is that a delegation of *legislative* power?

I find they have, in the State of Pennsylvania, a law not unlike this law, which provides that, upon petition of certain citizens of that State, and qualified voters in the locality, to the court of common pleas, the court of common pleas shall appoint certain officers to scrutinize and guard the election.

I can not think, Mr. President, that my friend is serious in his contention upon that subject. As a matter of principle, it seems to me there is nothing in it. But the Supreme Court of the United States has held it valid. Under the existing law the machinery can only be set in motion—and I ask the attention of my friend from Delaware—under the existing law the machinery can only be set in motion and the supervision, the scrutiny, obtained by petition; and in the Siebold case, 100 U. S., 371, which was a petition for a writ of habeas corpus, the constitutionality and validity of that very section, as the court say, was involved, and they held it to be valid. It is very singular if there is anything in the point which our friends consider so palpable that it did not occur to any of the justices of the Supreme Court of the United States that this statute was void—in a criminal proceeding too, involving the liberty of the citizen—because the setting in motion of the machinery in a given locality was to be done upon petition.

The Senator also criticised this section:

SEC. 4. Any male citizen of the United States, of good character, a resident and qualified voter in the city or town, county or parish, or in the Congressional district in which shall be situated the place in which he is to discharge his duties, and who can read and write the English language, may, at any time between the close of one Congressional election and the holding of the next succeeding election at which an election for Representatives or Delegates in Congress is by law required to be held, or at which a special election is ordered to fill a vacancy, apply—

And the Senator emphasized it thus—

over his own signature, on such blank form as the chief supervisor may prescribe, to be appointed a supervisor of election.

There is a reason for having as a rule that application. There is no humiliation to the citizen in making it or in requiring him to sign it. I want to say to the Senator from Delaware that I have discovered since

the present Administration went into power that the ordinary American citizen does not hesitate very much to apply over his own signature for an office when he wants it. The supervisor is to apply in writing. Why? Because he must have certain qualifications, and by the very next clause, if he falsely states in his application, he is liable to be punished. It is one of the means adopted to secure the appointment by the courts, upon the recommendation of the chief supervisor, of men whose antecedents he has had an opportunity to investigate, and of men who make their statements in writing, susceptible of easy proof in case of prosecution, and who make their statements knowing that if they make a false statement as to their citizenship or their qualifications they are liable to be punished.

The next clause of this bill—and it is not a provision to be laughed at or carped at, but it is a provision calculated to make more efficient the discharge of duty both by the court and by the chief supervisors—is a section which the Senators have had a great deal to say about, section 5:

The chief supervisor of elections in any judicial district who has received any petition provided for in section 2 of this act shall thereafter, from time to time, prepare, present, and certify to such circuit court lists of persons whom he shall believe to be eligible—

That is all; his opinion simply as to the eligibility of the persons whom he places upon the list; that is, as to their possessing the qualifications required by the statute in a supervisor—

for appointment as supervisors of elections in the place or places for which petitions for supervision have been received.

What is the objection to that? In 1870, if that had been the law and Judge Woodruff had had the aid of some honest and efficient Federal officer in hunting up men who would be fit for the discharge of such duties, the Senators would not be able to read some of the names, I take it, found in the list which they paraded before the Senate. I am told that the judges of the United States courts who have had to do with the administration of this law regard this provision as of great advantage, not only as increasing the efficiency of the law, but as rendering it possible for them to better and more intelligently discharge the duty of appointment, which is, notwithstanding the Senator from Delaware, clearly reposed by this bill in the court.

There is a large number of supervisors to be appointed in New York City, in Chicago, in Indianapolis, in St. Louis, and throughout many Congressional districts. How much better it is to make it the duty of some officer having connection under the law with election machinery to investigate the antecedents of men who apply, to make the investigation which a court, in the short time at its disposal, would be unable to make intelligently or efficiently throughout a district, he being a court commissioner and designated by the court as chief supervisor, and to hand in to the court a list of persons who, from his investigation, he believes to be eligible for appointment to these places. Does it need argument to show that the section is better adapted to secure the efficient and intelligent discharge of that duty by the court than if the intervention of the chief supervisor for this purpose were omitted?

Mr. President, the Senator from Delaware argued, and there is barely a shadow of reason in his suggestion, that the language in this section does not give to the court the power to appoint these supervisors, but that practically they are appointed by the chief supervisor, this great satrap, upon whose breast we are to put a badge of sovereignty, and whom we are then to present, according to the Senator from Delaware, to the Czar of all the Russias. Let us see. These lists are to be made by the chief supervisor of persons whom he believes to be eligible, and presented—

Until the *court* shall have appointed for the city or town, for the county or parish, or for the entire Congressional district such number of supervisors of election as the chief supervisor shall believe to be sufficient to enable him to properly provide for the filling of all election districts or voting precincts within his jurisdiction, and the filling of all vacancies which may from any cause be created or arise.

No lawyer in the world would hesitate to say that under this section it is plain that the appointment is to be made by the court.

There is no doubt, Mr. President, as to the number of supervisors who are to be appointed, no doubt either under the section as to their being appointed by the court.

Mr. DANIEL. Will it interrupt the Senator to ask him a question?

Mr. SPOONER. No.

Mr. DANIEL. The bill, as I remember it, says that those assigned shall be election officers. Are those who are not assigned election officers?

Mr. SPOONER. I do not hear the Senator.

Mr. DANIEL. The bill, if I remember the langauge correctly, says that those assigned to duty by the chief supervisor shall be election officers of the United States. Are those who are not assigned by him election officers of the United States?

Mr. SPOONER. Well, Mr. President, if they are election officers of the United States, although not assigned to duty, which I do not think they are, they are simply decorated with a name and they draw no pay.

Mr. DANIEL. Then, if the assignment to duty is what constitutes the election officer, how can the supervisor do the act which constitutes the election officer, and not the judge?

Mr. SPOONER. Mr. President, the court is to appoint these officials, and the court inevitably appoints and ought to appoint more than the three required for each election precinct in the Congressional district. Does the Senator need to be told why?

Mr. DANIEL. That is not the question I asked.

Mr. SPOONER. I will answer the Senator's question.

Mr. DANIEL. I am asking not for the purpose of controversy——

Mr. SPOONER. I beg that the Senator will not assume that I would treat him impolitely.

Mr. DANIEL. Not by any means. It is simply to understand. The assignment, as the Senator says, constitutes the person designated previously on the list by the judge an election officer, and the previous appointment by the judge does not constitute those designated election officers. If, then, the act of the supervisor makes the election officer, where is the power derived from to authorize the supervisor to constitute a person an election officer when the appointing power is in the judge?

Mr. SPOONER. Let me satisfy the Senator, as I think I can in a moment, about that. I was arguing—and the reading of the section only is necessary to show that there is no dubiety about it, using the word of my friend from Delaware [Mr. GRAY]—that they are to be appointed by the court. The court appoints, as I was saying, more than the number who will be assigned to duty. That is necessary because some may die, or may be shot, or may be driven away, or may turn out to be rascals and be suspended, or may become ill and be obliged to retire from the polls, and it is to meet the changes, the disabilities, and vicissitudes of that kind that the court is authorized to appoint a larger number than those who are to be assigned to duty and to draw pay.

Now, I come to the question of the Senator, and I best answer his question by reading to him the language of the section. If he will turn to page 21, as to just who are election officers, under this provision in line 42, he will find:

The supervisors of election duly appointed *and* assigned to duty are hereby declared to be election officers of the United States.

"No work, no pay," as it is in the sidenote, and that expresses the plain purpose of the section. So it is perfectly clear from a dozen phrases in this section that these supervisors are merely recommended by the chief supervisors to the court and that they are appointed by the court, three of them, one of a different political party from the other two. Two are assigned to the election precincts, one of different political party from the other, and assigned to duty in connection with registration. Those only draw pay who are thus assigned to duty, and those only are election officers who, having been appointed by the court, are called into service at the registration or at the polls.

Mr. CARLISLE. If the Senator will allow me, without touching the constitutional or legal question involved in the appointment of the officers, I desire to ask whether practically the chief supervisor does not select all the supervisors to serve at the elections, and for this reason that, although the bill provides, according to my present recollection—not having referred to it for some time—that the court may appoint persons not recommended by the chief supervisors, the substitute, not the House bill, but the substitute reported by the Committee on Privileges and Elections provides that the court may appoint other persons than those named by the supervisors; yet, as a matter of fact, the judge of the court will have before him for consideration the names of those persons only who are recommended by the chief supervisor, and will be without any power, for the want of requisite knowledge, to select supervisors of election in the various precincts throughout the judicial district, because the Senator will remember that under the bill as proposed the applications for those positions are filed not with the court, as it has been said, but with the chief supervisor, and will be retained in his office, except such as he may himself see proper to send up to the judge.

Mr. SPOONER. If the court sees fit to adopt the recommendation of the chief supervisor, it would have the right to do it. I assume that no circuit judge of the United States or district judge of the United States, holding this court and making the appointments, would do it with his eyes blindfolded. I assume that no such judge will be the creature of a chief supervisor. I assume that upon the presentation of the list the judge will make proper inquiry, and if he is not satisfied with any one upon the list he will reject him. The appointment is the appointment of the court, and the court is not confined to the list presented by the chief supervisor, because this section provides distinctly that the court shall not be so limited; thus:

The court may, however, in its discretion, appoint persons as such supervisors other than those contained in such lists.

The court may take such measures as commend themselves to the judge to secure information about the proper persons.

Mr. CARLISLE. But, Mr. President, he must ascertain the actual residence, of course, of the persons whom he desires to appoint and he must know their qualifications; he must know their political opinions, because the law requires them to be appointed in certain proportions; and the point I make is that, under such a provision as that, the chief supervisor, no matter what his legal or constitutional authority may be, as to the mere power of appointment, will practically select every supervisor of election to be appointed by the court.

Mr. SPOONER. If he is a good man (and I think the court will

select a good man as chief supervisor) no harm will come from that. There is no legal objection to it, and so far as it relates to the efficiency of the law and its administration it will tend to good result. The judges may safely be trusted to act upon proper information in the discharge of their duties, and, if they are not satisfied with the recommendations or with the list of the chief supervisor, they will find abundant means to obtain information which will adequately guard them in making the appointments.

The Senators on the other side have commented with some severity on section 7, which provides that—

The supervisors of election appointed under this act who shall have duly qualified and been assigned to duty are, and each of them is, subject to the instructions, directions, and detail of the chief supervisor of elections—

Senators argue as if the section stopped there and as if this satrap, as they call him, were to have illimitable power over the supervisors, to define their duties, their own functions being without definition by the law. That is not a fair interpretation of the section, nor is it a fair attack upon the measure.

subject to the instructions, directions, and detail of the chief supervisor of elections—

What are they to do?

charged with the enforcement of the election laws of the United States in that portion of the State or Territory in which is situated the election district, voting precinct, or other places where their or his duty is to be performed under such instructions and detail.

Is not the chief supervisor limited as to his power? He has no power except to execute a law whose provisions are or ought to be plain, and all that is involved by that section is that the supervisors shall be instructed by the chief supervisor as to the duties prescribed by law to be performed by them in registration and elections.

Mr. GRAY. May I call the attention of the Senator to the language of that section?

Mr. SPOONER. Yes, sir.

Mr. GRAY. I call attention to what seems to me to negative that proposition. After saying that supervisors shall be governed by the instruction of the chief supervisor, it goes on to say "and shall also perform * * * the following duties" and enumerates them.

Mr. SPOONER. Well, Mr. President, the Senator reads a part of the section and forgets the rest. If it read, "the supervisors are to be subject to the instructions, directions, and detail of the chief supervisor of elections," then the section would be obnoxious to the criticism which the Senator suggests; but that is not the way it reads. It says:

The supervisors of election appointed under this act, who shall have duly qualified and been assigned to duty are, and each of them is, subject to the instructions, directions, and detail of the chief supervisor of elections, charged with the enforcement of the election laws of the United States.

And then it goes on to refer to two sections of the Revised Statutes which prescribe duties. Then follow a large number of provisions prescribing minutely the duties which these officers are to perform.

My friend from Illinois complained that this bill is too long. It may seem so, although it is much shorter than the House bill which was sent to us. I remind Senators that it becomes necessary, if such a law is to be enacted, that the duties of the supervisor shall be prescribed with great minuteness and particularity. No one would be willing to leave a chief supervisor to indicate what those duties should be. The laws of the States define with great minuteness the duties of election officers at the polls and as members of the registration boards, and there is infinitely greater need for minuteness in such a measure as this, because the functions of the Federal supervisor are to be exercised in the presence of and in co-operation in a sense with State officials.

If a supervisor could not turn to the law and find there his duty plainly defined, what would be the result? He would assert a right on one hand and the State official would deny it on the other. The law can not be made efficient, it can not be made so as to secure harmonious co-operation between the State election officers and the Federal officials unless it does just what this section does, defines with great precision the duties which these supervisors are to perform at the polls and with relation to registration. As the Senator from Massachusetts says, the fuller the law the less discretion is involved in the officer who executes it; the shorter the law the greater discretion is vested in the official who is to carry it into effect.

Mr. President, I can not take the time to read the different subdivisions defining the duties of these officers. I aver that the statement made on the other side of the Chamber, and often repeated, that it interferes with the State election or with the State election officers is not well founded upon anything in this proposed law. It is true that one of the Federal officials is entitled to challenge a vote. So he is under the existing law; and that very section, including registration as well as the proceedings at the polls, was passed upon by the Supreme Court of the United States and held valid in *Ex parte* Siebold. They are authorized to challenge the right of a man to remain upon the registry. So they are by the present law. They are not authorized to pass upon the qualifications of a voter. That is left alone to the State inspector.

Mr. GRAY. Not in the bill as it comes from the other House and is before the Senate.

Mr. SPOONER. I am making a desultory argument, if I may call it such, in favor of the proposition in the main which is reported to the Senate by its committee. There were several provisions in the bill which passed the House of Representatives which did not meet by any means my approval.

I was saying when the Senator interrupted me that nothing will be found in these subdivisions which goes to the duty to be performed by the Federal official at the registration place or at the polls which interferes in any manner with the State election.

My friend referred with great elaboration and with great indignation and wealth of denunciation to subdivision 6 which is in this bill, which was in it when it came from the other House and is left in it by the Senate committee, and which in my opinion ought to remain in it. It is the present law and it has been of great utility:

To verify, in cities or towns having 20,000 inhabitants or upward, by proper inquiry and examination at the respective places assigned by or to those registered as their residences, all such names placed or found upon the registration books, rolls, or lists as the chief supervisor of elections shall require to be so verified, and to make full report thereof to such chief supervisor.

I can add nothing and no man can add anything to what was so eloquently said the other day by the Senator from New York [Mr. EVARTS] in relation to the importance of this section in purging the registry list, nor does it need any argument to show if only that man can vote for a member of Congress who is registered that it is as much in the interest of the people of the United States and the National Government that the registry list should be an honest list as it is that there should not be fraud at the polls on election day.

Now, what is there in this that should be objected to? It would be only applicable practically to the great cities. Registration as a rule, I think, throughout the country obtains only in the cities, not in the rural districts. It has been so in my own State. Perhaps I am wrong about that. The Senator from Delaware [Mr. GRAY] shakes his head. But no matter, Mr. President, wherever there is a registration in the United States which determines that the man who registers has a right to vote at the election for a member of Congress the Government of the United States and the people of the United States have a right to see to it if they can that that registry list is an honest list and not honeycombed with fraud.

Take the city of New York. There they have, as was said the other day, a vast number of what are called mattresshouses, lodginghouses, clubhouses, where systematically are colonized men who have no right to vote, but who seek to vote. Those men register from different places and under different names. Will the Senator from Delaware say it is not important that that fraud should be discovered and that the ballot should be protected against it? No one would go to his house to inquire of him about his own qualifications, but if some scoundrel, some repeater, some burglar registered as residing in the Senator's house, would it be improper for the Federal official to call at the Senator's door and politely inquire whether Tom Brown lived there? Not at all. The Senator would be glad to have it done, for no good man wants to have his house the shelter for a fraud upon the election.

Mr. HOAR. The Census Office does it.

Mr. SPOONER. Oh, there is no doubt about the power or the reasonableness of it.

I thought I had here a book which I do not find, one of the original reports of one of these supervisors in New York as to his verification of the registration in a certain precinct. I wanted it in order to put before the Senate a sample of the function performed in this respect by the Federal supervisor and the value of it. It is one of the official reports made by the officer, showing that men registered in large numbers, giving their names and residence at houses of ill fame, others at panelhouses, others at mattresshouses. One case, I remember, he reported where he called at a house of ill fame from which several had registered, and was told by the woman that she did not know the names of the male boarders, but if he would call the next day she would give him the names; that upon calling the next day she handed him a list of the names on the registry list from there. He ascertained before he finished the investigation that none of them ever lived there.

From another place of the same character five men had registered. He found upon inquiry at the house that none of them lived there or were known there at all. At another place he inquired as to men whose names he had taken from the list, and was told if he would call off the names he would be informed. He was suspicious and called off fictitious names and was told promptly that they lived there.

There are a dozen instances in that report where the inquiry by the Federal supervisor led to the detection of a conspiracy to perpetrate a gross fraud upon the election and to the protection of the ballot box. Why should anybody object to such a verification?

My friend from Delaware had a great deal to say about domiciliary visits, and by the way a good deal of the debate on that side of the Chamber has the sound of the war time in it when everything that was done by the Government was being denounced as arbitrary, as unconstitutional, as a trampling upon the liberty of the citizen.

Mr. GRAY. I will remind the Senator that he gave his distinguished indorsement to what I said.

Mr. SPOONER. I gave the Senator an indorsement of this proposition, and this only, that I was opposed to subdivision 11, which we had stricken out, which, in addition to subdivision 6, authorizing a verification by a proper inquiry of the registry, lists, provided at great length for a house-to-house canvass and the putting of innumerable questions, some of them unnecessary and some of them offensive, it seemed

to me, to people anywhere in the United States. I thought it might be used to make a canvass with reference to the political persuasion of the persons inquired about; and therefore it seemed to me it ought to be stricken out. The Senator has been informed a great many times by me and by others that I was speaking of that clause which we all struck out from the House bill, and not of this subdivision 6.

Talk about domiciliary visits! It is a visit to a house simply to inquire if a man who claims to live there does live there.

Mr. GRAY. How old he is.

Mr. SPOONER. This does not provide that you are to inquire how old he is, but if he claims to be a voter and the supervisor has reason to think he is not old enough to vote, why should the inquiry not be made as to how old he is? The census officer inquires as to age and is not kicked from the doorstep or threatened with having his brains mashed out with a hatchet. Why may not the supervisor inquire as to age? Why, Mr. President, is it not a purpose in the general public interest that leads us to devise means to protect the registration and to protect the ballot box? Why should legislation be resisted if it has for its object only securing honest elections and protecting men who have a right to vote against having their honest votes neutralized by the votes of fraud and conspiracy?

Talk about domiciliary visits; we hear nothing from the other side of this Chamber against domiciliary visits in other parts of this country. They object with great vehemence to a polite inquiry at the doorstep by a Federal official as to who lives in the house or as to how old a certain person may be, but they say nothing against the domiciliary visits of the ku klux klan or the night rider which ends in the whipping of a woman or the murder of a man for nothing except that he is a Republican. There have been domiciliary visits, Mr. President, pitiless, terrible, but we hear nothing from that side of the Chamber against them. All this indignation is directed to the domiciliary visit involving only a polite inquiry by Federal officers to obtain information to enable them to judge whether the man who registered as a voter lives there and is a voter, in order that they may know whether to challenge him, to the end that if he swears in his ballot falsely he may be prosecuted and punished. When Senators are obliged to resort to such argument as that to defeat a measure in the interest of honest elections, it shows how nonpartisan and eminently judicial they are in their view of this general subject.

What else? There is a provision that if the State officer does not put the oath to a man who is challenged the Federal supervisor may put it. Is not that right? I remember, Mr. President, one investigation where the State officer had by his side a Democrat to challenge every Republican who came to the polls if he were a colored Republican, and that officer never got ready to put the oath, and therefore every Republican vote was excluded from that ballot box. If the State official undertakes to abdicate his duty, to violate the law which requires him to put the oath, then the Federal supervisor ought to be permitted, and this bill, if passed, will permit him to put the oath and to make a record of the answers, but not to pass upon the qualification of the elector and receive the ballot.

Mr. FAULKNER. Mr. President——

The PRESIDING OFFICER (Mr. HALE in the chair). Does the Senator from Wisconsin yield to the Senator from West Virginia?

Mr. SPOONER. Yes, sir.

Mr. FAULKNER. I desire some information from the Senator from Wisconsin. It strikes me that this is a clause in the bill that I am satisfied the Senator has not appreciated the full force and effect of. It does not provide, if the Senator will notice, that in case the State inspector shall refuse, but says, "neglect or refuse to immediately put the oath," leaving no question of decision upon the part of the State officer before the bill requires the intervention of the Federal supervisor of elections. It then proceeds, in my judgment, to produce a condition of affairs that is unjust to the voter himself. It immediately takes the voter, without a refusal to administer the oath by the State inspector, out of the hands of the State inspector and administers the oath by the Federal inspector. They then record the fact and the vote is lost, although there is no decision upon the part of the inspectors of the State that that person is not a qualified voter and entitled to deposit his ballot. The bill leaves the voter in the hands of the Federal supervisor of elections, having taken him from the hands of the State inspector without any provision for his vote being taken care of in any way, but simply the fact is to be recorded. Now, I ask the Senator, that being the case——

Mr. SPOONER. Well, that is not the case, in my opinion.

Mr. FAULKNER. The Senator had just previously stated, as I understood him, that the Federal supervisor of elections can not pass upon the qualifications.

Mr. SPOONER. That is true; he can not.

Mr. FAULKNER. The provision of the bill is that he shall simply record the facts.

Mr. SPOONER. Yes.

Mr. FAULKNER. Now, I ask the Senator whether the recordation of the facts as to qualification becomes a part of the report of the supervisor of elections which is to be construed and passed upon by the canvassing board in canvassing the returns?

Mr. SPOONER. The trouble with the Senator from West Virginia, it seems to me, in this section, is that he stops before he gets through. This simply provides that where the State officer, whose duty it is to administer an oath to a man who is entitled under the law to take the oath, neglects or refuses (and it is immaterial which, so far as the merits of the proposition is concerned) to do his duty and to put the oath, what then? That the Federal officer may put the oath. That does not deprive the State inspector either of the right or the duty to hear the answers, to put the questions prescribed by the statute, and to decide, for he alone has the power to decide, whether the answers given to that oath entitle the person to vote or not.

The Federal supervisor having simply administered the oath, having prevented the State official from folding his hands, leaving men at the polls who have a right to take the oath and to swear in their votes to wait indefinitely, preventing thereby others from voting, the latter may accept the vote or reject it. All that the Federal officer does after administering the oath is to make a record of the proceedings.

Mr. FAULKNER. What proceedings is he to make record of?

Mr. SPOONER. The facts.

Mr. FAULKNER. What facts?

Mr. SPOONER. This fact.

Mr. FAULKNER. Is it not the facts that are drawn from the voter by the questions propounded by the Federal supervisor of elections?

Mr. SPOONER. There is nothing here that authorizes the Federal supervisor——

Mr. FAULKNER. What is the object of the election officer in propounding the oath to the voter, except to elicit from him the questions bearing upon his qualifications as a voter?

Mr. SPOONER. I suppose the section, which I think is a very wise one, may fairly be said to subserve two purposes; one is to compel the State election officer to put the oath and make the examination seasonably; not to keep others who have a right to vote waiting while he dilly-dallies for purposes of obstruction. Then the oath being put by the Federal officer, the State officer may conduct the examination, and it is his duty to do it, and if he finds on the examination that the voter or the person offering to vote is entitled to vote it is his duty to accept the ballot and put it in the box.

Mr. FAULKNER. I would ask the Senator from Wisconsin upon what authority he states that it is the duty, after the oath is administered by the Federal supervisor, for the State inspector to interfere in any way with the investigation and the recordation of the facts required by this section. In other words, has it not prescribed a penalty of imprisonment and fine should that officer interfere with that examination and recordation of facts in this very bill?

Mr. SPOONER. Not at all. This bill all the way through leaves by express provision the duties of State election officers just as defined by the State law, except where expressly modified by this proposed act, and it could not be for one moment argued under this language that the mere administering of the oath by the Federal supervisor, where the State official had neglected or refused to do it, thereby operates to disfranchise the voter, thereby releases the official from his duty under the State law to proceed with his examination and to pass upon the qualification of the voter.

Mr. FAULKNER rose.

Mr. SPOONER. I beg my friend to allow me to proceed, for I am weary.

The object of requiring the record to be made by the Federal supervisor is this: In order that when the day of reckoning comes, when the time comes for the House of Representatives or for a court having jurisdiction to try the truth of the matter and to determine in a judicial way who was elected at the election, we shall not be dependent as to the Federal election upon the testimony of a State official who abdicated his duty and who violated the law.

Mr. FAULKNER. Mr. President, do I understand the Senator from Wisconsin——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from West Virginia?

Mr. SPOONER. Of course, I yield.

Mr. FAULKNER. Am I to understand the Senator from Wisconsin that he intends to make this a matter in which the evidence in all contests shall be furnished by the Federal official and not by the parties themselves in the ordinary and usual and customary proceeding, both before the courts and before Congress?

Mr. EDMUNDS. He has not said anything of the kind, Mr. President.

Mr. FAULKNER. I suppose then the Senator from Vermont is authorized to speak for the Senator from Wisconsin. I addressed my remark to him.

Mr. EDMUNDS. The Senator from Vermont is authorized to speak for himself, and he repeats that the Senator from Wisconsin has said nothing of the kind.

Mr. SPOONER. Mr. President, I authorize the Senator from Vermont to speak for me. [Laughter.] I do not wish any question of want of power in the Senator from Vermont raised just at this time. He is right.

Mr. President, there is another clause in this bill with which great fault has been found. In subdivision 8 it is made the duty of the Federal supervisor—

To personally examine and inspect, on the morning of the day of any election at which a Representative or Delegate in Congress is to be voted for, and before any ballot shall be deposited by any officer or elector in any box intended to receive any ballots for any office whatsoever the interior of each and every box, whatever ballots it may be intended to deposit therein, for the purpose of ascertaining that at that time there are no ballots for any candidate for such office of Representative or Delegate in Congress therein.

Can there be in the mind of any man who desires honest elections any objection to that section? The object of it, Mr. President, is to protect the people of the United States against the use of tissue ballots and sugar-kiss ballots and the like. If a Federal supervisor is to be at the polls at all as a witness for the people of the United States, in distinction from the people of the locality, to see that the election is a fair one, why should he not be permitted to ascertain by inspection whether before the polls are opened there have not been put into that ballot box false and fraudulent ballots?

It is strange objection should be made to such a provision of the bill. It would be perfectly idle to have them there at all to supervise the election and to supervise the count, to make a canvass and a tabulation in order that when the election is over the Government may know precisely what transpired so far as the proceedings related to the election of a member of Congress, if until the polls open the supervisor must stand there blindfolded and allow the State inspectors to put into some false bottom of the box or to crowd into the box as many fictitious ballots as they choose. Who will be opposed in the United States to having it seen to by an official before a ballot is put into a ballot box that no scoundrel has already stuffed it?

Senators on the other side say they speak in behalf of liberty and in behalf of freemen. When I speak in behalf of that clause I speak in behalf of honest elections and in behalf of securing to freemen, honest freemen, the expression, potentially, of their will at the polls and the protection of freemen against fraud.

I am surprised, Mr. President, and I think the people of this country will be surprised that from the other side of this Chamber, while our friends are pleading, weeping for liberty which is to be invaded and trodden upon by the provisions of this bill, they have raised their hands in holy horror at the proposition that before the election begins the Federal supervisor shall ascertain whether the box has been already stuffed or not.

Now comes another section which I think is a wise one, although it has been much criticised. They are also—

to make and keep in their registration or poll books a separate list of rejected voters, in which shall be entered the name and residence of each person whose vote shall be rejected by the State, Territorial, or local election officers, and the reasons given for each such rejection.

That serves a variety of useful purposes, and is palpably in the interest of justice and fair elections.

All such ballots of rejected voters, if tendered to the supervisors of election, shall be received by them.

Not to be then counted, not to go into the ballot box, not to be sent to the canvassing board, but to be put in an envelope with the name of the man who cast it on the back of it, and filed in the office of the chief supervisor of elections. Why? In order that when the contest comes and when an honest judge is to decide whether a man was entitled to vote or not it shall not be left in uncertainty how he would have voted or on which side his ballot should be counted; that it shall not be left solely to his testimony as to how he intended to vote, but it may be aided by the very ballot which he had in his hand, across which his name is written, and which on the spot at his request is turned over to the supervisor to be preserved and to aid him in the end when the judicial proceeding comes or the contest in the House of Representatives comes, in affording conclusive evidence as to just what ballot he intended to cast. No man ought, it seems to me, to object to that.

Mr. EDMUNDS. Unless it is a Democrat.

Mr. SPOONER. My friend says "Unless it is a Democrat." I think no Democrat ought to object to that. I can not conceive how any man, I care not what party he belongs to, can obstruct any process which is to secure in this country fair elections. No election can be too fair; no election can be too honest. No more sacred duty can rest upon the Congress of the United States, without any regard to partisanship or to politics, than to aid by every possible means within the Constitution in securing everywhere a fair, honest expression at the polls by the people who have a right to speak there. If there be a higher duty devolved upon the National Legislature, I can not conceive of it.

My friend from Delaware (and I hope the people—for he says he spoke to all the people—will read his very able and interesting speech) objected to this bill and to the clause of it which charges the Federal supervisors with a duty in relation to protecting the naturalization against fraud, and makes it the duty of the supervisors to convey to the court acting upon naturalization any information which they have acquired tending to show that a proposed naturalization if consummated would be a fraud. Upon what principle, patriotic or fair, can that provision be objected to?

It seems to me we have passed the time when that ought to be an idle ceremony by which a man is born into the citizenship of this Republic. I think we have come to a period when there ought to be thrown around the naturalization ceremony safeguards sufficient at least to make it something other than a farce. Men are naturalized under a Federal law, and the Federal Government is interested in protecting the people of all the country against frauds upon this naturalization statute. If a supervisor has information which goes to show that a man who proposes to apply for citizenship is not entitled to become a citizen, for Heaven's sake tell me, nonpartisan friends, why he should not communicate that information to the court. If he did not he ought to be punished. I think if my friend from Delaware knew that a fraud was about to be perpetrated upon the naturalization in his city or State, that a man was about to become robed with citizenship who had no right to become a citizen, he would not keep that knowledge buried and turn his back upon the court. If he did he would not quite discharge the duty of a good citizen; and it is wise and it is right that an act of Congress should devolve upon Federal agencies the duty of protecting, by investigation and information to the courts, State or Federal, the naturalization of persons from abroad.

There is another provision in this bill which I think ought to commend it to everybody. It is that which requires hereafter the naturalization proceeding to be in open court and to be recorded as a part of the proceedings of the court. The time has gone by, it never ought to have come, Mr. President, when a clerk of a circuit court should take a carpetbag full of naturalization papers out of his office and distribute them, and then come back with a little memorandum and make his record. The time never ought to have arrived when the process of making a citizen of the United States by naturalization could have been outside of the courts of justice; and the provision of this bill which makes it a judicial proceeding hereafter to be conducted in open court and to be made of record is one which ought to commend it to Senators on the other side as well as to Senators on this side.

Mr. President, Senators on the other side have had a great deal to say (I think it is the pivotal point with them in their opposition to this bill) against that section which provides for a Federal canvassing board to be appointed by the circuit court of the United States to canvass the vote and give the certificate for all the Congressional districts in a State where the entire Congressional district has been brought under Federal supervision as provided by this proposed law. That is section 14. The Senators do not like that, and I am not very much surprised that they do not. They say it is an innovation, and it is an innovation in the sense that it is new, first making its appearance in the House bill and retained with changes of phraseology in the Senate amendment.

I have not been able to hear from any Senator, however, what seems a valid objection to the section. Senators criticise the phraseology of it, and I am not quite sure that it may not be improved. There are Senators on the other side who think, and I do not doubt their sincerity, that the language employed in defining the powers of the canvassing board is such as possibly to confer upon them a broader power than ordinarily is conferred upon such boards and than the committee, as stated by the chairman, intended should be conferred by the section. We will not quarrel about phraseology. The section, if it requires amendment in that respect, will be amended. What I have to say is as to the provision, assuming its phraseology made so as to render it perfectly clear, that the functions are ministerial and only quasi judicial as under the State laws.

Mr. President, if there exists in the opinion of Congress a necessity for Federal intervention in a Federal election, if the time has come when Congress feels called upon in the interest of all the people to protect by its scrutiny and its supervision the casting of ballots at the polls for members of Congress, it would seem that the time had arrived when it should take charge also, if it has the power, of the certification of the election of the member of Congress.

Senators say there is no reason why the States and the State canvassing boards should be ousted of this jurisdiction. They have held it a great many years, and there have been a great many instances of fraud perpetrated by State canvassing boards in the certificates given or withheld from Congressional candidates.

I do not intend to take the time now to instance cases. There has occurred an instance within the last sixty days, and not in a Southern State either, which of itself would call for the exercise of this power upon the part of Congress where the canvassing board in a precinct was required by the local law to send forward with the canvass at least a specimen of the ballots cast. They made a return and sent it to the county canvassers, and by the return they found elected a Republican member of Congress. It was made by the local law the duty of the county canvassing officers to file the return. They sent it back, however, to have the specimen ballot attached. The law required that the ballots should be destroyed, but the local officials opened the ballot boxes, made a recount, changed the return, and when it came back to the county seat the Democratic member of Congress was elected. An application was made to the court of appeals or supreme court of that State under the statute for a mandamus, and an alternative writ was awarded, but before it could be served the governor of the State, one of the canvassing officers, made haste to get in the return, fraudulent and illegal as it was, and to close the canvass and issue a certificate to the Democrat.

Mr. EDMUNDS. That was Democratically right.

Mr. SPOONER. Well, we want to make it, by a Federal law, wrong. There were a number of cases during the last election which might be

instanced, and which will be proven, where the State boards of canvassers in utter disregard of the law and of the facts withheld certificates from Republicans who were elected and issued certificates to Democrats who were not elected. It has been a favorite pastime in certain quarters for a long time. I have been under the impression that the time had come when the people of the United States ought to put the stamp of their disapproval upon it, and when the Government of the United States ought to take into its own hands its own business thus unsatisfactorily and dishonestly done by State agencies.

And if there is reason, as I said a moment ago, as I think there is, for scrutinizing the election proceedings, for making a record, and a poll list, and a canvass, and a return by Federal officials, it seems to me very clear, Mr. President, that the count and the certificate also should be made by the Federal board. The States have been allowed to issue those certificates, but under the Constitution I think it is perfectly plain that Congress, at any time when in its judgment the public interest requires it, may exercise that jurisdiction for itself.

Mr. GRAY. I ask the Senator, admitting that we all wish to suppress frauds in a proper way, what reason he has to suppose that the board of canvass provided for in this bill will be more honest than the State board of canvass.

Mr. SPOONER. I think that communities which will systematically suppress votes by fraud and violence and ballot-box-stuffing and the like and stifle the will of the people at the polls will cheat in the count if it is necessary to do it in order to accomplish their purpose, and will issue false certificates.

Mr. GRAY. Do they do that up in the State of Wisconsin?

Mr. SPOONER. Perhaps it has been done in the State of Wisconsin. There is a case pending there now in which it is claimed that some fraud crept into the canvass of the vote for a State senator. I do not know that it has ever been done in Delaware. If they do it in Delaware they ought to take the official who does it to the whipping-post and give him a generous castigation according to their law. It has been done undeniably in certain States, and as we have tried the old system and found it wanting it may not be amiss to try a new system.

Mr. GRAY. Is that really all the answer that the Senator has to make to a question which was put in entirely good faith? I should like to know the reason why he thinks that three men chosen as a Federal board of supervisors would be more honest than three men or any other number chosen by the State authorities.

Mr. SPOONER. I think they would be under better influences. A Senator tells me—it did not enter my mind at the moment, for I am weary——

Mr. GRAY. What Senator?

Mr. SPOONER. The Senator from Massachusetts [Mr. HOAR] tells me, which I remember, that in certain of the Southern States the canvassers are appointed by party leaders or by the governor, and they are much more liable to be partisan and to do partisan work than men appointed by a judge of the United States to discharge important functions in a quasi-judicial sense and in a conspicuous way.

I believe in the State of Virginia the county election officers are chosen by the Legislature. They are elected at a secret caucus of the majority in the Legislature, and they are appointed by a resolution which passes the Legislature naming for each county the principal county election officers. Of course they are all of one party. I have been told that there is not one thus chosen who is other than a Democrat.

Now, without going into the details of State legislation, I believe that we can so arrange this matter of counting the vote and canvassing it and certifying it for the election of a member of Congress as to remove it largely from the partisan interests and influences which now endanger the canvass, the count, and the issuing of the certificate.

The Senator from Delaware attacked vigorously and with ingenuity that clause of the bill which provides for the filing of the petition by one of the candidates for Congress who alleges himself to be aggrieved by the action of the canvassing board in issuing the certificate to the person to whom they have issued it. That provision is intended to enable a man who claims to be entitled to the certificate to go into the circuit court of the United States, and, if by his petition he makes a *prima facie* case, on motion the court brings before it the canvassing board with all the papers upon which they based their determination, and the person to whom the certificate was issued, and such other parties as to the court shall seem meet.

There is this advantage in the canvass provided for by this bill, that the result is not left, as to-day, to a mere partisan State canvassing board, and opportunity is afforded to review the action of these Federal canvassers and to set aside their certificate if they ought not to have issued it in a Federal tribunal, and that is a safeguard of essential wisdom, in my opinion.

The Senator says it is conferring upon the court a function which is not judicial. I think he is mistaken. Here is a party petitioning for a certificate entitling him to an office created by the Constitution, to be issued by a United States board under the authority of a United States law. The Senator will not pretend that that does not involve the exercise of a conceded judicial power, in one form and another, and frequently in this form, exercised in almost all the States of the Union. That board would not be subject to mandamus from the State court, being a Federal board and performing its functions under a Federal law; and the suggestion that it is not in the power of Congress to provide for a review under a Federal statute by a Federal court of the proceedings of the Federal board is one which, to my mind, is clearly untenable.

The Senator says it is not a suit. I think it is a suit. The word "suit" is a very comprehensive word. It has been defined by the Supreme Court of the United States thus:

> The term "suit" is certainly a very comprehensive one and is understood to apply to any proceeding in a court of justice by which an individual pursues that remedy which the law affords. The modes of proceeding may be various, but if a right is litigated in a court of justice the proceeding by which the decision is sought is a suit. (Marshall, C. J., in Weston *vs.* Charleston, 2 Peters, 464, cited in 91 U. S., 375.)

The Senator said, in arguing that it is not a judicial power and not a suit, that no subpœna is issued; that there is no jury trial. My friend on reflection will not for a moment contend that either is essential to constitute a suit within the meaning of the Constitution and to make the exercise of this power by the court the exercise of a judicial power. There is nothing in the Constitution or laws of the United States requiring the practice to be uniform or preventing Congress from changing it at its will. Congress may provide for the commencement of a suit by petition or by the service of subpœna or as it chooses. Nor is a jury trial necessary, of course, to make it a "suit." Neither is an appeal.

Nor is the arrangement of parties essential.

Here is a complainant, a man who claims that he has been deprived of something to which he is entitled from a Federal board which has been given to another, who is brought before the court and the court tries that question and there is a defendant. One asserts a right, another denies it. The Senator from Delaware also argued that the only function vested in the court by this section is to review the proceedings of the canvassing board and that the court is confined in its action to the papers which were before the board.

That may be true. There is some reason for insisting that it is not true, but, suppose it to be true, does it follow by any means that the action of the court is not judicial because the action of the canvassing board is ministerial? The Senator from Mississippi [Mr. GEORGE] interrupted the Senator from Delaware at that point to suggest to him (and I believe it was adopted, although I think hastily, by the Senator from Delaware) that if the proceedings which were to be reviewed by the court were ministerial, the proceedings of the court must be ministerial, and *vice versa*.

Mr. EDMUNDS. Although they were really illegal?

Mr. SPOONER. My friend knows and no one knows better——

Mr. GRAY. Will the Senator allow me?

Mr. SPOONER. Certainly.

Mr. GRAY. It may not be important, but in justice to the Senator from Mississippi who is absent I wish to state that that was not exactly his proposition. As I understood it, it was that if the powers intended to be conferred by this section upon the board of canvassers were judicial they could not be conferred upon a body of that kind, and could be conferred nowhere except upon a court; that if they were ministerial they could not be conferred upon a court constituted under the Constitution.

Mr. SPOONER. That is precisely the remarkable proposition to which I am addressing my attention for a moment, the suggestion made by the Senator from Mississippi, and attempted to be enforced with great power of denunciation against this bill and against this section, that if the proceedings of the canvassing board are ministerial the proceedings of the court in reviewing the canvassing board's action must be ministerial instead of judicial. With all respect for the Senator from Delaware, and I recognize his great ability as a lawyer, I think he will not, on reflection, contend for that one moment. It happens every day in every State, and has for a hundred years, that by certiorari and other writs the courts bring before them for review the proceedings of assessors and of county boards and of functionaries whose work is confessedly purely ministerial or quasi legislative, and having brought them before them for review they pass upon them—how? To determine upon the papers whether the action of these officials was with jurisdiction and within the law or not.

That is the legitimate and customary exercise of a plain judicial power, and, while the function of the board of supervisors, or of the board of assessors, or of the large number of other boards is confessedly ministerial, not judicial or even quasi judicial, I never before heard it contended that the action of the court in reviewing those proceedings was anything else than judicial and the proper exercise of judicial power.

I want to say, Mr. President, that I am not satisfied with that section. I do not think it is open to the objection suggested to it by the Senator from Delaware, but I think it may be enlarged in its scope and be made to subserve a useful purpose.

I would provide for the making of an issue in that court, as is done in several of the States, including the State of Wisconsin. I would provide for a trial by jury or by the judge fully, not simply of the question who was entitled to the certificate from the canvassing board upon the returns, but who was elected. I would authorize the probing to

the bottom of the whole election in a court of justice, where the witnesses can be protected, where they are subject to cross-examination, and where their testimony is taken under the rules of law. I would then on that testimony authorize the circuit court to enter judgment. The section now calls it an order.

I would give the same effect to that judgment in making up the roll in the House of Representatives that is given to the order provided for in this section, and I would require the clerk of the circuit court to certify to the House of Representatives all of the testimony taken in the trial of that issue by the court as to who was elected in that district, in order that when the contest came on before the House of Representatives they would have there a great body of testimony taken in the locality of the election by a court which could protect and which would protect the witnesses, and taken where the laws governing the admissibility of testimony and the examination of witnesses were administered.

I conceive that it would have persuasive force with the House of Representatives in determining contests. I conceive that it would enable the House to reach a speedier conclusion in contested-election cases. I admit that it would be only advisory. I admit that it could not bind the House of Representatives. They might take further testimony upon the issue if the House so chose. They might consider or disregard this testimony as they chose; but I have thought, Mr. President, it would be a great aid in coming to an honest and prompt decision, no matter what party might be involved in the contested-election case; and I have thought also that it would tend to elevate such contests, and that if there had been such an investigation by a judicial tribunal with the evidence all transmitted to the House, either party would be more careful in determining the case, to be governed by law and by truth rather than by partisanship.

I speak in a general sense and without regard to party. It has seemed to me that the section might be so enlarged in its scope as to subserve a wise purpose on the lines which I have indicated.

It was suggested by the Senator from Virginia [Mr. DANIEL], I think not by the Senator from Delaware, that the exercise of this jurisdiction by the court was unconstitutional because it violated the clause of the Constitution which makes the House of Representatives the judge of the election, qualification, and returns of its members.

I do not intend to stop to read authorities on this question, but I desire to call the attention of Senators to the fact that that question has been several times under review by the courts and decided uniformly, with the exception of one case in Mississippi, that the inquiry and the determination by the State court as to who was entitled to a certificate as a member of Congress or as a member of the State Legislature was not an interference in any sense with the power of the House, either State or Federal, to be the judge as to the election, qualification, and returns of its members, and I cite Senators to Paine on Elections, page 761, and the cases there cited.

To-day there is pending in the supreme court of the State of Wisconsin a case brought under a statute of the kind, commenced by petition for mandamus to test the right of one elected to the State senate, or claiming to have been elected, to the certificate, and the certificate had already been issued to him. Yesterday the case came before the court, and I saw by the newspapers that the point made was that the court was without jurisdiction to make that inquiry for the reason that it interfered with the constitutional right of the Legislature as the judge of the election, qualification, and returns of its members.

This morning I see by telegraph that the supreme court overruled the objection and sustained the right of the court to try the whole question, taking testimony as to who was elected and probing it to the bottom in order that the man honestly entitled to the *prima facie* evidence of his right to a seat might present it when the Legislature met, to be good until overruled by the decision of the House itself, and I think the decision right.

Many years ago this question under our statute was raised as to a Representative in Congress, and the validity of such a statute was sustained by one of the ablest lawyers and one of the ablest judges who ever sat upon the bench in this country, and he was a strong State-rights Democrat, too—Chief Justice Ryan, of Wisconsin.

It will not do for Senators to content themselves in their opposition to this bill, which represents great and painstaking labor upon the part of the Senator from Massachusetts [Mr. HOAR], running through many weeks much to his discomfort, by general denunciation or by carping and hypercritical criticism of some of its phraseology.

Objection is made that this chief supervisor under this language is appointed for life. I think it is doubtful if the contention of the Senator from Delaware is not with some reason, and I believe there is no man on this side who is not ready and willing that the phraseology shall be so changed that this official may be removed beyond any possible question at any time by the court which appoints him, if it finds upon investigation that he ought to be removed.

Another objection is made to the provision—and I think it is well taken and that the criticism of it by the Senator from Delaware is entitled to great weight—that practically the chief supervisor is allowed to appoint his successor by appointing a deputy who shall hold for an indefinite term. I do not like the language employed in that connection, and I think that section ought to be amended just as the Senator from Delaware thinks it ought to be amended.

Mr. HOAR. Before the Senator proceeds further, I wish to say, on the last statement but one which he has made in regard to the appointment for life, that the old statute provides that the person who exercises these functions shall be appointed from among the commissioners of the courts of the United States, who are removable by the judge and who shall hold the office so long as they discharge the duties faithfully or some equivalent term; I am not now quoting the exact language of the statutes. That, of course, was the understanding that has been acted upon ever since by the judges in hearing all propositions to remove a commissioner, and Senators are familiar with the principle, that whenever the commissioner is removed as a commissioner his functions as supervisor fall to the ground.

That statute is proposed to be re-enacted in this bill, and we enact it again. Now, if in that re-enactment a repeal took place, it might legislate out of office all the existing supervisors of the United States and require a reappointment of them or some other supervisors, and, therefore, this provision was put into the bill that the existing supervisors shall hold as long as they behave themselves well, without any thought on the part of anybody, certainly of any member of the committee, that it would be construed to mean that the power of the judges in removal of a commissioner of the United States court, which exists in regard to all commissioners, was in the least impaired.

I quite agree with the Senator from Wisconsin that the provision should be made clear if there is any possible doubt about it in anybody's mind.

Mr. SPOONER. It seemed to me there was some doubt about it, and it is easy to make it clear and exclude all doubt, and I must confess that the phraseology employed—that part of the work had to be hastily done while we were engaged in the discussion of the tariff—as to the appointment of deputies ought to be changed, in my opinion, and I shall propose, if no one else does, an amendment to it.

I do not now recall any other objections made to the details of this bill so far as its validity, if enacted, is concerned. Senators on the other side have had very much to say about its costliness if enacted and enforced, and have chided the committee for their failure to bring to the attention of the Senate some estimate as to what it would cost the country. A moment's reflection will satisfy Senators that it is not possible for the committee to make an estimate of what its cost would be, for the reason that it is not possible for the committee to know to what extent it will be enforced; that is to say, to what extent petitions will be filed invoking the supervision and scrutiny provided for by it.

The committee were of opinion, so far as the question of expense is concerned, that the people of the United States would not haggle much at a cost which should bring free, fair, and honest elections. They expended throughout the North billions and billions of dollars, Mr. President, and precious blood without stint and without limit, in defending the Union from armed attack, in maintaining and enforcing all over this land our Constitution and laws. It would be of little use to have maintained the Union at such frightful cost and then to have again in this country, by methods unlawful, oppressive, and tyrannous in the extreme, minority rule through frauds at elections, a blood-poison introduced into our body politic.

The people can afford, after having saved this Republic, to spend as much money as is necessary to protect themselves in the free and honest expression of their will at the ballot box. They can afford, Mr. President, cost what it may, if the means only prove efficacious, to protect the foundations upon which our splendid superstructure rests from being undermined and destroyed by fraud and force. They will not stop to count, penny for penny and dollar for dollar, the cost of it, if it will bring about honest elections and will secure the purity of the ballot and the ballot box.

My friend from Delaware said something about troops at the polls. I stated to him that the committee eliminated from this substitute the House provision which imported into and made part of it the provisions of the civil-rights section, which authorizes the use of troops to enforce the civil-rights law. The Senator said we dropped it out because we understood it was as much in if that section were eliminated as if it were not eliminated. All I want to say about that is that the Senator did the committee injustice in that statement. I know he did it unwittingly.

The committee dropped it out because they thought the introduction of that section from the civil-rights statute authorizing the use of troops, not only to maintain peace, but to secure the enforcement and prevent the violation of the law, would be the introduction of a power to use force which no man on the committee and, I think, no man in the Senate, was prepared to sanction.

Mr. President, I am through with what I desire to say about the details of the bill, although I am aware of the imperfection with which I have discussed them. I want now to say a few words about its constitutionality.

Senators on the other side have bitterly attacked the constitutionality of the bill as a whole, and some of them have read very interesting disquisitions upon the science of government and upon the history of the Constitution, and have refined and rerefined upon the clause under

which we claim that this power exists; but one thing surprised me almost beyond measure, and that was that my friend from Delaware, and I think also the Senator from Virginia, and indeed all the Senators who have spoken upon this subject, with the exception of the Senator from Maryland [Mr. WILSON], went through their constitutional arguments against this bill, omitting to call attention to the fact that the Supreme Court of the United States in modern time has twice settled it.

Now, I have great interest in metaphysical learning on the subject of constitutional construction. It is very interesting, but it seems to the ordinary understanding almost a waste of time in abstraction to resort to it when the highest court of the United States, the ultimate arbiter upon the subject, has construed the clause and settled it. I do not expect that Senators on the other side and Senators on this side will agree generally on questions of constitutional construction where the relations of the State and the Federal Government are involved; and, when I say that, I assume nothing for this side of the Chamber and disparage nothing of the ability or sincerity on the other. It is the outgrowth of history, of environment, of tradition.

Senators on the other side belong to a different school of constitutional construction from that in which we have been brought up. They belong to the strict constructionists, they belong to the men who were taught from childhood to magnify the powers of the States and to shrink the powers of the United States under the Constitution. They belong to a school of constitutional lawyers who readily found in that instrument power to tear the Union to pieces, to scatter the Constitution to the winds, but never were able to find in it power to maintain the Government or to enforce the Constitution or the laws enacted under it.

It is not at all strange that even now these principles of strict constitutional construction, always turned against the National Government, should control Senators who have been brought up under their influence, but I thank God, Mr. President, that they do not control the Supreme Court of the United States.

Senators say on the other side—and it is a proposition which I do not care to discuss—that we are not bound here by the decisions of the Supreme Court of the United States upon constitutional questions; in other words, that, no matter what the court has decided, we are at liberty to put our own interpretation on the Constitution and to disregard the construction put on that instrument by that high tribunal.

I do not care to controvert the proposition which the Senators make, but I will say to them in all kindness that if the Supreme Court of the United States had decided that Congress has no such power as this and we on this side insisted on interpreting it according to our own understanding and passing such a bill, notwithstanding the court had held that we could not do it, they would shake that volume of the Supreme Court reports in our faces until we could not see anything else. Yet Senators in attacking the constitutionality of this bill and denying to Congress the power to pass it are as silent about the construction put by the Supreme Court of the United States upon that clause of the Constitution as if it had never been declared.

In *Ex parte* Siebold, Mr. Justice Bradley, speaking for the court, says several things which I would commend to our friends on the other side:

> The clause of the Constitution under which the power of Congress, as well as that of the State Legislatures, to regulate the election of Senators and Representatives arises is as follows:
>
> "The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the place of choosing Senators."
>
> It seems to us that the natural sense of the words is the contrary of that assumed by the counsel of the petitioners. After first authorizing the States to prescribe the regulations, it is added, "The Congress may at any time, by law, make or alter such regulations." "*Make or alter.*"

Italicizing the words.

> What is the plain meaning of these words? If not under the prepossession of some abstract theory of the relations between the State and National Governments, we should not have any difficulty in understanding them. There is no declaration that the regulations shall be made either wholly by the State Legislatures or wholly by Congress. If Congress does not interfere, of course they may be made wholly by the State, but if it chooses to interfere, there is nothing in the words to prevent its doing so, either wholly or partially.
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> If the power of Congress—

And I commend this to the attention of Senators—

> over the subject is supervisory and paramount, as we have seen it to be, and if officers or agents are created for carrying out its regulations, it follows as a necessary consequence that such officers and agents must have the requisite authority to act without obstruction or interference from the officers of the State.

It is further said, page 296:

> The counsel for the petitioners concede that Congress may, if it sees fit, assume the entire control and regulation of the election of Representatives.
>
> This would necessarily involve the appointment of the places for holding the polls, the times of voting, and the officers for holding the election; it would require the regulation of the duties to be performed, the custody of the ballots, the mode of ascertaining the result, and every other matter relating to the subject.

This seems clearly to have been the opinion of the court, a clear, plain declaration that Congress has entire jurisdiction over the election of Representatives in Congress, and may intrust it as far as it chooses or as little as it chooses to State laws and State officials, and may conduct the election, if it chooses, under its own laws and by its own agents and officers.

Another thing, Mr. President, has much surprised me in this discussion. Senators on the other side of this Chamber, in denouncing this proposed law, talk about this Federal supervision as interfering with local self-government. The Senator from Tennessee [Mr. BATE] referred to it yesterday as foreign interference. More than one Senator on the other side has referred to it as foreign interference; one, I think, referred to it as hostile interference, and one referred to it as alien interference.

I suggest to the Senator who regards the Government of the United States in its relation to the States in this matter as an alien, foreign, or hostile government to read the opinions of the Supreme Court of the United States. I thought that question had been settled in the great arena of battle. I thought there never would come again in the Senate of the United States, this highest legislative forum of the earth, the assertion by any man that the Government of the United States stood to the States as a foreign and alien government, a hostile government. Do Senators, when they stand at the desk and swear to support the Constitution of the United States and to discharge the functions of a Senator swear allegiance to a foreign government?

How does it happen that Senators are willing to regard as foreign and alien and hostile supervisors appointed by the United States courts, who live in your States and in the districts and precincts where their duties are to be performed and who are just as much citizens of your States as you are? Upon what theory are they to be regarded as aliens and hostile, and denounced as spies, informers, and the representatives of another government, because, forsooth, although living among you, being your neighbors and citizens of your States and qualified voters, they go among you to the polls bearing a commission from the Government of the United States and charged by Congress with duties in relation to the Federal elections under the Federal laws?

Foreign interference! There is no proposition for foreign interference. We are all one people; we are all one country; we all live under one Government. We live, and we always will, under one flag, and the sooner our friends make up their minds that in the relation of their States to the Government of the United States it is forever settled that the National Government is simply supreme within its jurisdiction and not foreign to the States the better it will be for the peace of all our people and for the perpetuity of our institutions.

The Supreme Court had occasion again to consider and pass upon this constitutional question in *Ex parte* Yarbrough (110 U. S., 651), Mr. Justice Miller delivering the opinion of the court. He says, referring to the power of Congress under the Constitution:

> Will it be denied that it is in the power of that body to provide laws for the proper conduct of these elections? To provide if necessary the officers who shall conduct them and make return of the result? And especially to provide, in an election held under its own authority, for security of life and limb to the voter while in the exercise of this function? Can it be doubted that Congress can by law protect the act of voting, the place where it is done, and the man who votes from personal violence or intimidation and the election itself from corruption or fraud?
>
> If this be so, *and it is not doubted*, are such powers annulled because an election for State officers is held at the same time and place? Is it any less important that the election of members of Congress should be the free choice of all the electors because State officers are to be elected at the same time? (*Ex parte* Siebold, 100 U. S., 371). These questions answer themselves, and it is only because the Congress of the United States, through long habit and long years of forbearance, has, in deference and respect to the States, refrained from the exercise of these powers that they are now doubted.
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> But when, in pursuance of a new demand for action, that body, as it did in the cases just enumerated, finds it necessary to make additional laws for the free, the pure, and the safe exercise of this power of voting, they stand upon the same ground and are to be upheld for the same reasons.
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> * * * * * * *
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> If the Government of the United States has within its constitutional domain no authority to provide against these evils, if the very sources of power may be poisoned by corruption or controlled by violence and outrage without legal restraint, then indeed is the country in danger, and its best powers, its highest purposes, the hopes which it inspires and the love which enshrines it, are at the mercy of the combinations of those who respect no rights but brute force on the one hand and unprincipled corruptionists on the other.

The great jurist who penned this opinion of the court has to the sorrow and loss of our people passed away from this life and from the high tribunal which for so many eventful years in our history he adorned by his wonderful virility, learning, courage, and impartiality, but this declaration of principles, as to the power of the National Government in relation to the conduct and protection of Federal elections, left behind him as the decision of the court, will stand so long as this Government endures.

That the doctrines of *Ex parte* Siebold and *Ex parte* Yarbrough were not declared without the gravest consideration by the court and without a masterly presentation of the opposite view, is apparent from a perusal of the dissenting opinion of Mr. Justice Field, concurred in by Mr. Justice Clifford, in *Ex parte* Clarke (100 U. S., 404) which may be justly said to exhaust the argument, historically and otherwise, against the constitutionality of this bill. If Senators who assail the constitutionality of this measure can add any point or argument in support of their view not well stated in that opinion, it is quite certain that they have not done it. By these decisions all question as to the correct interpretation of the clause of the Constitution involved ought to be considered foreclosed.

I believe in the rights of the States. I would not invade them, and

Congress can not invade them Nor, on the other hand, must the sovereignty of the United States be chiseled off and whittled away and shrunken by such a construction as that attempted to be put upon the Constitution by Senators on the other side.

Now, Mr. President, is there any necessity for the passage of this measure? God knows I wish there were not, but who will have the effrontery to say that there is not? As to the North the necessity for it and its efficiency have been tested and established by twenty years of administration. As I said before, the people of the North have not complained of it or found it offensive. How about the South?

Senators on the other side say that this bill is aimed at the South. It is in part. It is aimed at every spot in the United States where by fraud or force men who have a right to vote for members of Congress are cheated out of their votes. I think the South is where this proposed law is especially needed. Mr. President, I have no feeling or shadow of feeling of unfriendliness, in what I say, against that section or against its people, and shall be grieved if plain and honest speech on this subject shall lead Senators on the other side, who otherwise might hereafter remember me kindly, to recall me as an enemy of their section or people. There is no such enmity in the North. I value the friendships I have formed on that side of the Chamber. But a man is not a man who stands ready to compromise with outrage or to shut his eyes to systematic wrong.

Many Members and many of the Senators from the Southern States, brave men on the field of battle and in civil life, daring to tell the truth, instead of defying others to prove the truth, practically confess that throughout the South, where the negro vote is in the majority or where he is in such numbers that with the white Republicans his vote would be potential, he is not allowed to cast it, or, if he casts it, it is not counted as cast. The Senator from Alabama [Mr. MORGAN], brilliant and able and brave, has not denied it. I remember reading in the Forum last year an article written by the Senator from Alabama headed, "Shall negro majorities rule?" and the argument which he made throughout the article was that they should not.

The other Senator from Alabama [Mr. PUGH], in his speech the other day, which was frank and manly, made no question, as many other Senators do not, as to the fact that where the negro vote is in the majority it is not counted, if cast or its attendance at the polls is discouraged, and this is justified or sought to be justified. Every argument heard here or elsewhere against the rule of negro majorities is a confession and attempted justification.

We all know, Mr. President, the history of the suffrage in the South since the war. There are thirteen volumes of testimony taken by Congress in different States of the South showing outrages systematically perpetrated, some of them of unspeakable atrocity, upon white Republicans and upon colored Republicans, by the operations of the ku klux klan, and kindred organizations. I only refer to them historically to show by what means, first, the votes of the colored and white Republicans were suppressed. Violence and bloodshed were followed in more States than one in the South by contrivances palpably intended to accomplish without force the same purpose.

I think it will not be denied that the ballot-box system in one or two of the States, as it is used, whatever may have been intended, has the effect to keep from the polls or to defraud of their votes tens of thousands who are entitled to vote. The testimony taken in contested-election cases during the last Congress shows beyond any possible question that the vote is suppressed, if it were needed to show it at all, and also the methods by which the result is brought about.

I will insert in this connection the following extract from the speech of Mr. ROWELL, the chairman of the House Committee on Elections, made upon this bill:

> Now, gentlemen may give a great many excuses for this condition of things, but I can give you a reason out of the sworn testimony presented to this Congress. You want to know what it is. Now, in some entire Congressional districts, under the State machinery the vote when returned is absolutely reversed. Fraud taints every ballot box and permeates the whole community. An honest election is looked upon as dishonest, and an honest election officer looked upon as an enemy of his country. In other Congressional districts armed bodies of masked men ride from poll to poll and seize the ballot boxes and destroy them, and those ballots are not counted to make up the total vote of the State. In other districts, all through the district, ballot boxes are stuffed full of ballots that were never cast, and the ballots that were cast are thrown away.
>
> In other places in Congressional districts military companies are organized and armed by the State to ride through the districts at night, and to fire cannon morning and evening, as a Democratic witness called for a contestant said, "in order to let the darkies know that there was going to be an honest election." The night before election these military companies, organized and armed by the State, ride through the towns shooting into the cabins of colored men to notify them to come out and vote on the next day; and if they do not quite succeed, if in spite of shooting off cannon, in spite of firing into the cabins, the black men are at the polls, these same military companies engage in target practice on the next day with the polling place as a target.

The Senator from Alabama [Mr. MORGAN], the other day, in a little discussion on the subject of the District of Columbia government, said that the whole people here were deprived of suffrage in order to get rid of the negro vote, and, said the Senator:

> Oh, shame upon it, that such bills as this should come up, and that such discussions as this should be legitimate upon the facts; and yet, in two minutes from this time the Senate will resound with advocacy of a different system to be applied to the States, and an advocacy of the destruction of the autonomy of great States in this Union because they attempt to do the same thing by indirection which Congress does from the shoulder and by the strong hand.

It is a pretty disagreeable statement, calculated to disturb the people of the North, however pleasant it may be to the people of the South, that 378,897 votes in the South elect twenty-six members of Congress and 353,691 votes elect in Wisconsin only nine. I might take an hour in showing how the vote in the South has diminished, diminished, diminished, until to-day one Democratic vote in certain States of the South counts for more, several times more, than a vote honestly cast in the North.

I append several tables used by Mr. LODGE, of Massachusetts, and Mr. LA FOLLETTE, of Wisconsin, in debate on this measure in "another place," which make plain the contrast between the number of votes which elect a Representative in Congress in the South and in the North.

Returns from one hundred and sixty-two districts in 1886, *each casting over* 27,000 *votes.*

State.	Congressional district.	Representative.	Vote.
California	First district	Mr. Thompson	32,982
Do	Second district	Mr. Biggs	35,456
Do	Sixth district	Mr. Vandever	38,646
Colorado		Mr. Symes	58,258
Illinois	Eighth district	Mr. Hitt	32,277
Do	Tenth district	Mr. Post	31,212
Do	Eleventh district	Mr. Gest	34,262
Do	Twelfth district	Mr. Anderson	32,552
Do	Thirteenth district	Mr. Springer	35,242
Do	Fourteenth district	Mr. Rowell	30,022
Do	Fifteenth district	Mr. Cannon	32,863
Do	Sixteenth district	Mr. Landes	32,708
Do	Seventeenth district	Mr. Lane	27,725
Do	Eighteenth district	Mr. Baker	30,339
Do	Nineteenth district	Mr. Townshend	29,046
Do	Twentieth district	Mr. Smith	31,904
Indiana	First district	Mr. Hovey	29,740
Do	Second district	Mr. O'Neall	30,941
Do	Fourth district	Mr. Holman	30,766
Do	Fifth district	Mr. Matson	32,856
Do	Sixth district	Mr. Browne	32,650
Do	Seventh district	Mr. Bynum	43,890
Do	Eighth district	Mr. Johnston	40,734
Do	Ninth district	Mr. Cheadle	41,458
Do	Tenth district	Mr. Owen	34,185
Do	Eleventh district	Mr. Steele	38,890
Do	Twelfth district	Mr. White	34,478
Do	Thirteenth district	Mr. Shively	37,192
Iowa	First district	Mr. Gear	32,250
Do	Third district	Mr. Henderson	34,565
Do	Fourth district	Mr. Fuller	32,195
Do	Fifth district	Mr. Kerr	32,804
Do	Sixth district	Mr. Weaver	32,620
Do	Seventh district	Mr. Conger	29,398
Do	Eighth district	Mr. Anderson	33,726
Do	Ninth district	Mr. Lyman	31,414
Do	Tenth district	Mr. Holmes	29,635
Kansas	First district	Mr. Morrill	31,237
Do	Second district	Mr. Funston	34,792
Do	Third district	Mr. Perkins	36,716
Do	Fourth district	Mr. Ryan	38,084
Do	Fifth district	Mr. Anderson	35,966
Do	Sixth district	Mr. Turner	33,025
Do	Seventh district	Mr. Peters	61,465
Maine	First district	Mr. Reed	31,044
Do	Second district	Mr. Dingley	33,980
Do	Third district	Mr. Milliken	31,752
Do	Fourth district	Mr. Boutelle	31,591
Maryland	Sixth district	Mr. McComas	33,929
Michigan	First district	Mr. Chapman	34,044
Do	Second district	Mr. Allen	34,452
Do	Third district	Mr. O'Donnell	39,308
Do	Fourth district	Mr. Burrows	36,000
Do	Fifth district	Mr. Ford	39,773
Do	Sixth district	Mr. Brewer	39,609
Do	Seventh district	Mr. Whiting	28,333
Do	Eighth district	Mr. Tarsney	37,846
Do	Ninth district	Mr. Cutcheon	33,817
Do	Tenth district	Mr. Fisher	29,293
Minnesota	First district	Mr. Wilson	33,612
Do	Second district	Mr. Lind	38,282
Do	Third district	Mr. Macdonald	33,359
Do	Fourth district	Mr. Rice	61,933
Do	Fifth district	Mr. Nelson	43,937
Missouri	First district	Mr. Hatch	31,778
Do	Second district	Mr. Mansur	34,928
Do	Third district	Mr. Dockery	35,156
Do	Fifth district	Mr. Warner	32,171
Do	Sixth district	Mr. Heard	40,636
Do	Seventh district	Mr. Hatton	28,347
Do	Tenth district	Mr. Clardy	29,289
Do	Eleventh district	Mr. Bland	30,598
Do	Twelfth district	Mr. Stone	39,414
Do	Thirteenth district	Mr. Wade	28,232
Do	Fourteenth district	Mr. Walker	28,933
Nebraska	First district	Mr. McShane	42,679
Do	Second district	Mr. Laird	41,665
Do	Third district	Mr. Dorsey	52,155
New Hampshire	First district	Mr. McKinney	37,534
Do	Second district	Mr. Gallinger	39,559
New Jersey	First district	Mr. Hires	35,433
Do	Second district	Mr. Buchanan	35,380
Do	Third district	Mr. Kean	33,479
Do	Fifth district	Mr. Phelps	29,538
Do	Sixth district	Mr. Lehlbach	37,971
Do	Seventh district	Mr. McAdoo	31,551
New York	First district	Mr. Belmont	32,594
Do	Thirteenth district	Mr. Fitch	31,828
Do	Fourteenth district	Mr. Stahlnecker	30,245
Do	Fifteenth district	Mr. Bacon	27,707

Returns from one hundred and sixty-two districts in 1886, *etc.*—Continued.

State.	Congressional district.	Representative.	Vote.
New York	Sixteenth district	Mr. Ketcham	28,249
Do	Seventeenth district	Mr. Hopkins	34,044
Do	Eighteenth district	Mr. Greenman	34,286
Do	Nineteenth district	Mr. Tracey	34,643
Do	Twentieth district	Mr. West	29,851
Do	Twenty-third district	Mr. Sherman	32,353
Do	Twenty-fourth district	Mr. Wilber	32,410
Do	Twenty-fifth district	Mr. Belden	27,623
Do	Twenty-sixth district	Mr. De Lano	31,650
Do	Twenty-seventh district	Mr. Nutting	35,373
Do	Thirty-second district	Mr. Farquhar	80,432
Do	Thirty-fourth district	Mr. Laidlaw	32,151
North Carolina	Second district	Mr. Simmons	28,218
Do	Fourth district	Mr. Nichols	30,284
Ohio	First district	Mr. Butterworth	29,545
Do	Second district	Mr. Brown	33,495
Do	Third district	Mr. Williams	36,612
Do	Fourth district	Mr. Yoder	28,648
Do	Fifth district	Mr. Seney	34,038
Do	Sixth district	Mr. Boothman	38,925
Do	Seventh district	Mr. Campbell	31,594
Do	Eighth district	Mr. Kennedy	36,425
Do	Ninth district	Mr. Cooper	35,442
Do	Tenth district	Mr. Romeis	33,244
Do	Eleventh district	Mr. Thompson	31,730
Do	Twelfth district	Mr. Pugsley	36,832
Do	Thirteenth district	Mr. Outhwaite	39,265
Do	Fourteenth district	Mr. Wickham	28,175
Do	Fifteenth district	Mr. Grosvenor	30,943
Do	Sixteenth district	Mr. Wilkins	38,046
Do	Seventeenth district	Mr. Joseph D. Taylor	33,605
Do	Eighteenth district	Mr. McKinley	38,268
Do	Nineteenth district	Mr. Ezra B. Taylor	28,007
Do	Twentieth district	Mr. Crouse	32,727
Do	Twenty-first district	Mr. Foran	29,091
Oregon		Mr. Hermann	51,954
Pennsylvania*	First district	Mr. Bingham	30,415
Do	Fourth district	Mr. Kelley	39,276
Do	Fifth district	Mr. Harmer	36,711
Do	Sixth district	Mr. Darlington	23,606
Do	Seventh district	Mr. Yardley	32,053
Do	Ninth district	Mr. Hiestand	28,458
Do	Twelfth district	Mr. Lynch	28,368
Do	Fourteenth district	Mr. Bound	32,014
Do	Fifteenth district	Mr. Bunnell	28,542
Do	Sixteenth district	Mr. McCormick	31,433
Do	Seventeenth district	Mr. Scull	33,304
Do	Eighteenth district	Mr. Atkinson	31,393
Do	Nineteenth district	Mr. Maish	33,509
Do	Twentieth district	Mr. Patton	33,535
Do	Twenty-first district	Mr. McCullough	34,041
Do	Twenty-second district	Mr. Dalzell	30,655
Do	Twenty-ninth district	Mr. Hall	31,456
Do	Twenty-seventh district	Mr. Scott	30,545
Tennessee	Third district	Mr. Neal	27,883
Texas	Fifth district	Mr. Hare	28,154
Do	Sixth district	Mr. Abbott	31,910
Do	Ninth district	Mr. Mills	28,497
Do	Tenth district	Mr. Sayers	34,301
Do	Eleventh district	Mr. Lanham	29,724

*Return from "old districts." The candidates for Congressman at large received 817,865 votes, an average of 29,209 for each of the twenty-eight "new districts."

Returns from one hundred and sixty-two districts in 1886, *etc.*—Continued.

State.	Congressional district.	Representative.	Vote.
West Virginia	First district	Mr. Goff	34,497
Do	Second district	Mr. Wilson	34,315
Do	Third district	Mr. Snyder	29,464
Do	Fourth district	Mr. Hogg	32,679
Wisconsin	First district	Mr. Caswell	29,316
Do	Second district	Mr. Guenther	27,600
Do	Third district	Mr. La Follette	33,213
Do	Fourth district	Mr. Smith	31,420
Do	Sixth district	Mr. Clark	25,272
Do	Seventh district	Mr. Thomas	30,824
Do	Eighth district	Mr. Haugen	35,744
Do	Ninth district	Mr. Stephenson	40,349

Returns from forty-five districts each casting less than 15,000 *votes.*

Alabama	First district	Mr. Jones	4,206
Do	Seconddistrict	Mr. Herbert	5,669
Do	Third district	Mr. Oates	4,662
Do	Fifth district	Mr. Cobb	6,333
Do	Sixth district	Mr. Bankhead	12,309
Do	Seventh district	Mr. Forney	12,177
Arkansas	First district	Mr. Dunn	6,092
Do	Fourth district	Mr. Rogers	13,391
Do	Fifth district	Mr. Peel	4,746
Georgia	First district	Mr. Norwood	2,078
Do	Second district	Mr. Turner	2,411
Do	Third district	Mr. Crisp	1,704
Do	Fourth district	Mr. Grimes	3,239
Do	Fifth district	Mr. Stewart	2,999
Do	Sixth district	Mr. Blount	1,722
Do	Seventh district	Mr. Clements	6,680
Do	Eighth district	Mr. Carlton	2,377
Do	Ninth district	Mr. Candler	2,366
Do	Tenth district	Mr. Barnes	1,944
Kentucky	Sixth district	Mr. Carlisle	12,146
Do	Seventh district	Mr. Breckinridge	4,808
Louisiana	First district	Mr. Wilkinson	12,999
Do	Second district	Mr. Logan	14,775
Do	Fourth district	Mr. Blanchard	5,759
Do	Fifth district	Mr. Newton	14,263
Do	Sixth district	Mr. Robertson	10,132
Mississippi	First district	Mr. Allen	3,167
Do	Second district	Mr. Morgan	12,648
Do	Third district	Mr. Catchings	6,900
Do	Fourth district	Mr. Barry	3,086
Do	Fifth district	Mr. Anderson	4,316
Do	Sixth district	Mr. Stockdale	12,117
Do	Seventh district	Mr. Hooker	4,514
Nevada		Mr. Woodburn	12,370
New York	Sixth district	Mr. Cummings	14,423
North Carolina	Seventh district	Mr. Henderson	13,936
Pennsylvania	Third district	Mr. Randall	12,176
Rhode Island	First district	Mr. Spooner	6,636
South Carolina	First district	Mr. Dibble	3,317
Do	Second district	Mr. Tillman	5,235
Do	Third district	Mr. Cothran	4,409
Do	Fourth district	Mr. Perry	4,470
Do	Fifth district	Mr. Hemphill	4,701
Do	Sixth district	Mr. Dargan	4,469
Do	Seventh district	Mr. Elliott	12,496

State and Congressional district.	Representative.	Politics.	Total vote as returned November, 1888.	Majority for Representative as certified November, 1888.	Colored majority in district as returned by census 1880.
ALABAMA.					
First district	R. H. Clarke	Democrat	18,699	4,489	2,858
Second district	H. A. Herbert	do	21,244	6,838	249
Third district	W. C. Oates	do	16,216	10,478	3,149
Fourth district	L. W. Turpin	do	24,403	13,153	26,612
GEORGIA.					
Second district	H. G. Turner	Democrat	11,000	11,000	3,763
Third district	C. F. Crisp	do	12,750	6,124	2,431
Fourth district	T. W. Grimes	do	13,923	5,673	2,947
Sixth district	J. H. Blount	do	8,934	8,934	8,229
Eighth district	H. H. Carlton	do	9,374	5,182	4,180
Tenth district	G. T. Barnes	do	7,374	5,780	6,145
LOUISIANA.					
Fourth district	N. C. Blanchard	Democrat	17,265	15,339	5,752
Fifth district	C. J. Boatner	do	22,670	20,124	22,154
Sixth district	S. M. Robertson	do	16,812	7,761	4,515
MISSISSIPPI.					
Second district	J. R. Morgan	Democrat	19,902	8,161	2,468
Third district	T. C. Catchings	do	16,238	7,010	14,720
Fourth district	Clarke Lewis	do	15,251	10,459	5,773
Fifth district	C. L. Anderson	do	20,259	12,271	1,570
Sixth district	T. R. Stockdale	do	14,084	7,116	1,327
Seventh district	C. E. Hooker	do	15,864	8,091	6,440
SOUTH CAROLINA.					
First district	Samuel Dibble	Democrat	9,855	7,244	2,236
Second district	G. D. Tillman	do	12,337	9,299	6,643
Third district	J. D. Cothran	do	8,774	8,759	1,210
Fourth district	W. H. Perry	do	11,416	11,410	1,590
Fifth district	J. J. Hemphill	do	9,586	9,559	2,610

State and Congressional district.	Representative.	Politics.	Total vote as returned November, 1888.	Majority for Representative as certified November, 1888.	Colored majority in district as returned by census 1890.
SOUTH CAROLINA—continued.					
Sixth district	G. W. Dargan	Democrat	8,972	8,259	3,296
Seventh district	William Elliott	do	15,435	1,355	24,899
Total vote returned from above districts			378,897		
Number of Representatives certified as elected			26		
WISCONSIN.					
First district	L. B. Caswell	Republican	36,133	4,314	
Second district	Charles Barwig	Democrat	31,614	2,954	
Third district	R. M. La Follette	Republican	38,141	2,929	
Fourth district	I. W. Van Schaick	do	43,629	1,427	
Fifth district	G. H. Brickner	Democrat	30,917	5,226	
Sixth district	C. B. Clark	Republican	34,235	3,764	
Seventh district	O. B. Thomas	do	37,228	4,485	
Eighth district	N. P. Haugen	do	47,180	10,434	
Ninth district	M. H. McCord	do	54,517	2,763	
Total vote as returned in Wisconsin			353,691		
Number of Representatives certified as elected			9		

If anything were needed in an official form to demonstrate the existence and intended continuance of this suppression, I do not know where it could be better found than in the recent convention and in the recent constitution adopted by the State of Mississippi. I want to refer for a moment as I go along to a speech made in that convention by Judge Chrisman, a Democrat, who dared to speak what he believed to be true. He said:

Sir, it is no secret that there has not been a full vote and a fair count in Mississippi since 1875; that we have been preserving the ascendency of the white people by revolutionary methods. In plain words, we have been stuffing ballot boxes, committing perjury, and here and there in the State carrying elections by fraud and violence until the whole machinery for elections was about to rot down. The public conscience revolted. That which had a beginning in despair at the situation, and which seemed to justify any means for public preservation, was becoming a chronic ulcer upon the body politic and threatened to disintegrate the morals of the people. Thoughtful men everywhere foresaw that there was disaster somewhere along the line of such a policy as certainly as there is a righteous judgment for nations as well as men.

I can not stop to read all he says, but he proceeds to denounce as a fraud the suffrage provision of the constitution they had adopted. Let me read a part of that suffrage clause:

SEC. 240. All elections by the people shall be by ballot.

SEC. 241. Every male inhabitant of this State, except idiots, insane persons, and Indians not taxed, who is a citizen of the United States, twenty-one years old and upwards, who has resided in the State two years, and one year in the election district, etc.

PROVIDING FOR REGISTRATION.

Then comes a uniform poll tax, and then comes the most remarkable declaration, in my judgment, that ever found its way into any constitution or proposed constitution in this world:

SEC. 244. On and after the 1st day of January, A. D. 1892, every elector shall, in addition to the foregoing qualifications—

Now, note this—

be able to read any section of the constitution of this State—

Well, I would not complain of that—

or he shall be able to understand the same when read to him, or—

Still another "or"—

give a reasonable interpretation thereof.

The question whether a man can read the Constitution is a question of fact easily ascertainable, but what will the people of this country think about a test based upon the ability of a man to understand the same when read to him? Who is to decide whether the election officer who reads it to him understands it or not? He may be the veriest dolt and ignoramus who ever breathed, and yet he is put on guard charged with the high function and the mighty office of determining as a qualification of a voter whether he can understand the Constitution when read to him. I think from my standpoint that there are parts of our Constitution which Senators on the other side do not understand aright. [Laughter.]

Mr. GRAY. Will the Senator allow me?

Mr. SPOONER. In one moment. And there are many of us on this side who, according to the Senators on the other side, do not understand the Constitution aright. No man ought to be given the power to decide as a test of any one's right to vote whether he understands the Constitution or not, certainly unless it is first made dead certain that he understands it himself. What utter folly! We have great courts to construe the Constitution. Every day in the history of every State questions arise as to what the instrument means, and grave lawyers, trained in the law, accurate and acute, spend hours, and sometimes weeks, in arguing, one one way and another another way, as to what a provision in the Constitution means.

But here local officers, a number of whom are to be found in every precinct in the State, no better than ordinary election officers in the North, surely, are to decide, and upon their decision depends the right of a man to vote—think of it—whether a man understands the provision of the Constitution which is read to him or not! What appeal is there from this decision? None. There can be none, and the officer may read to a man the section which he chooses. He may read to the ignorant white Democrat a section so plain that no one but an idiot could fail to understand it, and when the colored man steps up he may read to him the section on quo warranto, or eminent domain, or as to the distinction between chancery and law in the courts; and all this done in the year 1890 by a sovereign State, Mr. President!

What else? The decision of the registration officer is manifestly not to be whether the elector understands the Constitution correctly or not, but whether the voter understands it as the *election officer understands it*. What next? It does not stop there.

Every elector shall, in addition to the foregoing qualifications——

Mr. GRAY. May I ask the Senator for information—because I never heard that read before—does that provision of the constitution of Mississippi which he is reading require that a man must both read and understand?

Mr. SPOONER. I will read it. If the Senator will give ear that he may hear I will read all of that clause:

On and after the 1st day of January, A. D. 1892, every elector shall, in addition to the foregoing qualifications—

Of course poll tax, property tax, and so on—

be able to read any section of the constitution of this State—

That is one thing—

orhe shall be able to understand the same when read to him—

That is another—

orgive a reasonable interpretation thereof.

Mr. GRAY. If I may interrupt my friend——

Mr. SPOONER. Certainly.

Mr. GRAY. Then, it would seem that that constitution does not require that the party should, in addition to his other qualifications, both read and understand the clause of the constitution, but that one qualification is that he shall be able to read, thereby, I believe, agreeing with the qualifications prescribed in Massachusetts and some other States. But then it proceeds to enlarge the class of persons who may vote by bringing in a class who, though they can not read, are intelligent enough to understand what is read to them.

Mr. SPOONER. Oh, yes; every man who can read any section of the constitution, whether he be black or whether he be white, if he has the other qualifications prescribed here, may vote. But suppose a man can not read—and there are a great many white men in the South and many in the North, too many, who can not read, and if the test were an educational test, pure and simple, so that no white Republican or Democrat and no negro Republican or Democrat who can not read any section of the constitution should be permitted to vote, nobody could complain of that, but——

Mr. DANIEL. Just to see if I correctly understand the Senator, the alternative clauses enlarge and do not limit the right of suffrage, as I understand his reading. Is that correct? In some of the States it is required that a man shall read. In Mississippi they do not require that he shall read, but if he can understand without reading, when it is explained to him, he is permitted to vote. Is not that an enlargement of the educational qualification rather than a limitation of it?

Mr. SPOONER. Mr. President, it is absolutely idle, in my judgment, to refine upon that language. If they had stopped with the educational test, if they had decided "We will not be governed by ignorance, white or black; no man who can not read the constitution of the State shall vote," it would have excluded, as I was saying, the Democratic white voter, the Republican white voter, and the colored voter

who could not comply with that test. That would have been honest; but it is left so that when a Democratic voter, a white man who can not read the constitution, goes to the registration officer, that official selects, if he chooses, the simplest clause in the instrument and reads it to him. He may ask him if he understands it and the man says "Yes." He might be told to say yes and he may say, "Yes, I understand it," and the officer may accept him as a voter.

When the colored voter comes up, the officer may read to him, as I remarked a moment ago, another section of the constitution, not simple, but relating to the power of eminent domain, or dealing with the phraseology of the courts, chancery, quo warranto, mandamus, certiorari, whatever writs may be named in the Constitution, and ask the colored man if he understands that. "No." Then he can not vote. Or if he says "Yes," and construes it correctly in fact, but not according to the legal opinion of the officer, he is to be excluded. The officer reads to him the clause that is in the Constitution "all men are born free and equal," and asks him if he understands that. The negro would be well warranted in saying under that constitution, "I do not understand what it means in Mississippi." [Laughter.] The officer may read whatever he chooses, and if a man says he can not understand it, then he may read a clause to him and say, "Give me a reasonable interpretation of it."

Who in the name of Heaven is to decide whether it is reasonable or not? Not a court, but a partisan election officer is to decide whether it is a reasonable construction or not. If he decides that it is, the man votes; if he decides that it is not, the man does not vote. In other words, as charged on the floor of that convention by two, at least, of its members, it seems to be nothing more than a scheme to enable, under the guise of law, election officers to let the ignorant white man vote, if he be a Democrat, and prevent the ignorant colored man from voting unless he be a Democrat, attempted to be so adroitly done as to suppress votes without danger of diminished representation. You stand here and rail against this bill as giving to the chief supervisor lordly power. Where before was such power conferred upon election officers on this earth as that, to make the right to vote dependent, first, upon whether one can read a section of the constitution, and, if he can not, then, second, upon his ability to understand it, as the officers understand it, or, third, upon whether he can reasonably interpret it according to the petty official's notion of "reasonableness." As the Senator from Vermont [Mr. EDMUNDS] suggests, suppose a clause like this were put into the election bill, what would be said about it? Talk about arbitrary power and putting the rights of men under the tyranny of irresponsible officials! I venture to say that nothing like that has been seen before, and I would not be much surprised if it became fashionable in some of the States of this Union if it is found to work well and not to operate to reduce the basis of representation or the Democratic vote in Mississippi.

That constitution was put in force, not by a vote of the people, but by a vote of the convention. I recall the fact that Senators on the other side stood here barring the way to the admission of the Dakotas upon technical and hypercritical grounds going to the fairness of the election by which the people passed upon the adoption of the constitution. And yet here is a constitution, unique, beautiful for the purpose in view, adopted by the convention of Mississippi alone.

Mr. President, this is not the first Mississippi plan. It is the second. Both were for effect upon the suffrage. The first was a plan of force and violence; it bore bloody fruit and, for the time, accomplished its object. I am not here to deny that the early governments in some of the States after the war were such as to justify indignation and revolt against extravagance and oppression; but they were not such as to justify in sight of God or man resort to such a "plan" for relief or to mitigate the disgrace which it indelibly left upon that State.

There comes into my mind, as I speak, one scene which was its outgrowth and which I have never been able to drive from memory, it was so pitiful. If depicted upon canvas there would appear brave old Judge Chisholm besieged in the jail by men thirsting for his blood, his fourteen-year-old son throwing himself between the father whom he loved and the merciless mob of assailants, powerless with his little body as his father's shield to turn away the remorseless bullets or the wrath of men. It would show him with one little hand shot away, while with the other around the old man's neck he prayed for mercy, until that armor of love was loosened and fell in a death heap at his feet. It would show his place quickly taken by his beautiful sister Cornelia, with the heroism and nerve which God gives to woman in so generous measure and the impotency of her beauty and innocence and love to turn away the weapons of passion and prejudice. It would show, alas, all dead. A picture, Mr. President, which would make the angels weep and all men stand aghast. All victims to the plan of proscription and suppression of the rights of citizenship. It was a type of many not so atrocious or heartrending.

That day went away; the colored voter of Mississippi learned the lesson well. Its fitting supplement is the second "plan" which I have read in the hearing of the Senate.

I do not close my eyes to the difficulties which surround you, Senators, but I am here to say that there is a wrong in this suppression of the votes in the South by force and fraud and violence and constitutions, a wrong of many phases of which we have a right to complain, and to our complaints you have no right to turn deaf ears. It is not simply a local question.

IT IS A WRONG UPON THE NORTH.

The results of your policy are not simply local results. They reach up into the North and they constitute a wrong upon the entire people of the North. How is that? When the negro was given the right to vote your basis of representation was increased two-fifths. You had, after that, a larger number of Representatives in Congress and a larger number of members of the Electoral College, and I believe there are to-day about forty Representatives in Congress, and as many members of the Electoral College, based on the negro population.

You take with alacrity the increase in the members of the Electoral College and House of Representatives predicated upon the enlarged basis of representation and then you proceed to stamp out the colored vote, giving to yourselves a disproportionate power in the Government. Why 15,000 men should be able to elect a member of Congress in Mississippi, or Alabama, or Georgia, or South Carolina, when it takes 40,000 or 50,000 in Wisconsin, or Illinois, or Iowa, would puzzle any man to decide.

My friends, this difficulty is of the present as well as of the past and it reaches into the future. It is to be intensified and increased with time. As the negro population increases, your representation in Congress and in the Electoral College will increase; and if this vote is to be permanently suppressed, if this wrong upon the North is to be permanent and is to increase in its intensity, are you willing to say there is only one side to this question? Is it fair for you to shut your eyes to everything but your own environment, and to say that we who complain in the North against this inequality, brought about by fraud and violence and proposed to be perpetuated, are merely partisans, seeking the accomplishment of purely partisan purposes?

You say negro majorities shall not rule. You say you will not permit the ignorant to govern you. Why, then, not adopt as strong a test as you choose, educational and property too? Recognizing this wrong against the North, you ought to be willing to do something to right it. You ought not to fold your arms, saying, "We will keep the increased representation and we will suppress the vote, no matter where it hits or whom it hurts." If you do not want to be ruled by ignorance, there is nothing to prevent your adopting the strictest kind of an educational test, if it is an honest one. Suppose it does disfranchise and turn away in sullen anger some illiterate white Confederate soldiers or white Democrats in the South.

I do not here use the expression "Confederate soldiers" as one of reproach. I can readily understand how men who led them in battle, who shared the dangers and privations of war with them, hesitate long to offend them or to send them away from the polls by any sort of test; but the people of the South owe it to the whole country to adopt, if they can, a peaceful and lawful means to ward off what they call the danger of negro domination. Between such an alternative and permanent violent or fraudulent suppression they ought not to hesitate. Do you fail to adopt such tests for fear you will drive away sullen and angry ignorant white Democrats? Or do you decline to do it, Senators from the South, because thereby you might give to Congress the power to reduce your representation under the constitutional amendment? Or is it because you are not willing to give up your control of the Government which you had in 1884 and hope to take again if you do not fail to maintain the solidarity of the white people of the South?

Or why not divide, white gentlemen of the South, why not divide? Why not do anything that honorable men can do to restore equality and justice among the States in this matter of representation? "No divide, I thank you, that affects the negro vote." There was a divide in South Carolina between the regular Democrats in the last election and the Farmers' Alliance, but the colored voters were notified that it was a white man's fight, and that they were not "in it."

Mr. BUTLER. I think that was good advice.

Mr. SPOONER. Oh, Mr. President, yes, it was good "advice." Prent. Matthews was "advised" not to vote on election day. He did not follow the advice and he was shot down like a dog with his uncast ballot in his hand. It was good advice, which he ought to have followed, perhaps, and would have followed if he had been a coward and abdicated his function as an American citizen. I know my friends do not approve of such a thing as that.

Do you say you will not be controlled by ignorance and that you will not adopt, either, an honest educational test; that you are the Anglo-Saxon race and the negro is your inferior and always will be? I should like to inquire when it is intended to allow the Constitution to resume its force in those States. The Southern people have no more right in the eye of God or under the Constitution to deprive the colored man, who under the law is entitled to vote, of the ballot than they have to deprive him of the right of trial by jury or the right to worship God according to the dictates of his own conscience. The Constitution says you shall not deprive the negroes of the right to vote because they are black or because they were slaves. You may deprive them of their right to vote by a law or a rule which applies equally, as an honest educational test, to black and white alike.

Where do the people of the South obtain the right, which is claimed and exercised, to nullify the Constitution of the United States?

The negroes are there to stay. When shall they vote? When, I ask again, shall they be permitted to exercise the right which, under the Constitution and the law, is just as clearly theirs as the right to vote is yours? Will it be ten years hence, or will it be twenty years hence, or will it be thirty years hence? The Northern people have a right to some information, it seems to me, as to when it will be your royal pleasure in the South to allow the constitutional right of the colored man to be recognized. I come to you hat in hand with Eastern salaam, asking that question, but I expect no response.

You say the negro ought not to have had the right to vote. Grant it, for the sake of the argument. It is too late to debate that question. The right was given him in wisdom or unwisdom. He possesses it. We can no more take it away from him than we can roll back the years and blot out the curse and agony and trouble of war which came to you and to us. We must take the situation as we find it, and we find it with that right established under the Constitution and laws of the United States, and only to be taken away by a rule which operates in your States impartially and equally upon the whites and blacks alike. You can not justify yourselves before the people of the United States by sitting supinely by and denouncing those who resent this inequality and disproportion as being sectional and partisan, and at once refusing to permit a free ballot and a fair count or to avail yourselves of lawful means of protection against what you say is a local danger.

It has been even said in this debate, in justification of this subversion of constitutional rights, that the Republican party conferred the suffrage upon the negro for a partisan purpose and to perpetuate its power. I can not take the time to discuss that, but I deny it. The Republicans of that day did not believe that anything short of a miracle could keep the Democratic party, with its traditions and history, alive very long to stand as a competitor for popular confidence. I have read the debates, and I say here to-day that the right of suffrage was conferred upon the negroes as a weapon of defense against their old masters.

The Senator from South Carolina [Mr. BUTLER] made a speech here the other day which was in parts eloquent, attractive, and manly, in which he referred to the relations of the ex-masters and the ex-slaves at the close of the war. He said, like an honest and fearless man, that he took his share of the blame. I do not say that had we been in your places we would have done any better than you did; I do not say that we could have adapted ourselves any more quickly than you to the changed status of labor in the South when the war ended; but I say that it has always seemed to me that if the white leaders of the South could have realized that the negro was no longer a slave, that they were dependent upon him for labor, that he was born among them and was to live among them, they could have done with all their great qualities whatever they chose with him.

When he came out of the blackness of slavery with his eyes blinded by the sudden light of liberty, as soon as he could see a face, he looked into the faces of his old masters and of the white companions of his whole life, but—and you must take your share of the blame, and you must take your share of the consequences, and not insist upon putting it all upon the North—instead of meeting him in a friendly way, you passed black codes in many of your States which practically put him back into slavery, put him for violating simple contracts where he was sold by the sheriff at auction to pay by his labor the fines.

I must not take the time to read these codes, but they must not be forgotten as factors in the situation which confronts the South and which confronts us. The substance of their provisions is partly epitomized by Mr. Justice Harlan in his dissenting opinion in the civil-rights cases (109 U. S., 36):

> Recall the legislation of 1865-'66 in some of the States, of which this court in the slaughterhouse cases said that it imposed upon the colored race onerous disabilities and burdens; curtailed their rights in the pursuit of life, liberty, and property to such an extent that their freedom was of little value; forbade them to appear in the towns in any other character than menial servants; required them to reside on and cultivate the soil without the right to purchase or own it; excluded them from many occupations of gain, and denied them the privilege of giving testimony in the courts where a white man was a party.

Out of these attempts to push by law the colored man far back into darkness and dependence was born colored suffrage. It was given to be the colored man's shield against wrong and injustice at the hands of his old masters who no longer owned him, but who could not forget that they had owned him. Not to have given him the right to vote or to have given him in some other way protection would have been as cruel, as devilish, as selfish a repudiation by the people of the North of the pledge made by Abraham Lincoln in his immortal proclamation to maintain them in their freedom, as ever human beings could be guilty of.

So I say here to-day, in the light of history, and it ought not to be forgotten, that if it was unwise to give the negro the right to vote the South was responsible for the exigency which seemed to make it necessary.

Mr. President, I think if we should forcibly or by fraud suppress Democratic votes in the North upon the pretense that the voters were too ignorant to vote or because they did not vote our way and should return systematically thirty or forty Republicans where, by an honest vote, thirty or forty Democrats would be returned, Senators would not accept any justification or excuse for it in the wide, wide world.

IT IS A GRIEVOUS WRONG UPON THE COLORED MAN.

I do not need to speak much of him. His history is painful and known of all men. He is a unique figure in the history of this country. He came here a slave. He lived until a quarter of a century ago in the darkness of slavery. But the Southern people owe him much. They at least owe him justice. All men are entitled to that. They owe it to him either to accord to him his rights under the Constitution and the laws or at least to deprive him of those rights in a lawful way, by a rule operating upon black and white alike, taking the consequences in reduced representation.

It was once a crime to teach the negro to read; it was a crime to turn his face to the sunlight; but, Mr. President, never, never, never, since the morning stars first sang together in the heavens, has there been a race which deserved as much under the circumstances, not simply of oratory, but of justice, as the colored man of the South deserves of his late master. He was not ignorant, ignorant as he was, of the consequences of the war to him. He well knew that the living, moving lines of Union blue which steadily went southward carrying that flag carried to him freedom. He heard it in the woods; it was in the air. It was beautifully put by Whittier into the song of the negro boatmen at Port Royal:

> We pray de Lord; He gib us signs
> Dat some day we be free.
> De norf wind tell it to de pines,
> De wild duck to de sea;
> We tink it when de church bell ring,
> We dream it in de dream;
> De rice bird mean it when he sing,
> De eagle when he scream.

It was in the air, Mr. President, and they knew the success of their masters meant the riveting of the manacles upon their wrists forever and that the failure of their masters meant to them freedom forever.

I remember hearing a distinguished ex-Confederate soldier and lawyer of South Carolina tell his experience illustrative of that knowledge among the colored men. He said when he went away to enter the Confederate army he left his wife, children, plantation, and negroes in the care of a negro, Sam, who had been born on the place and had been his companion during childhood and boyhood. He said when he came back from the army he walked out from the city near which he lived, and as he went into the lane or avenue which led through the field to the house he saw Sam and the other negroes out in the field at work. They recognized him and all came towards him, but, to his amazement, Sam turned his back and started in another direction. In a few moments Sam came out of the house with a child in each arm and one on his back, followed by the mistress, and when they reached him Sam said, with the pride of a lord almost, in what he had done, "Massa Sam, here am de missus an' here am de chillen, an' here am de niggers, an' de mules, an' dar am de co'n growin' in de fields, and eberyting is all right, Massa Sam. Massa Sam, I'se done all dis ting fer you. What's you been doin' fer me, Massa Sam?" The black man knew.

Mr. President, they committed no outrage in the South during the war. They had no very happy memories. They were not educated. They were not refined. They were more or less the children of nature.

Mr. EDMUNDS. And could not understand the constitution of Mississippi.

Mr. SPOONER. They could not any of them understand the constitution of Mississippi, as the Senator from Vermont says. They could remember that ties of father and mother, husband and wife, parent and child, as dear to the heart of a black man as to the heart of a white man, had been rudely broken from time immemorial. They could remember the lash and the taskmaster and the years of unrequited labor, and one would have thought that the opportunity, to such minds, would have brought the idea of revenge, but there was none. They were faithful and true and kind where no other race that ever lived, under the circumstances, would have been as true and as faithful and as kind. I love to read the statement of it by Mr. Grady:

> What of the negro? This of him. I want no better friend than the black boy who was raised by my side, and who is now trudging patiently with downcast eyes and shambling figure through his lowly way of life. I want no sweeter music than the crooning of my old "mammy," now dead and gone to rest, as I heard it when she held me in her loving arms, and bending her old black face above me stole the cares from my brain and led me smiling into sleep. I want no truer soul than that which moved the trusty slave, who for four years, while my father fought with the armies that barred his freedom, slept every night at my mother's chamber door, holding her and her children as safe as if her husband stood guard, and ready to lay down his humble life on her threshold. History has no parallel to the faith kept by the negro in the South during the war.
>
> Often five hundred negroes to a single white man, and yet through these dusky throngs the women and children walked in safety and the unprotected homes rested in peace. Unmarshaled, the black battalions moved patiently to the fields in the morning to feed the armies their idleness would have starved, and at night gathered anxiously at the big house to "hear the news from marster," though conscious that his victory made their chains enduring. Everywhere humble and kindly; the bodyguard of the helpless; the rough companion of the little ones; the observant friend; the silent sentry in his lowly cabin; the shrewd counselor. And when the dead came home, a mourner at the open

grave. A thousand torches would have disbanded every Southern army, but not one was lighted.

When the master, going to a war in which slavery was involved, said to his slave, "I leave my home and loved ones in your charge," the tenderness between man and master stood disclosed. And when the slave held that charge sacred through storm and temptation he gave new meaning to faith and loyalty. I rejoice that when freedom came to him after years of waiting it was all the sweeter because the black hands from which the shackles fell were stainless of a single crime against the helpless ones confided to his care.

When by any race under God's heaven were such fidelity and such forbearance shown before? Oh, I hear sometimes some one say that the South will reap the whirlwind and suggest the torch. I hear it always with a shudder. If I could reach the ear of every black man in the South, in every swamp and lonely cabin, though he be an outlaw, I would beg him never to use the torch in his defense. That means, Mr. President, midnight murder of the defenseless. That means the burning of women and children who are helpless and friendly. It would shock the civilization of the world and turn away the sympathy of mankind. They must be patient. God rules and justice will sooner or later come to them.

Is it asking too much that such a race as that, that such a people as that, should have justice?

We in the North owe much to the colored man. The first blood shed in defense of the colonies was that of a runaway negro slave, Crispus Attucks. The man who shot Major Pitcairn at Bunker Hill was Peter Salem, a negro. Two hundred thousand colored men enlisted in our Army, marched under our flag, stood like trained veteran soldiers under a merciless, pitiless fire again and again.

Mr. President, true as they were to their masters how true they were to the Union soldier who needed a guide, or who needed a crust, or who needed a shelter or escape from the bloodhound, as he found his way faint, hungry, and bewildered from the prison pens of the war.

I know it is said the negroes are of an inferior race. But they are men, Mr. President, with bravery, fidelity, hope, and ambition. They have been made free. They are crowned with the dignity of citizenship. They are entitled to the protection in their rights which the Constitution and the laws throw around all men.

From the standpoint of patriotism, Mr. President, there is room for doubt whether the negro who, though ignorant, is willing to obey the Constitution is not as high in his citizenship as the white man who, though educated, is willing to trample upon it, and defy it, and nullify it.

The guaranties of the Constitution and the majesty of the law are not for any race or class. They are for all, strong or weak, proud or lowly, white or black, rich or poor, learned or ignorant. The power of Government for the protection of its citizens is a trust from the people for all the people. If far away beyond distant seas an American citizen is outraged in his person or property, up into the air goes the flag and redress is demanded. That is right. Is the right of the citizen any less sacred and entitled to protection at home in our own land?

Mr. President, it has often been said in this debate that this bill ought not to pass because public opinion prevailing in the South will not sustain it. The Senator from Nevada [Mr. STEWART] said yesterday in his speech that the right, which years ago he demanded in the Senate should be conferred upon the negro, to vote is suppressed and denied. The Senator says this proposed election law is a good thing to preserve the honesty of elections in the North, but notwithstanding all the frauds and force and destruction of the ballot in the South, it must not be enacted, or if enacted it must not be put in operation in the South because "public opinion" will not support it and it will be resisted by violence and bloodshed. Are we who are sworn to duty under the Constitution, to bow to such a "public opinion" as that? To this complexion have we come at last?

Have we fallen upon a condition in our country which calls for the preservation by law of the purity of the ballot in the North, but which bids us stop at Mason and Dixon's line because public opinion in the South is in favor of dishonest and violent suppression of suffrage? I can not believe it.

They tell us that they are prospering in the South and that such a law will interfere with their prosperity. God knows every man who is fit to be called a man is glad of your prosperity in the South. You can not be too prosperous in the South to please our people. You are our kin; we belong to the same race; we are citizens of the same country. We would withhold no aid to the upbuilding of the South. But is it possible that the prosperity of the South is to be dependent upon nullification of the Constitution, upon the forcible and fraudulent defiance of constitutional right? Is that true? No lasting prosperity can anywhere be builded upon or maintained by force and fraud.

The Senator from West Virginia [Mr. KENNA] said the other day, "There is no new South. Thank God, there is an old South, and there she will ever be." I remember Benjamin H. Hill once said: "There was a South of secession and slavery. That South is dead. There is a South of union and freedom; that South, thank God, is living, breathing, growing every hour." Who was right, the Senator from West Virginia or the great Senator from Georgia? That may not yet be fully settled. For, Mr. President, who can recognize the South as a new South when she comes with a desecrated ballot box in her hand and her heel trampling the neck of a lawful voter under the Constitution? Is there no remedy for this? Are the people to wait until it pleases her to give up this nullification of law?

Mr. President, the only sure foundation of prosperity either North or South is in those conditions which alone can arise and exist out of obedience to law. Liberty is not license. It was once well defined to be, as I remember it now, the right freely to do what the law permits. There can be no solution of this question in any of its relations which is not based upon obedience to law and which is not in accordance with justice. No subterfuge will solve it. The soothing influence of profitable trade will not even lull it for a time to slumber.

I have spoken, Mr. President, much longer than I intended, and I have spoken under great disadvantage, and I know in certain respects with more or less want of compactness. I have attempted fairly and plainly, but after all in a friendly way, to point out some phases of this situation which to the people of the North will some day become, if they are not now, intolerable, and which to the people of the South will some day become, if they are not now, terrible.

Wrongs do not leave off where they begin, but still beget new mischiefs in their course.

Mr. GEORGE. Mr. President, my duties to the Senate, as I understand them, have kept me from attendance on the body for the last four or five days. I did not reach the Senate Chamber this evening, being detained by duties elsewhere of a public nature, until the Senator from Wisconsin [Mr. SPOONER] had about finished what he had to say in regard to the constitution of Mississippi. I was not unaware from what I had heard from various Senators that the constitution of Mississippi had become a subject-matter of discussion in the debate on this bill. We had a premonition of it a few days ago in the speech of the Senator from Oregon [Mr. DOLPH]. I understand we have had a great deal of it to-day, though I have heard very little of it.

I merely now desire to say to the Senate that, before this discussion closes, I shall, if I can get the floor, and I think I can, proceed to answer not only what has been alleged by the Senator from Oregon, but what I understand has probably been alleged by the Senator from Wisconsin against the constitution of Mississippi. I shall do that in due time.

I desire to say now simply, for the information of those who have not read the constitution of Mississippi, that no man is debarred of the right to vote by the constitution of Mississippi who can vote in Connecticut, who can vote in Massachusetts, or who can vote in Wyoming. I believe Wyoming is the new State which has an educational qualification. So, whatever may be alleged against the addition to the reading test, the country and the Senate may understand that any man can vote under the constitution of Mississippi if a resident there who can vote under the constitution of Massachusetts if a resident there, so far as the educational qualification is concerned.

That, sir, is all that I desire to say this evening, it being now after 4 o'clock.

Mr. HOAR. I wish to ask the Senator a question before he sits down, as he has made a statement.

Mr. GEORGE. Very well.

Mr. HOAR. The Senator from Wisconsin who addressed the Senate to-day is not here. I understand that the comment which that Senator made upon the constitution of Mississippi was not that it permitted everybody to vote who could vote in Massachusetts or in other States, but it was that there was in addition to the persons who were so entitled to vote a large uneducated or ignorant mass of voters, and that those were to vote or not by the constitution according as an election officer should think that they understood the constitution or could give a rational interpretation of it; and that that was a scheme which permitted—I will not use the word "designed," because I am repeating the Senator's language and I do not wish to repeat anything that would be construed as imputing a motive of purpose—but a scheme which was so constructed that the white Democratic election officers, if they thought a Republican negro did not give a reasonable interpretation of the constitution or did not understand it, could exclude him, and, if they thought a white Democrat did give a reasonable interpretation or understood it, would admit him. In doing that they might read to the white man, the Democrat, some very simple clause in the Constitution which he would understand and read to the Republican some difficult clause, like something about quo warranto, or mandamus, or chancery law, which he did not understand. That in brief is what I understood was the point.

Mr. GEORGE. I have heard before the objection made as to the uncertainty and indefiniteness of the rule to which the Senator from Massachusetts has alluded. I shall show when I come to address the Senate on that subject that there are ample precedents in the constitutions of several of the States of the Union for that indefinite and uncertain test, not only now existing, but as heretofore existing. To all of that I shall call the attention of the Senate, I think, in a way that will remove the impression sought to be made by the remarks upon that subject.

Mr. EDMUNDS. Would the Senator kindly name one of those State constitutions?

Mr. GEORGE. Idaho is one.

Mr. EDMUNDS. Idaho?

Mr. GEORGE. I think so.

Mr. EDMUNDS. Very well, we will take Idaho.

Mr. GEORGE. Connecticut is one; and I think Vermont is one.

Mr. EDMUNDS. Not at all. I know something about Vermont.

Mr. INGALLS. Mr. President, before this subject passes from the immediate consideration of the Senate, in view of the observations which have been made by the Senator from Mississippi [Mr. GEORGE] and his declaration that he will hereafter justify and approve to the people of the United States the action of the convention recently held in that State, I think it is important that some light should be shed upon the subject as to what the objects and purposes of that convention were, by citations from the debates that occurred while the convention was in session and the comments which were made by the press of Mississippi and the adjoining States while this franchise subject was under debate.

Of course the Senator from Mississippi, having been a member of that body, having abandoned his seat here, to which he was accredited by the action of his State, to appear in that body as a delegate from the State of Mississippi at large, will be able to say whether these quotations are correct and whether the representatives and delegates who made these statements properly represented public opinion and whether their statements are entitled to credit.

I affirm, Mr. President, as my understanding, as my belief, and as the conviction of the great mass of people of the North, that that convention in Mississippi was assembled for the avowed purpose of disfranchising a majority of its citizens who were also citizens of the United States. It was assembled for the express purpose of nullifying and defeating and overthrowing the amendments to the Constitution of the United States, by agreeing to which the State of Mississippi secured its readmission into the National Union.

Mr. President, this is a serious question. I am not here for the purpose of assailing the South or Southern representatives. I have been a believer in reconciliation; I have been a believer in justice; and many times upon this floor I have stood here demanding justice. On more than one occasion I have declared my belief that if the South would be just, if this cause of political estrangement could be removed, the coalition between the great Mississippi Valley, the grain growing and producing region of this country, the granary of the world, and the Gulf States and the Southeast Atlantic States would be instantaneous and complete. They have an identity of interest; they have a community of production; and united they would have control of the political and the fiscal power of this continent.

But, sir, the people of the West feel that they bought the freedom of the slave with a great price. They gave to the people of the South as a compensation for the enfranchisement of the slave forty members of the House of Representatives and an equal number of electors in the Electoral College. The complaint that we make to-day, the complaint that the people of the North make to-day, is that you have retained the representation and you have suppressed the vote. You have violated the compact. You have retained the representation that has given you for fourteen years supremacy in the House of Representatives, and that has on two occasions thwarted the will of the people by placing on one of those occasions in the Presidential chair a man who was never elected to that office in any fair and just sense any more than the Khan of Tartary or the Czar of Russia.

I heard the Senator from Alabama [Mr. MORGAN] the other evening say with something of a sneer, "What have you gentlemen got to say who are here as Republicans representing Democratic States?" Ah, Mr. President, it occurred to me, as it doubtless did to many others, to ask, "Where would be your majority upon that side of the Chamber if those who desired to vote the Republican ticket were permitted to cast their votes and to have them honestly counted?"

But, sir, I said that I rose to throw some light upon the purposes, the objects with which that Mississippi convention assembled, in order that when the Senator from Mississippi [Mr. GEORGE] marshals his facts, calls up his arguments, makes his appeal, he may have the opportunity of replying in this forum, as he had in that, to the assertions made, and which appeared in the public prints, although I believe there was no stenographic report of the proceedings of the convention.

I read from the Clarion-Ledger, printed in Jackson, Miss., upon Thursday, September 18, 1890, from the speech of Hon. W. S. Eskridge, who I suppose to have been correctly stated as a member of that convention. If he is not, if this witness is false, if he has no claim to be heard here, then, of course, the Senator from Mississippi can so state.

Mr. GEORGE. He was a member of the convention.

Mr. INGALLS. Here is what he said:

> We stand confronted, sir, with 70,000 male adult negroes in this State in excess of the white vote, a majority which, if organized and handled by adroit and courageous leaders, might at the ballot box at any election, by taking the white vote unawares, overthrow the present civil government. It is to prevent such a danger and to guard against such a calamity that we are assembled here this day. How is this end to be accomplished? Only, in my judgment, by such an adjustment of the basis of suffrage as will secure to the white race a fixed and permanent majority.

Seventy thousand black adults in excess of white voters in that State, and that convention consisting of delegates representing the political minority in that State assembled for the express purpose of so adjusting suffrage as to secure to that minority of more than 70,000 the fixed and permanent control of that State!

What more did he say?

> The white people of the State want to feel and know that they are protected not only against the probability but the possibility of negro rule and negro domination. They demand this at our hands; it is for this they have sent us here, and nothing short of this will satisfy them or excuse us. The remedy is in our hands; we can, if we will, afford a safe, certain, and permanent white supremacy in our State.

I think, Mr. President, there can not be any doubt what that convention was assembled for. I think there can be no question what that convention sat for. I think there can be no question what the purpose of the white minority of that State was who sent them there; and I hope when the Senator from Mississippi comes to explain that most amazing electoral qualification, which, like the peace of God, passeth all understanding, he will make it plain to his associates upon this floor whether that is not in pursuance of what this delegate avowed was the purpose of the white Democrats of Mississippi in assembling that convention.

It is just to say, however, Mr. President, that the delegate who made this courageous, this open and avowed statement was not contented with the suffrage qualification that I understand was invented by the Senator from Mississippi. He is entitled to a patent for novelty. It is not subject to the censure of the Decalogue. Any man might fall down before it and worship it, for it is like nothing upon the earth, nor in the waters under the earth, nor in the heavens above.

This same delegate, in discussing this qualification which the Senator from Mississippi says was patterned after the State of Connecticut, after the State of Idaho, after the State of Vermont, and which excludes no person in the State of Mississippi who is not excluded now by the suffrage qualifications in the States that he has named—this same delegate was more candid, was more ingenuous, if he was not more courageous, than the Senator from Mississippi in admitting what the convention assembled for. He could not swallow that educational qualification which was invented by the Senator from Mississippi. He said, and this is corroboration, this is re-enforcement, if any were needed, this is fortification, if any were required, of the interpretation that has been placed upon this by the Senators who have dwelt upon it:

> Adopt this qualification and it places in the hands of the officer who is to apply the test the power to defraud and to disfranchise. He may read to one man a very short and plain section of the constitution and ask him if he understands it; receiving a satisfactory answer he registers him as a qualified voter; then comes the next man who can not read; he reads to him a longer and complicated section and propounds the question, Do you understand it? The voter answers unsatisfactorily; the officer says, "You are not competent," and refuses to register him. I give this single example as an illustration of how this will work or how rather it can be worked to the great wrong of the citizen. Now, sir, is our time and opportunity (and the people are looking to us with anxious expectation) to elevate the proud Commonwealth of Mississippi above trickery and fraud and to permanently place her on a plane that will in the future protect her fair fame from destruction and defamation in the conduct of her elections.
>
> Then, sir, after sifting and dissecting this report I do not find in it that settlement of the suffrage problem that will furnish certain, fixed, stable, and permanent white supremacy in this State.

How it rolls as a sweet morsel under his tongue. "Fixed, stable, and permanent white supremacy in this State." Perhaps the Senator from Mississippi can advise me whether the Clarion Ledger is a reputable newspaper; I do not know.

Mr. GEORGE. It is so considered.

Mr. INGALLS. Here is an editorial from the Clarion Ledger dwelling upon what is entitled "That unjust apportionment," and proceeding to discuss the arrangement by which, in addition to this disqualifying provision in the franchise clause, by dint of geographical arrangement and topographical assignment upon the map, permanent and stable white supremacy was to be obtained in the State. After going through with the list of the counties that are to have no increase and the counties that were to have some increase, the editor goes on to say:

> This leaves thirty-three counties, thirty-one of which are classed as "black," without any increase in representation, and that, too, when the census shows a much greater increase in wealth and population in the "black" than in the "white" counties.
>
> There never was a more arbitrary or unjust apportionment than the one suggested by the franchise committee.

Mr. EDMUNDS. Do you mean to say there was a greater increase in the black counties in wealth?

Mr. INGALLS. A greater increase, so this editor says; and the Senator from Mississippi has assured us that this is a reputable paper, published at the capital of the State, where the convention was being held.

> The census shows a much greater increase in wealth and population in the "black" than in the "white" counties.

Mr. EDMUNDS. What is the matter with the colored man, then?

Mr. INGALLS. He votes the Republican ticket—that is what is the matter with the colored man—when he gets a chance. He does not often get a chance down in Mississippi.

> There never was a more arbitrary or unjust apportionment than the one suggested by the franchise committee. It has been most harshly and severely

criticised as a scheme designed to advance the political fortunes of certain persons, who, if reports be true, were willing to sacrifice every other idea for the apportionment scheme.

This subject, Mr. President, appeared to be the occasion of continuing discussion, and on the 2d day of October, in the same newspaper, while the convention was assembled, appears an article headed "The understanding clause; a growing sentiment in favor of its repeal."

The Memphis Appeal has joined the Democratic host in urging that the clause of the franchise article, requiring a voter to "understand the constitution when read to him," be stricken out. It says:

"With the very best intentions and realizing that every power should be placed in the hands of the dominant party and race, the section was adopted and had the support of such thinkers as Senator GEORGE and a majority of the franchise committee. There was but little opposition to it from the press or public at first, because it was considered necessary and expedient, which was a greater argument in its favor than any mere objections of a sentimental nature."

Mr. EDMUNDS. "Sentimental?"

Mr. INGALLS. "Sentimental nature."

As time rolled on and the measure became more understood and its far-reaching effects calculated on, a change came in public sentiment, a change led by the Clarion Ledger and other papers of the State, who saw in it something dangerous that would be a constant menace to white supremacy.

Again and again "white supremacy." Some favored this amendment because it would assist in securing white supremacy, and those who opposed it opposed it because it would endanger white supremacy. There was a concurrence of opinion and of purpose among those who favored it and among those who opposed it, and that was to nullify the constitutional amendments, to disfranchise a majority of the citizens of the State, made so by the Constitution of the United States, and to secure a stable and permanent white supremacy.

Mr. EDMUNDS. May I ask the Senator a question right there?

Mr. INGALLS. Certainly.

Mr. EDMUNDS. I should like to ask the Senator from Kansas whether this famous convention was called in accordance with the constitution of the State of Mississippi, and, whether so or not, if it proposed to submit its deliberations to the people, either way.

Mr. INGALLS. About the question of its being called I know nothing, but I am advised and I believe that, contrary to the usual course pursued in such cases in free communities, where discussion is tolerated and where majorities prevail, this convention declined to submit the result of its deliberations to the people to be voted upon, but that when it adjourned it was in some way arranged and concluded to become the organic law of the State without any further intervention on the part of the voters of that community. In no other way could the adoption of such a monstrous, tyrannical, and despotic device ever have been imposed upon a people claiming to be free.

Mr. EDMUNDS. Now, if the Senator will pardon me, I will add that, having carefully looked at the constitution of Mississippi recently, I am satisfied that this convention came into existence by methods entirely outside of the constitution of the State itself, which provides a particular way for amending itself, which this way was not.

Mr. INGALLS. The editorial from which I was reading continues as follows, speaking about this suffrage clause:

In the first place, it is not honest, because it aims under a different claim to give the election judge the power to disfranchise an intending voter. This is not good government for the reason that the judge of election should not be clothed with any such despotic power. It might be permissible on the score of necessity, providing the election judge would always be a Democrat—

The delightful frankness of the confession!

but in close contests, such as must always result under the apportionment clause, it would be too dangerous an experiment. If in the whirligig of time and the accidents of politics a few men unfaithful to the white race should get in power there is no telling how much damage would result.

If the election judge should happen to act leniently toward the negroes and critically toward the whites the whole machinery of government would be reversed, and that protection which the provision contemplates furnishing the white people would be used as a bludgeon against them, once out of their hands. It should be remembered that when white supremacy is assured and when negro domination is no longer imminent the white people will have taken from them their greatest power of concentration and cohesion, and they will begin to separate and split up into factions, friendly at first, but growing even more and more alienated until bitterness sets in and the colored voter must be coached and cajoled by conflicting sides in order to secure triumph. Moments like these would be the time for some crafty Republican to secure at least a partial triumph which would lead to others, ending in complete supremacy.

Commenting on the understanding clause, the Raymond Gazette says:

For disgraceful absurdity the proposition by the franchise committee of the constitutional convention requiring a voter to understand the constitution when read to him exceeds anything that ever was heard of before.

That is testimony from Mississippi. Upon the second page of this journal, in order that there may be more enlightenment as to this provision, as to the purposes for which the convention assembled, when the Senator from Mississippi comes to defend its provisions, I read from the Vicksburg Post:

The contrivance called a government constructed by the franchise committee is built upon Senator GEORGE's principle of what he terms an "apportionment," but which is more accurately denominated in the political vernacular a "gerrymander." The details may differ from the George plan, which was so universally denounced by the press of the State last summer, but the Senator pervades and infuses it throughout. Its precise practical operation has not been explained so that the entire scheme in all its workings may be clearly understood.

First and foremost by an ingenious arrangement of the counties and a patent gerrymander of the representation in a State holding a 60,000 negro majority, the Legislature is given a white majority in both branches. If all the 60,000 negro majority is voted and honestly counted (and Senator GEORGE's purpose in advocating a convention was the purification of the ballot box) then the Legislature will still have a white majority.

Next, each county is to have as many votes in a so-called electoral college for State officials as it is entitled to representatives in the Legislature. So that, with all the negroes voting and all their votes counted, a minority of voters will elect the State officers. This rests upon the same gerrymander as the legislative apportionment.

But the legislative and executive branches of the government are thus secured to the minority of the legal voters in the State. This means, of course, the absolute control of the entire State government—executive, legislative, and judicial—for the judges and chancellors are appointed by the governor.

This leaves out of the scheme only the county officers, and the Legislature is to be given full and complete power for designating the manner of their selection or appointment. It was vigorously objected to by Colonel Muldrow that the original report of the committee left the counties sticking out in the air unprovided for, as the report did not pretend to regulate the suffrage, and the annexed report was afterwards brought in to meet this objection by turning this question over to the Legislature.

The whole scheme, with all its circumlocution and crooked lines, is perfectly plain to any thinking man. Its purpose could not be plainer if it was declared in the bill of rights that "one of the inalienable rights of a minority of voters is to rule the majority," and that to carry this principle into effect the present scheme is constructed.

As a "sop to Cerberus," to the white men in the black counties, the Australian ballot scheme is thrown in, which opponents assert is simply "an election trick which can in turn be tricked and evaded, which will prove nothing but a cloak for new frauds in elections."

This is very interesting, Mr. President, but it is an embarrassment of riches. There is so much more in the same strain that I am compelled to forego much that I had marked.

Mr. GEORGE. Have it all printed in the RECORD.

Mr. INGALLS. No, not that; there is a rule that forbids it. I will read a part of an editorial from the same paper, entitled "Asked to reconsider."

Commenting on the action of the convention, the Republic thinks that section 5 is "clumsy," and that the convention should revise it, striking out everything that leaves any doubt whatever that the State has planted its government squarely on the foundation of competency for suffrage as tested by ability to read its constitution. Ability to read or understand does not establish such a test, though it does establish an uncertainty of what is the real basis of suffrage.

In the Clarion Ledger of October 9, 1890, is a communication in which the statement is made that—

This particular clause is said to be an emanation from Senator GEORGE. He at least appears to be resentful of any attempt to interfere with it.

Nothing that the convention has done has excited so much distrust of the lasting efficacy of the instrument contemplated as the people's charter of suffrage rights as this proviso, that a voter, if not able to read, must give a reasonable interpretation of any section of the constitution when read to him. It is regarded by many of the very best men of the convention as a manifest sham and a downright misrepresentation of the courage and intelligence of Mississippians.

There are from different papers a list of extracts headed as follows: "Expunge the fraud and save the honor of the State—Rectify the mistake," from the New York World; "An instrument of fraud," from the Port Gibson Reveille; "Are they blind?" from the Vicksburg Post; "Will incur contempt," from the Lexington Advertiser; "Fraud on its face," from the Vicksburg Post; "People dissatisfied with it," "Sufficient to damn it," from the Aberdeen Weekly; "Retrace your steps," from the Vicksburg Post; "Odious section five," from the Natchez Banner; "The people disappointed," from the New Farmer; "Postponed, not settled," from the New Mississippian; "Wipe it out," from the Brandon Republican; "A shameless fraud," from the Grenada Sentinel; "A legal blot," from the Greenville Democrat; "The fly-blown section," from the Yazoo City Herald. The weather was pretty warm apparently. [Laughter.] "Still a chance," from the Aberdeen Examiner; "Gaps for fraud," from the Scooba Herald; "Not too late," from the Brookhaven Leader; "Mr. McGehee repudiates it," from the Natchez Democrat.

In order that the Senator from Mississippi may have the opportunity, when he comes to reply, to say whether these extracts represent any considerable opinion, any respectable opinion in the State of Mississippi, as to the meaning and purpose and object and result of the "understanding clause" in the suffrage paragraph, of which I believe he claims to be the author, I ask to have them inserted in the RECORD.

APPEALS OF THE PRESS.

[From the New York World.]

EXPUNGE THE FRAUD AND SAVE THE HONOR OF THE STATE—RECTIFY THE MISTAKE.

Col. H. L. Muldrow, of the Mississippi constitutional convention, has given notice of his purpose to secure a reconsideration of that part of the educational qualification clause recently adopted, against which the World has already warned the convention.

The clause requires that every voter shall be able either to read the constitution of the State or to understand a passage from it when read to him. The latter provision is objectionable in an extreme degree, because it establishes no certain test and leaves it to the fairness and discretion of election officers to determine a most indeterminate matter.

Such a clause could be easily used for the disfranchisement of all illiterate negroes and not illiterate white men. Whether generally so used or not, it will certainly raise suspicion of unfairness and give occasion for precisely those race conflicts which it is the purpose of the provision to prevent.

The disfranchisement of ignorance should be absolutely fair between the races, and so conspicuously fair that no man can doubt the equity of the law or of its application. The patriotic and self-sacrificing spirit of the colored race, as displayed in the eloquent speech of Delegate Montgomery, is entitled to this recognition.

[From the Port Gibson Reveille.]

AN INSTRUMENT OF FRAUD.

The latter clause of section 5 is being severely and justly criticised by many leading papers in the State on the ground that, as has well been said, it opens

wide a door for fraud. It virtually gives to registrars the power of granting or withholding the right of suffrage in the case of every man who is unable to read. These petty officials alone must decide concerning the illiterate citizen's ability to understand any section of the constitution they may choose to read to him, and he will be registered or rejected at their sovereign will and pleasure. Such power was never before intrusted to such hands in this Republic, and it is easy to see that all manner of fraud may be perpetrated by the registrars under cover of that clause. Every State suffers more or less from corrupt practices at elections, but it was reserved for the State of Mississippi to make its very constitution the instrument and shield of fraud.

[From the Vicksburg Post.]

ARE THEY BLIND?

Strike out the so-called understanding or interpretation of the constitution in the fifth section, and let it stand upon the plain, simple educational feature alone, and put it into effect at once.

That a lot of politicians, fertile in tricks, should concoct this scheme is not inconceivable; but that a man who aspires to statesmanship can cheat his conscience and impose the delusion upon his own mind that such a measure can bring anything but mischief and disaster is simply incredible.

The fierce and relentless torrent of criticism that has been hurled against it in convention, the weak apologies of its friends, the protest coming from so many quarters of the State, are ominous and portentous signs.

Are the advocates or apologists of this scheme so proud of it that they are blind to everything that is transpiring around them?

[From the Lexington Advertiser.]

WILL INCUR CONTEMPT.

If the cowardly and evasive makeshift reported by the franchise committee is adopted Mississippi will incur the contempt of the honesty and intelligence of the Union. It makes neither a property, moral, nor educational qualification for suffrage, but proposes after 1892 to allow the registrars to exclude from suffrage everyone who can not read or construe any constitutional provision to to their satisfaction; in other words, to delegate to partisan officers a discretion which they can exercise in favor of their friends and against their political or race opponents. Such a wicked and silly scheme can be seen through by any man of sense and is indefensible, morally and politically.

[From the Vicksburg Post.]

"FRAUD ON ITS FACE."

We have never seen the press of the State (that is, a large portion of it) so emphatic and pronounced in condemning any measure as it is in regard to the franchise committee's report. We have never heard a measure denounced so severely in a deliberative body as a part of section 5 has been denounced in the convention. And the press outside of the State is almost unanimous in opposition to the "fraud-on-its-face" feature of this section. It is hoped and believed by all well-wishers of Mississippi that the convention will reconsider its action on section 5.

[From the Aberdeen Weekly.]

SUFFICIENT TO DAMN IT.

The man who can read can vote without being able to give a reasonable interpretation of the Constitution. The man who can't read can't vote unless he can give a reasonable interpretation of the Constitution. The sole objection to this rule is the fraudulent uses to which it can be put. Any registrar of voters can enfranchise or disfranchise at will.

Commenting on the above, the Columbus Index says:

"The 'sole objection' referred to is sufficient to damn the whole thing if it be true, as stated, 'any registrar of voters can enfranchise or disfranchise at will or interest.'"

That objection, if it is tenable, is the fly in the pot that spoils the ointment.

The convention was called, so its advocates claimed, to put an end to fraudulent practice and devices.

And when so high an authority as our esteemed contemporary, the Aberdeen Weekly, makes such an admission, it puts the work of the convention under a cloud, and will render it necessary for the so-called solution to Mississippi's suffrage ills to be defended in season and out of season, and places those who undertake its defense before the country, in or out of Congress, at a heavy disadvantage.

To admit the charges made by the press of the State, as well as made in the convention by many of its leading minds, touching the plan now agreed upon, is tantamount to admitting that the convention's work is a vain thing and that wisdom now sees the body should never have convened.

If the room for fraud exists, as charged and stoutly maintained by Judge Chrisman, General W. T. Martin, Major Magruder, and other legal intellects in the convention, and reiterated by so many of the brainiest men of the press of the State, the work of the convention will not live long and its epitaph may be laconically written:

"Weighed in the balance and found wanting."

[From the Vicksburg Post.]

RETRACE YOUR STEPS.

This thing that the committee of thirty-five have conjured up only injects new troubles and continues a condition bordering on revolution and depending upon superficial, artificial, and dangerous experimentation, whose lurking evils and dangers no human mind can fathom. It rests upon no defensible principle and stands as a self-confessed sham. Surely the people of Mississippi deserve something better than this; the real, true manhood of the State reaches higher than the level of this poor contrivance. Surely the virtue of the people must be worthy of candor and ocurage at the very least in whatever may be done in this convention.

The verdict of the masses, based on an intuitive and deep-seated sense of right, is already against the scheme proposed by the franchise committee. No good can come of forcing this measure upon an unwilling people. It is wrong in itself, and that is reason enough why the convention should retrace its steps.

The *personnel* of the convention is not lacking in brains. This is not the trouble. There are numbers of delegates who are giving this committee report only a half-hearted support. It does not satisfy their consciences nor can they possibly delude themselves with the idea that it meets the demands or expectations of the State. What harm can come of boldly doing the right and just thing? What evil can come of rightdoing, and, in the name of justice, what consequences are to be dreaded by those who courageously follow the dictates of a good conscience?

It is by no means too late for the convention to retrace its steps, and the thoroughfare is very plain that leads to the safety of the State.

[From the Natchez Banner.]

ODIOUS SECTION 5.

The more time that is given for consideration, the more objectionable becomes section 5 of the franchise committee's report, which provides that in 1892 every qualified elector shall be able to read any section of the constitution of the State or he shall be able to understand the same when read to him or give a reasonable interpretation thereof.

As is very plain to everyone, the section gives unlimited powers to the election judges, as they alone are to decide upon the question as to whether the illiterate voter understands the constitution or can give reasonable interpretation of the same. To place such a responsibility upon election judges, who are not always chosen for their great ability or long and faithful services, is certainly a weak point in the new constitution so far as adopted.

Aside from the temptation it would give for practicing fraud under the sanction of a constitutional provision, it might eventually prove to be a dangerous weapon which could be used against the party that it was intended to benefit.

We hope that the convention may yet be made to see its blunder, and that, in revising its work, it may see fit to strike out all of section 5 after the word State, which would convert the section into a purely educational qualification, and the only question to be decided by the judges would be the elector's ability to read the constitution.

The press of the country is universal in condemning the part of the section referred to, and if the convention will reconsider the matter it will, no doubt, strike it from the constitution.

[From the New Farmer.]

THE PEOPLE DISAPPOINTED.

The convention has about completed its work upon the suffrage question, and the people are disappointed. What has been done may be well enough, but does it settle the question to the satisfaction of the people? For one we can say that it does not. We were conscientious in our belief that the constitutional convention was needed, and have not changed our mind upon that point. But evidently we had but little need for the convention composed of the men selected. There are many good and true men in that body; indeed, all may be doing what they believe to be the best for the country, but what has been accomplished on the most important question that will come before them?

[From the New Mississippian.]

POSTPONED, NOT SETTLED.

The people looked on with hope and confidence, but the franchise report just adopted by the convention shows how sadly they were doomed to disappointment.

Instead of blazoning the pathway to the successful solution of the question that peace and quietude might come to the land and other States similarly conditioned might follow in its wake, it has sacrificed principles to policies and preferred temporizing expedients to final and permanent settlement.

If the mongrel, hotch-potch suffrage scheme of a $2 poll tax, a two years' residence, a secret ballot, a dishonest gerrymander, and an ability to "understand the constitution or interpret it" to the satisfaction of an irresponsible dollar-a-day election officer gives legal, peaceful white supremacy in this State for more than five or ten years, then it will be because the negro will have abandoned politics or natural results cease to flow from given conditions.

[From the Brandon Republican.]

WIPE IT OUT.

The ballot-box-stuffer, under the old constitution and laws, can be punished for his crime, but the judges of election can not, because the new constitution confers upon them the power to commit the fraud by making a fraudulent decision from which there is no appeal. Such a clause in our constitution will be a lasting disgrace to the State, and especially to those who put it there. Wipe it out, and if there is a necessity for swindling men out of their votes, do it in an open manner, and not by a fraudulent and deceptive fraud clause in the constitution. Don't say that you are trying to put a stop to ballot-box swindling by our young men, and at the same time insert a clause in the constitution to enable judges of election to do the swindling.

[From the Grenada Sentinel.]

A SHAMELESS FRAUD.

The clause of the franchise article in the constitution as passed by the constitutional convention, requiring the voter to "understand the constitution when read to him," has unmitigated, open, and shameless fraud stamped upon its face. It will recoil to perplex its advocates, and may end in disaster, even in blood. It will be, to our mind, the biggest wedge and most easily driven, to split the Democratic party, of anything that has occurred in many years. The Sentinel places itself on record as unalterably opposed to any such barefaced political atrocity.

The Sentinel still hopes for the good of the party and the welfare of the people that this clause will be reconsidered and stricken out.

[From the Greenville Democrat.]

A LEGAL BLOT.

The adoption of section 5 of the franchise committee's report, if finally made a part of the constitution of the State, will be a legal blot upon the escutcheon of Mississippi. The idea of a registrar being the judge of a man's ability "to understand the constitution when read to him!" The clause is a colossal fraud upon its face; a transparent, outrageous fraud; a fraud that the people of Mississippi can not afford to indorse or sustain. We hope to see the convention yet reconsider the adoption of section 5 and blot it from the face of the new constitution.

[From the Yazoo City Herald.]

THE FLYBLOWN SECTION.

The Brookhaven Leader calls it "flyblown section 5," which, being interpreted, means that the section of the franchise committee's report is badly tainted. Well, it does savor of corruption and if the members of the committee had not all been suffering from bad colds in the head they would have scented the bad odor arising from the aforesaid section immediately after writing it.

[From the Aberdeen Examiner.]

STILL A CHANCE.

There is still a chance that the convention may reconsider the ridiculous and odious section in the franchise clause which provides that illiterate voters shall be qualified for suffrage if able to understand the constitution when read to them.

[From the Scooba Herald.]

GAPS FOR FRAUD.

The press of the State are not satisfied with the work of the constitutional convention. The franchise clause does not come up to the expectations of the people: too many gaps left down for fraud and rascality at the polls.

[From the Brookhaven Leader.]

NOT TOO LATE.

It is not too late for the convention to do the clean, honest, decent, manly thing, and reconsider its action on "fly-blown" section 5. For the honor of the convention, for the good name of Mississippi, let this be done.

MR. M'GEHEE REPUDIATES IT.

The Natchez Democrat having said that Hon. G. T. McGehee was the author of the "understanding clause" in section 5, that gentleman writes the paper as follows:

"Not willing to rest under any such imputation, I write to disclaim the paternity of anything so vague in its application and uncertain in its effects. I was a member of the subcommittee who drew up the franchise clause, but opposed this particular clause throughout. When, however, I found that the white-

county men would agree to nothing more stringent, I with the other black-county men took it on the principle that 'half a loaf is better than no bread.'

"I had no political aspirations, and therefore am indifferent about making a record, but having sins enough of my own to answer for I must decline the honor of fathering this little deformity.

"Please undo what you have done in the above-named editorial, and so restore me the good opinion of my friends."

Mr. HIGGINS. It was understood that I should go on at this time, but it is now a late hour and therefore I will yield to a motion to adjourn or to go into executive session.

Mr. HOAR. I move that the Senate proceed to the consideration of executive business.

Mr. VEST. I desire to submit a conference report.

Mr. HOAR. I understand the Senator from Missouri desires to present a conference report. I will withdraw the motion for an executive session with the leave of the Senate.

The PRESIDING OFFICER (Mr. HALE in the chair). The motion is withdrawn, and the Senator from Missouri is recognized to present a conference report.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the bill (S. 3206) releasing S. H. Brooks, assistant treasurer of the United States, and his securities on his official bond.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 4809) for cancellation of contract with United States engineer for delivery of stone for the improvement of the mouth of the Columbia River in Oregon and Washington;

A bill (H. R. 6586) amending the act of July 20, A. D. 1882, dividing the State of Iowa into two judicial districts;

A bill (H. R. 12536) to facilitate the collection of commercial statistics required by section 2 of the river and harbor appropriation acts of 1866 and 1867; and

A bill (H. R. 12042) to authorize the construction of a tunnel under the waters of New York Bay, between the town of Middletown, in the county of Richmond, and the town of New Utrecht, in the county of Kings, in the State of New York, and to establish the same as a post road.

The message further announced that the House had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the House to the following bills:

A bill (S. 875) to provide for the erection of a public building in the city of Norfolk, Va.;

A bill (S. 902) for the erection of a public building at Sioux City, Iowa;

A bill (S. 1230) for the erection of a public building in the city of Pawtucket, R. I.;

A bill (S. 1590) to provide for the construction of a public building in the city of Stockton, Cal.;

A bill (S. 2349) to provide for the purchase of a site and the erection of a public building thereon at Kansas City, in the State of Missouri; and

A bill (S. 2816) for the erection of a public building at Newburgh, N. Y.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice President:

A bill (S. 3929) authorizing the city of Albany, in the county of Linn, State of Oregon, to construct a bridge across the Willamette River, in said State;

A bill (S. 4561) authorizing the Bowling Green and Northern Railroad Company to bridge Green and Barren Rivers;

A bill (H. R. 256) providing for a public building in South Bend, Ind.;

A bill (H. R. 4728) for the relief of Henry W. Burlingame;

A bill (H. R. 3279) for the erection of a public building at Rome, Ga.;

A bill (H. R. 630) to provide for the erection of a public building at Reidsville, N. C.; and

A bill (H. R. 1676) increasing the pension of Eliza B. Dorrance, widow of the late George W. Dorrance, chaplain United States Army.

PUBLIC BUILDING AT KANSAS CITY, MO.

Mr. VEST submitted the following report:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2349) to provide for the purchase of a site and the erection of a public building thereon at Kansas City, in the State of Missouri, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreements to the amendments of the House, and agree to the same with an amendment as follows:

In lieu of the part proposed to be stricken out, strike out all after the word "dollars," in line 10, page 1, to the end of the bill, and insert:

"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.

"No money shall be used for the purpose mentioned until a valid title to the site for said building shall be vested in the United States, nor until the State of Missouri 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.

"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."

JOHN C. SPOONER,
G. G. VEST.
Managers on the part of the Senate.
S. L. MILLIKEN,
P. S. POST.
Managers on the part of the House.

[Fifty-first Congress, second session.]

CONGRESS OF THE UNITED STATES,
In the House of Representatives, December 20, 1890.

Resolved, That the House agree to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2349) to provide for the purchase of a site and the erection of a public building thereon at Kansas City, in the State of Missouri.

Attest: EDWD. MCPHERSON, *Clerk.*

The PRESIDING OFFICER (Mr. HALE in the chair). The question is on the adoption of the report.

The report was concurred in.

KING THEOLOGICAL HALL.

Mr. SPOONER. I present a privileged report, which requires no action, as I understand, on the part of the Senate, as the House recedes from its amendment to the Senate bill.

The PRESIDING OFFICER. The report will be read.

The Chief Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to the bill (S. 881) to incorporate the King Theological Hall, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 1, 2, 3, 4, and 5, and agree to the same.

That the House recede from its amendment numbered 6.

J. C. SPOONER,
ANTHONY HIGGINS,
ISHAM G. HARRIS,
Managers on the part of the Senate.
LOUIS E. ATKINSON,
PHILIP SIDNEY POST,
JOHN J. HEMPHILL,
Managers on the part of the House.

Mr. EDMUNDS. Is the bill here?

The PRESIDING OFFICER. The Chair is informed that the bill has not come over from the House of Representatives.

Mr. EDMUNDS. Then the report ought to be laid aside until we can get the bill.

Mr. SPOONER. Very well.

Mr. COCKRELL. Let the report be printed, so that we can see it.

Mr. EDMUNDS. Yes, let it be printed.

The PRESIDING OFFICER. Having been read, the report will be printed in the RECORD.

Mr. HARRIS. As to the conference report which has just been read, when the bill comes to the Senate, I suggest that the report had better be printed in connection with the bill, so that the Senate can understand exactly what the action of the conferees has been.

PUBLIC BUILDING BILLS.

Mr. SPOONER. I present several conference reports on public building bills. I ask that they may be printed and lie upon the table.

The PRESIDING OFFICER. That order will be made.

The reports are as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 875) to provide for the erection of a public building in the city of Norfolk, Va., having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreements to the amendments of the House, and agree to the same with an amendment as follows:

In lieu of the part proposed to be stricken out, strike out all after the word "dollars," in line 11, and insert:

"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.

"No money shall be used for the purpose mentioned until a valid title to the site for said building shall be vested in the United States, nor until the State of Virginia 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.

"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."

JOHN C. SPOONER,
G. G. VEST,
Managers on the part of the Senate.
S. L. MILLIKEN,
P. S. POST,
Managers on the part of the House.

[Fifty-first Congress, second session.]

CONGRESS OF THE UNITED STATES,
In the House of Representatives, December 20, 1890.

Resolved, That the House agree to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 875) to provide for the erection of a public building in the city of Norfolk, in the State of Virginia.

Attest:

EDWD. McPHERSON, *Clerk.*

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 902) for the erection of a public building at Sioux City, Iowa, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreements to the amendments of the House, and agree to the same with an amendment as follows:

Strike out all after the word "dollars," on page 10, to the end of the bill, and insert:

"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.

"No money shall be used for the purpose mentioned until a valid title to the site for said building shall be vested in the United States, nor until the State of Iowa 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.

"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."

JOHN C. SPOONER,
G. G. VEST,
Managers on the part of the Senate.
S. L. MILLIKEN,
P. S. POST,
Managers on the part of the House.

[Fifty-first Congress, second session.]

CONGRESS OF THE UNITED STATES,
In the House of Representatives, December 20, 1890.

Resolved, That the House agree to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 902) for the erection of a public building at Sioux City, Iowa.

Attest:

EDWD. McPHERSON, *Clerk.*

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1230) for the erection of a public building in the city of Pawtucket, R. I., having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House, and agree to the same with an amendment as follows:

In lieu of the part proposed to be stricken out, strike out all after the word "dollars," in line 10, to the end of the bill and insert:

"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, acompanied 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.

"No money shall be used for the purpose mentioned until a valid title to the site for said building shall be vested in the United States, nor until the State of Rhode Island 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.

"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."

JOHN C. SPOONER,
G. G. VEST,
Managers on the part of the Senate.
S. L. MILLIKEN,
P. S. POST,
Managers on the part of the House.

[Fifty-first Congress, second session.]

CONGRESS OF THE UNITED STATES,
In the House of Representatives, December 20, 1890.

Resolved, That the House agree to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1230) for the erection of a public building in the city of Pawtucket, R. I.

Attest:

EDWD. McPHERSON, *Clerk.*

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1518) to provide for the purchase of a site and the erection of a public building thereon at Taunton, in the State of Massachusetts, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with an amendment as follows:

In lieu of the part proposed to be stricken out, strike out all after the word "dollars," in line 12, to the end of the bill, and insert:

"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 actual traveling expenses: *Provided, however*, That the member of said commission appointed from the Treasury Department shall be paid only his actual traveling expenses.

"No money shall be used for the purpose mentioned until a valid title to the site for said building shall be vested in the United States, nor until the State of Massachusetts 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.

"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."

JOHN C. SPOONER,
G. G. VEST,
Managers on the part of the Senate.
S. L. MILLIKEN,
P. S. POST,
Managers on the part of the House.

[Fifty-first Congress, second session.]

CONGRESS OF THE UNITED STATES,
In the House of Representatives, December 20, 1890.

Resolved, That the House agree to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1548) to provide for the purchase of a site and the erection of a public building thereon at Taunton, in the State of Massachusetts.

Attest:

EDWD. McPHERSON, *Clerk.*

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1590) to provide for the construction of a public building in the city of Stockton, Cal., having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreements to the amendments of the House, and agree to the same with an amendment as follows:

In lieu of the part proposed to be stricken out, strike out all after the word "dollars," in line 11, page 1, to the end of the bill, and insert:

"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.

"No money shall be used for the purpose mentioned until a valid title to the site for said building shall be vested in the United States, nor until the State of California 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.

"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."

JOHN C. SPOONER,
G. G. VEST,
Managers on the part of the Senate.
S. L. MILLIKEN,
P. S. POST.
Managers on the part of the House.

[Fifty-first Congress, second session.]

CONGRESS OF THE UNITED STATES,
In the House of Representatives, December 20, 1890.

Resolved, That the House agree to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1590) to provide for the construction of a public building in the city of Stockton, Cal.

Attest:

EDWD. McPHERSON, *Clerk.*

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2816) for the erection of a public building at Newburgh, N. Y., having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with an amendment as follows: Strike out all after the word "dollars," in line 12, and insert:

"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.

"No money shall be used for the purpose mentioned until a valid title to the site for said building shall be vested in the United States, nor until the State of New York 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.

"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."

JOHN C. SPOONER,
G. G. VEST,
Managers on the part of the Senate,
S. L. MILLIKEN,
P. S. POST,
Managers on the part of the House.

[Fifty-first Congress, second session.]

CONGRESS OF THE UNITED STATES,
In the House of Representatives, December 20, 1890.

Resolved, That the House agree to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2816) for the erection of a public building at Newburgh, N. Y.

Attest:

EDWD. McPHERSON, *Clerk.*

EXECUTIVE SESSION.

Mr. SPOONER. I move 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 five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 5 minutes p. m.) the Senate adjourned until Monday, December 22, 1890, at 10 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate the 20th day of December, 1890.

SURVEYORS OF CUSTOMS.

Henry L. Hines, of Massachusetts, to be surveyor of customs for the port of Springfield, in the State of Massachusetts. Office created by act of Congress approved September 25, 1890.

Albert L. Schimpff, of Illinois, to be surveyor of customs for the port of Peoria, in the State of Illinois. Office created by act of Congress approved September 29, 1890.

HOUSE OF REPRESENTATIVES.

SATURDAY, *December* 20, 1890.

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

APPROVAL OF THE JOURNAL.

The Journal of yesterday's proceedings was read.

The SPEAKER. Without objection, the Journal will be considered as approved.

Mr. ROGERS. Mr. Speaker, I object to the approval of the Journal in that way.

The SPEAKER. Then the question is upon the approval of the Journal.

The question being taken; there were on a division (called for by Mr. ROGERS)—ayes 68, noes none.

Mr. ROGERS. No quorum.

Mr. MCKINLEY. Mr. Speaker, I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 176, nay 1, not voting 154; as follows:

YEAS—176.

Adams,	Clark, Wyo.	Grout,	Milliken,
Alderson,	Clarke, Ala.	Hall,	Mills,
Allen, Mich.	Clements,	Haugen,	Moffitt,
Andrew,	Clunie,	Haynes,	Montgomery,
Atkinson, Pa.	Cobb,	Henderson, Ill.	Morrow,
Atkinson, W. Va.	Cogswell,	Henderson, Iowa	Morse,
Baker,	Comstock,	Henderson, N. C.	Mutchler,
Banks,	Craig,	Hermann,	Niedringhaus,
Bartine,	Crain,	Hill,	Oates,
Bayne,	Crisp,	Holman,	O'Donnell,
Belknap,	Culbertson, Pa.	Houk,	O'Ferrall,
Bergen,	Culberson, Tex.	Kelley,	O'Neall, Ind.
Biggs,	Cummings,	Kennedy,	O'Neil, Mass.
Bingham,	Dalzell,	Kerr, Iowa	O'Neill, Pa.
Blanchard,	Dickerson,	Ketcham,	Osborne,
Blount,	Dingley,	Kinsey,	Owens, Ohio
Boothman,	Dockery,	Lacey,	Parrett,
Boutelle,	Dolliver,	Laidlaw,	Payne,
Breckinridge, Ark.	Dorsey,	Lane,	Payson,
Brewer,	Dunnell,	Langston,	Peel,
Brickner,	Ellis,	Lanham,	Penington,
Brookshire,	Enloe,	Laws,	Pickler,
Brosius,	Evans,	Lester, Ga.	Pierce,
Buchanan, N. J.	Farquhar,	Lewis,	Pindar,
Buchanan, Va.	Finley,	Lind,	Post,
Burrows,	Fithian,	Lodge,	Quackenbush,
Bynum,	Flick,	Maish,	Raines,
Candler, Ga.	Flower,	Mansur,	Randall,
Candler, Mass.	Forney,	Martin, Ind.	Ray,
Cannon,	Funston,	Martin, Tex.	Reed, Iowa
Carter,	Gear,	McComas,	Reyburn,
Caruth,	Geary,	McKenna,	Richardson,
Caswell,	Geissenhainer,	McKinley,	Robertson,
Cheatham,	Gest,	McMillin,	Rockwell,
Chipman,	Grimes,	Miles,	Rogers,

Rowell,	Spinola,	Struble,	Vandever,
Russell,	Spooner,	Sweney,	Van Schaick,
Sayers,	Springer,	Taylor, Ill.	Washington,
Scranton,	Stewart, Vt.	Taylor, J. D.	Wheeler, Mich.
Scull,	Stivers,	Thompson,	Whitelaw,
Sherman,	Stockdale,	Townsend, Colo.	Wike.
Simonds,	Stone, Ky.	Tracey,	Williams, Ill.
Smith, W. Va.	Stone, Mo.	Tucker,	Williams, Ohio
Smyser,	Stone, Pa.	Turner, Ga.	Yoder.

NAY—1.

Kilgore.

NOT VOTING—154.

Abbott,	Cutcheon,	Lester, Va.	Skinner,
Allen, Miss.	Dargan,	Magner,	Smith, Ill.
Anderson, Kans.	Darlington,	Mason,	Snider,
Anderson, Miss.	Davidson,	McAdoo,	Stahlnecker,
Arnold,	De Lano,	McCarthy,	Stephenson,
Bankhead,	Dibble,	McClammy,	Stewart, Ga.
Barnes,	Dunphy,	McClellan,	Stewart, Tex.
Barwig.	Edmunds,	McCord,	Stockbridge,
Beckwith,	Ewart,	McCormick,	Stump,
Belden,	Featherston,	McCreary,	Sweet,
Bland,	Fitch,	McDuffie,	Tarsney,
Bliss,	Flood,	McRae,	Taylor, E. B.
Boatner,	Forman,	Miller,	Taylor, Tenn.
Bowden,	Fowler,	Moore, N. H.	Thomas,
Breckinridge, Ky.	Frank,	Moore, Tex.	Tillman,
Brower,	Gibson,	Morey,	Townsend, Pa.
Brown, J. B.	Gifford,	Morgan,	Turner, Kans.
Browne, T. M.	Goodnight,	Morrill,	Turner, N. Y.
Browne, Va.	Greenhalge,	Mudd,	Vaux,
Brunner,	Grosvenor,	Norton,	Waddill,
Buckalew,	Hansbrough,	Nute,	Wade,
Bullock,	Hare,	Outhwaite,	Walker,
Bunn,	Harmer,	Owen, Ind.	Wallace, Mass.
Burton,	Hatch,	Paynter,	Wallace, N. Y.
Butterworth,	Hayes, W. I.	Perkins,	Wheeler, Ala.
Caldwell,	Hays, E. R.	Perry,	Whiting,
Campbell,	Heard,	Peters,	Whitthorne,
Carlton,	Hemphill,	Phelan,	Wickham,
Catchings,	Herbert,	Price,	Wiley,
Cheadle,	Hitt,	Pugsley,	Wilkinson,
Clancy,	Hooker,	Quinn,	Willcox,
Clark, Wis.	Hopkins,	Reilly,	Wilson, Ky.
Coleman,	Kerr, Pa.	Rife,	Wilson, Mo.
Connell,	Knapp,	Rowland,	Wilson, Wash.
Cooper, Ind.	La Follette,	Rusk,	Wilson, W. Va.
Cooper, Ohio	Lansing,	Sanford,	Wright,
Cothran,	Lawler,	Sawyer,	Yardley.
Covert,	Lee,	Seney,	
Cowles,	Lehlbach,	Shively,	

So the Journal was approved.

The following pairs were announced:

Until further notice:

Mr. FLOOD with Mr. DARGAN.

Mr. SNIDER with Mr. MAGNER.

Mr. FRANK with Mr. BLAND.

Mr. BROWNE, of Virginia, with Mr. NORTON.

Mr. COOPER, of Ohio, with Mr. DAVIDSON.

Mr. MORRILL with Mr. STEWART, of Georgia.

Mr. HITT with Mr. PRICE.

Mr. HOPKINS with Mr. HATCH.

Mr. GROSVENOR with Mr. COWLES.

Mr. THOMAS M. BROWNE with Mr. BANKHEAD.

Mr. BOWDEN with Mr. LESTER, of Virginia.

Mr. TAYLOR, of Tennessee, with Mr. BARWIG.

Mr. STEPHENSON with Mr. MCCLAMMY.

Mr. DE LANO with Mr. ROWLAND.

Mr. CLARK, of Wisconsin, with Mr. ANDERSON, of Mississippi.

Mr. LEHLBACH with Mr. STUMP.

Mr. BLISS with Mr. WHITING.

Mr. PETERS with Mr. DOCKERY.

Mr. MCCORMICK with Mr. REILLY.

Mr. MASON with Mr. FORMAN.

Mr. WALLACE, of Massachusetts, with Mr. ANDREW.

Mr. PUGSLEY with Mr. WHITTHORNE.

Mr. MILES with Mr. WILLCOX.

Mr. MOORE, of New Hamphshire, with Mr. WILKINSON.

Mr. WADE with Mr. WILSON, of Missouri.

Mr. ARNOLD with Mr. WALTER I. HAYES.

Mr. YARDLEY with Mr. COTHRAN.

Mr. DARLINGTON with Mr. CLUNIE.

Mr. KNAPP with Mr. PERRY.

On this vote:

Mr. HARMER with Mr. LEE.

Mr. WADDILL with Mr. CLANCY.

Mr. WICKHAM with Mr. EDMUNDS, for this day.

Mr. MILLIKEN with Mr. DIBBLE, until January 2, 1891.

Mr. HALL with Mr. SKINNER, until January 5, 1891.

Mr. ANDREW. I am paired with my colleague from Massachusetts, Mr. WALLACE, but have voted in order to make a quorum.

The result of the vote was announced as above stated.

UNITED STATES MAPS.

Mr. PAYSON. Mr. Speaker, I ask unanimous consent for the present consideration of Senate joint resolution No. 82, concerning the publication of the United States map for the use of Congress, which I send to the desk.

The Clerk read as follows:

Resolved, etc., That the joint resolution of January 23, 1889, providing for the publication of the United States map for the use of Congress, be amended by substituting the words "latest edition" in the place of "edition of 1887," so that it shall read: "The United States map prepared by the General Land Office, of the latest edition."

Mr. ROGERS. Mr. Speaker, subject to the right of objection, I would like to make an inquiry. I notice that this resolution, if I am not mistaken in the reading of it, was passed the latter part of January, 1889.

Mr. PAYSON. No; the resolution which is proposed to be amended was passed in 1889.

Mr. ROGERS. Well, the resolution to which reference is made here passed at that time. Now, I wish to ask——

Mr. PAYSON. Let me state to the gentleman that this is simply to amend that resolution.

Mr. ROGERS. If it has been two years since we passed the resolution and we have not got any maps yet, I wish to ask how long it will likely be, if we adopt the present resolution in the shape of an amendment, before we may expect to receive some of them.

Mr. PAYSON. I can answer by saying that when the resolution referred to here was passed a new edition of the map was being prepared in the General Land Office, but it was delayed for some reason or other. It has now been prepared, however, and the effect of the passage of this resolution will be to furnish the new maps rather than an edition that is out of date.

Mr. RICHARDSON. Let me ask the gentleman if there is an estimate of the cost of the publication?

Mr. PAYSON. This is an amendment to the Senate resolution passed in the last Congress, for which an appropriation was then made, and the money has not been expended. It does not increase the expense of the preparation of the maps, but simply applies the appropriation then made to the new addition in place of to the old one. In other words, it furnishes a new map instead of an old one.

There being no objection, the joint resolution was ordered to a third reading; and being read the third time, was passed.

REPRINT OF CERTAIN HOUSE BILLS.

Mr. BAKER. Mr. Speaker, I ask unanimous consent that a reprint be ordered for the use of the Committee on Commerce of the bill (H. R. 10172) to amend section 22 of an act entitled "An act to regulate commerce," approved February 4, 1887, and amended March 2, 1889, so as to give common carriers the right to allow a greater weight of sample baggage to commercial travelers and their employés and reduced rates of transportation, and of the bill (H. R. 10173) to amend section 22 of an act entitled "An act to regulate commerce," approved February 4, 1887, and as amended March 2, 1889.

There was no objection, and it was so ordered.

FORT ELLIS MILITARY RESERVATION.

Mr. CARTER. I rise to submit a privileged report from a committee of conference on the bill (H. R. 8049) to provide for the disposition of the abandoned Fort Ellis military reservation in Montana.

The report was read at length.

The SPEAKER. The question is on agreeing to the conference report.

Mr. ROGERS. Is there a statement accompanying the report?

The SPEAKER. The Chair is informed that the statement was read on a former occasion.

Mr. HOLMAN. I think only the report was read.

Mr. CARTER. I will say to the gentleman that this report was read and fully explained on the last day of the last session of the House.

The SPEAKER. The Chair is informed that there is no statement accompanying the present report.

Mr. ROGERS. Let the gentleman withdraw the report and submit a statement hereafter. We want to understand what it is.

The SPEAKER. The point of order is well taken.

PUBLIC BUILDING, KANSAS CITY, MO.

Mr. MILLIKEN. Mr. Speaker, I submit a privileged report from a committee of conference.

The SPEAKER. The report will be read.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2349) to provide for the purchase of a site and the erection of a public building thereon at Kansas City, in the State of Missouri, having met, after a full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreements to the amendments of the House, and agree to the same with an amendment as follows: In lieu of the part proposed to be stricken out strike out all after the word "dollars," in line 10, page 1, to the end of the bill, and insert:

"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 re-

port 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 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.

"No money shall be used for the purpose mentioned until a valid title to the site for said building shall be vested in the United States, nor until the State of Missouri 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.

"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."

S. L. MILLIKEN,
P. S. POST,
Managers on the part of the House.
JOHN C. SPOONER,
G. G. VEST,
Managers on the part of the Senate.

The statement accompanying the report was read, as follows:

The effect of the amendments, as agreed to in conference, is to leave the bill as amended by the House, with certain verbal amendments to make the bill conform throughout to the House amendments, excluding clauses that became surplusage in the bill as amended by the House.

Mr. DOCKERY. I understand from the reading of the statement that the conference report makes no material change in the bill as it passed the House, the changes being verbal only.

Mr. MILLIKEN. I will state to the gentleman and to the House that the Senate bills all contained appropriations. The House struck out the appropriations, but did not strike out all the references in the bills to the appropriations, which thus became surplusage, and the only change now is to strike out this surplusage and make the bill conform to the amendment of the House. There is no change in the amount or in any other respect.

Mr. DOCKERY. It is substantially in all respects the bill as it passed the House.

Mr. MILLIKEN. That is all; only perfected in the text.

Mr. HOLMAN. And makes no appropriation?

Mr. MILLIKEN. Makes no appropriation; but strikes out the references to the appropriation put in by the House.

The report of the conference committee was adopted.

Mr. DOCKERY moved to reconsider the vote by which the conference report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PUBLIC BUILDING AT STOCKTON, CAL.

Mr. MILLIKEN. Mr. Speaker, I also submit the following conference report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1590) to provide for the construction of a public building in the city of Stockton, Cal., having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreements to the amendments of the House, and agree to the same with an amendment as follows:

In lieu of the part proposed to be stricken out, strike out all after the word "dollars," in line 11, page 1, to the end of the bill, and insert:

"Proposals for 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 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.

"No money shall be used for the purpose mentioned until a valid title to the site for said building shall be vested in the United States, nor until the State of California 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.

"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."

S. L. MILLIKEN,
P. S. POST,
Managers on the part of the House.
JOHN C. SPOONER,
G. G. VEST,
Managers on the part of the Senate.

Pending the reading of the conference report,

Mr. MILLIKEN said: Mr. Speaker, all of these reports are to the same effect. I will, therefore, ask unanimous consent that the statement of the conferees be read and that reading of the reports be dispensed with. They are all the same.

The SPEAKER. There are no changes in the amounts?

Mr. MILLIKEN. There are no changes in the amounts. There is no change in the substance of the bills. They are simply perfected and the changes are verbal.

Mr. HOLMAN. I think it better to have the report read.

Mr. MILLIKEN. Allow me to say to my friend from Indiana [Mr. HOLMAN] that I can explain it so clearly that there will be no misunderstanding about it. I say again the House struck out the appropriation. There were certain references to the appropriation in the bill, which references were not stricken out, although the appropriation was stricken out. Now this report strikes out those references and makes the bill a perfect one. There is no change in the amount and no change in the substance. I ask unanimous consent that the reading be dispensed with, simply to save time. It will be only a repetition of what we have already heard.

The SPEAKER. The gentleman from Maine [Mr. MILLIKEN] asks unanimous consent to dispense with the reading of the report. Is there objection?

Mr. RICHARDSON. Mr. Speaker, we want to hear the report. I object.

Mr. MILLIKEN. You will hear the same thing right over again.

The Clerk then resumed and concluded the reading of the report.

The statement of the House conferees was read, as follows:

The effect of the amendments, as agreed to in conference, is to leave the bill as amended by the House, with certain verbal amendments to make the bill conform throughout to the House amendments, excluding clauses that became surplusage in the bill as amended by the House.

The conference report was adopted.

Mr. DOCKERY. I move to reconsider the vote by which the conference report on the bill (S. 2349) to provide for the purchase of a site and the erection of public building thereon at Kansas City, in the State of Missouri, was adopted; and also move to lay the motion to reconsider upon the table.

Mr. KERR, of Iowa. I hope that will not be done at the present time, and I object.

The SPEAKER. The motion can be entered.

Mr. BIGGS. I make the same motion in reference to the adoption of the conference report on the bill relative to the public building at Stockton, Cal.

The SPEAKER. The motion can be entered.

Mr. DOCKERY. Is it not a privileged motion?

The SPEAKER. It is not a privileged motion as to its consideration. It can be entered.

PUBLIC BUILDING AT PAWTUCKET, R. I.

Mr. MILLIKEN. I also submit the following conference report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1230) for the erection of a public building in the city of Pawtucket, R. I., having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House, and agree to the same with an amendment as follows:

In lieu of the part proposed to be stricken out, strike out all after the word "dollars," in line 10, to the end of the bill, and insert:

"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 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 sub-

mitted 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.

"No money shall be used for the purpose mentioned until a valid title to the site for said building shall be vested in the United States, nor until the State of Rhode Island 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.

"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."

S. L. MILLIKEN,
P. S. POST,
Managers on the part of the House.
JOHN C. SPOONER,
G. G. VEST,
Managers on the part of the Senate.

Pending the reading of the conference report,

Mr. CLUNIE said: Mr. Speaker, I move that the formal parts of the report be omitted.

The SPEAKER. The gentleman from California [Mr. CLUNIE] asks unanimous consent to omit the formal parts of the report.

Mr. CLUNIE. The reports are the same in all the bills. They come from our committee, and I know that to be the fact.

Mr. ROGERS. Mr. Speaker, we once got the State of Texas into Oklahoma Territory when we passed the Oklahoma bill. I am afraid they might get one of these public buildings by accident down into my State, and I must object. [Laughter.]

The Clerk resumed and concluded the reading of the conference report.

The statement of the House conferees was read, as follows:

The effect of the amendments as agreed to in conference is to leave the bill as amended by the House with certain verbal amendments to make the bill conform throughout to the House amendments, excluding clauses that became surplusage in the bill as amended by the House.

The SPEAKER. The question is on the adoption of the conference report.

The conference report was adopted.

PUBLIC BUILDING AT NEWBURGH, N. Y.

Mr. MILLIKEN. I also submit the following conference report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2816) for the erection of a public building at Newburgh, N. Y., having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with an amendment as follows:

Strike out all after the word "dollars," in line 12, and insert:

"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 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.

"No money shall be used for the purpose mentioned until a valid title to the site for said building shall be vested in the United States, nor until the State of New York 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.

"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."

S. L. MILLIKEN,
P. S. POST,
Managers on the part of the House.
JOHN C. SPOONER,
G. G. VEST,
Managers on the part of the Senate.

Pending the reading of the report,

Mr. MILLIKEN said: Mr. Speaker, I am going again to ask unanimous consent that the formal reading of the report, which is a mere repetition of the other reports, may be omitted, so as not unnecessarily to occupy the time of the House.

The SPEAKER. The gentleman from Maine asks unanimous consent that the reading of the report may be omitted for the reasons he has stated to the House.

Mr. SPRINGER. Let the statement of the conferees be read.

Mr. MILLIKIN. The statement will be read. It is the same as the others exactly.

The SPEAKER. If there objection to the request of the gentleman from Maine?

MR. ROGERS. Mr. Speaker, I demand the regular order.

The SPEAKER. The gentleman from Arkansas [Mr. ROGERS] again objects.

The Clerk then resumed and concluded the reading of the report.

The statement of the House conferees was read, as follows:

The effect of the amendments, as agreed to in conference, is to leave the bill as amended by the House, with certain verbal amendments to make the bill conform throughout to the House amendments, excluding clauses that became surplusage in the bill as amended by the House.

The conference report was adopted.

PUBLIC BUILDING AT SIOUX CITY, IOWA.

Mr. MILLIKEN. I also submit the following conference report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 902) for the erection of a public building at Sioux City, Iowa, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House, and agree to the same with an amendment as follows: Strike out all after the word "dollars," on page 10, to the end of the bill, and insert:

"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 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.

"No money shall be used for the purpose mentioned until a valid title to the site for said building shall be vested in the United States, nor until the State of Iowa 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.

"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."

S. L. MILLIKEN,
P. S. POST,
Managers on the part of the House.
JOHN C. SPOONER,
G. G. VEST,
Managers on the part of the Senate.

The statement of the House conferees was read, as follows:

The effect of the amendments as agreed to in conference is to leave the bill as amended by the House, with certain verbal amendments to make the bill conform throughout to the House amendments, excluding clauses that became surplusage in the bill as amended by the House.

The conference report was adopted.

PUBLIC BUILDING AT TAUNTON, MASS.

Mr. MILLIKEN. I also submit the following conference report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1548) to provide for the purchase of a site and the erection of a public building thereon at Taunton, in the State of Massachusetts, having met, after a full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with an amendment as follows: In lieu of the part proposed to be stricken out, strike out all after the word "dollars," in line 12, to the end of the bill, and insert:

'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 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.

"No money shall be used for the purpose mentioned until a valid title to the site for said building shall be vested in the United States, nor until the State of Massachusetts 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.

"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."

S. L. MILLIKEN,
P. S. POST,
Managers on the part of the House.

JOHN C. SPOONER,
G. G. VEST,
Managers on the part of the Senate.

The statement of the House conferees was read, as follows:

The effect of the amendments as agreed to in conference is to leave the bill as amended by the House, with certain verbal amendments to make the bill conform throughout to the House amendments, excluding clauses that became surplusage in the bill as amended by the House.

The conference report was adopted.

PUBLIC BUILDING AT NORFOLK, VA.

Mr. MILLIKEN. I also submit the following conference report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 875) to provide for the erection of a public building in the city of Norfolk, Va., having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House, and agree to the same with an amendment as follows:

In lieu of the part proposed to be stricken out, strike out all after the word "dollars," in line 11, and insert:

"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 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.

"No money shall be used for the purpose mentioned until a valid title to the site for said building shall be vested in the United States, nor until the State of Virginia 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.

"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."

S. L. MILLIKEN,
P. S. POST,
Managers on the part of the House.

JOHN C. SPOONER,
G. G. VEST,
Managers on the part of the Senate.

The statement of the House conferees was read, as follows:

The effect of the amendments as agreed to in conference is to leave the bill as amended by the House, with certain verbal amendments to make the bill conform throughout to the House amendments, excluding clauses that became surplusage in the bill as amended by the House.

The conference report was adopted.

Mr. MILLIKEN moved to reconsider the several votes by which the various bills were passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

S. H. BROOKS.

Mr. CLUNIE. I ask unanimous consent for the present consideration of the bill (S. 2306) releasing S. H. Brooks, assistant treasurer of the United States, and his sureties on his official bond.

The bill was read, as follows:

Be it enacted, etc., That the said S. H. Brooks and the sureties on his official bond be, and they are hereby, released from any and all liability that may have accrued or arising out of the loss of $10,000 from the United States subtreasury at San Francisco, Cal., which loss was discovered and reported by said Assistant Treasurer S. H. Brooks to the Treasury Department at Washington on the 27th day of February, A. D. 1886. The said loss of the said $10,000 has heretofore been made the subject of full investigation by said Treasury Department, and as to how or when said money or any part thereof was lost was never ascertained. The proper officer of the United States Treasury Department is hereby authorized and directed to cancel and discharge any liability upon said bond arising out of the loss of said money.

The SPEAKER. Is there objection?

Mr. MORROW. I have no objection to the bill, but desire to suggest that there is an error in the report that should be corrected.

Mr. STEWART, of Vermont. What is the bill?

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

Mr. OATES. Mr. Speaker, I do not interpose an objection, but I would like to hear an explanation of the bill.

Mr. KILGORE. I am willing to hear an explanation subject to the right to object; but I am inclined to interpose an objection.

Mr. COBB. Let us have the report read. I suppose there is a report accompanying the bill.

The SPEAKER. There is a report accompanying the bill.

Mr. CLUNIE. Mr. Speaker, the report contains a full explanation of the bill, and I ask that it be read by the Clerk.

The SPEAKER. The Clerk will read the report.

The Clerk proceeded to read the report.

Mr. MORROW. Mr. Speaker, there is an error in the report, and if there is no objection, I wish the copy of the report I send to the desk shall be considered as the report to be decided upon.

There was no objection.

The amended report was read, as follows:

The Committee on Claims, to whom was referred the bill releasing S. H. Brooks, assistant subtreasurer of the United States, and his sureties on his official bond, submit the following report:

A deficit of $10,000 exists in the United States subtreasury at San Francisco, Cal. The assets of the office, consisting of gold, silver, United States notes, etc., were delivered by the Government agent making the transfer to S. H. Brooks, assistant subtreasurer, September 12, 1885, at which time he gave his receipt therefor.

The handling, care, and control of the funds were from that time committed to C. G. Ames, designated as cashier, under approved bond, vice F. G. Borneman, removed. The said Ames, by personal arrangement, retained Borneman as assistant until the 1st of January, 1886, when such arrangement terminated and Ames performed the duties until February 1, 1886. Borneman was at or about that time, by direction of the Department, reinstated as cashier against the protest of Assistant Subtreasurer Brooks. This protest was most respectfully communicated to the Department, with the statement that Borneman had not furnished the necessary bond required of his predecessor.

In obedience to instructions from the Department the assistant subtreasurer, Col. S. H. Brooks, informed Ames of his removal and supersedure by Borneman, and at the same time directed a count of the funds, so that there could be no divided responsibility. After due and proper count Borneman received the keys of the vaults and proceeded and continued to act as cashier without bond, Ames retiring. After the lapse of two or three days Borneman requested Ames to return and make a recount of the currency, which being concluded, the announcement was made to the assistant subtreasurer of a deficit of $10,000. A trial of the case upon an indictment found by the United States grand jury failed to fix personally the responsibility. The jury believed after hearing the evidence that the deficit did not occur through any negligence, inefficiency, or fault of Assistant United States Treasurer S. H. Brooks, and that neither he nor his bondsmen should be held responsible for such loss.

Judge Lorenzo Sawyer, United States circuit judge, ninth circuit, who tried the case, recommends that an act be passed relieving Mr. Brooks and his sureties from liability from the deficit. Judge Ogden Hoffman, United States district judge, northern district of California, says:

"I assisted at the trial of the case. I heartily concur in Judge Sawyer's recommendation."

The United States district attorney, northern district California, says that the deficit did not occur through any negligence of Assistant United States Treasurer S. H. Brooks, and that neither he nor his bondsmen should be held responsible for such loss.

The honorable Secretary of the Treasury, William Windom, sent the committee a copy of a letter from his predecessor, Hon. C. S. Fairchild, in which it is stated that—

"The fact is not questioned that the loss occurred through no fault or negligence on the part of Mr. Brooks."

Hon. J. N. Huston, Treasurer of the United States, writes as follows:

"WASHINGTON, *February* 20, 1890.

"SIR: I beg to return herewith a letter from Hon. THOMAS J. CLUNIE, asking for copies of papers in regard to the defalcation in the office of assistant treasurer United States in San Francisco.

"I beg to forward therewith copies of such papers as are in this office, and in regard to the merits of the bill for the relief of S. H. Brooks, assistant treasurer United States in said city, have to say that I am not aware that the loss of the money referred to ($10,000) has ever been attributed to any lack of personal integrity, official misconduct, or carelessness on the part of Mr. Brooks.

"Very respectfully,

"J. N. HUSTON,
"*Treasurer United States.*

"Hon. WILLIAM WINDOM,
"*Secretary of the Treasury.*"

In view of the foregoing facts the committee are of the opinion that a suit against Assistant Subtreasurer S. H. Brooks and his bondsmen ought not to be instituted, as we are satisfied the Government under the circumstances could not recover. Such suit would only vex and annoy Mr. Brooks, whom all admit is not in any way responsible for the defalcation.

The committee therefore report House bill 6008 favorably and recommend that it do pass.

Mr. OATES (during the reading). Mr. Speaker, I do not care to

hear any further explanation, so far as I am concerned. I think the explanation given in the report shows that it is a proper bill.

The SPEAKER. Is there objection?

Mr. KILGORE. Mr. Speaker, I should be glad to learn, before waiving the right to object, if the money was lost by any fault of the subtreasurer. I would like to know whose fault it was and who was in charge of the treasury at that time. I ask the gentleman from California to answer that question.

Mr. CLUNIE. Mr. Speaker, I can answer the gentleman.

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

Mr. KILGORE. If the Chair will permit the gentleman to answer that question, perhaps I may not make objection.

Mr. CLUNIE. Mr. Speaker, the report just read contains the facts. When Col. S. H. Brooks, assistant subtreasurer, was appointed by Ex-President Cleveland and took possession of the office he gave an official bond covering the full amount in the treasury as reported. It was discovered by the officials sent from Washington that the amount was short $10,000, and after a full investigation in California it was held there by the courts, by the United States attorney, by the Treasury Department at Washington, and by all the officials connected with it, that Mr. Brooks was in no way responsible for the defalcation; and they unanimously recommend that this bill be passed as a measure of just relief to Colonel Brooks. If this bill should not pass it will result in unjust litigation against Colonel Brooks that will result in no good to the Government, but will put him to unnecessary trouble and needless expense.

A similar bill for the relief of Ex-Congressman Charles N. Felton while he was subtreasurer, introduced by me, was passed the other day. It was a meritorious bill. The bill now under consideration is even more meritorious. If you all knew Colonel Brooks as I do you would know it would be impossible for him to do a wrongful act. As I stated before, every official who examined this matter completely exonerated him. As I am soon to retire from Congress and will not be here to bother you at the next session, I hope my friends will withdraw their objections and allow this bill, which is but a tardy act of justice to Colonel Brooks, to become a law.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. HILL. Will the gentleman from California yield to me for a question?

Mr. CLUNIE. Yes, sir; with pleasure.

Mr. HILL. I would like to inquire whom that criminal proceeding was against—Colonel Brooks or Mr. Ames?

Mr. CLUNIE. It was against some other man there. It was not against Colonel Brooks, for it was investigated and found that he was wholly innocent in the matter and so certified by the officers of the Government.

Mr. RICHARDSON. Did it occur before he took control of the office?

Mr. CLUNIE. Yes, sir; that is my information.

Mr. MORROW. Oh, no; it does not appear when it occurred.

Mr. CLUNIE. It does not appear, however, that Colonel Brooks was in any way responsible for it.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

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

The SPEAKER. Without objection, House bill 6008, of a corresponding character, will lie on the table.

There was no objection and it was so ordered.

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

The latter motion was agreed to.

DIVIDING THE STATE OF IOWA INTO TWO JUDICIAL DISTRICTS.

Mr. REED, of Iowa. Mr. Speaker, I ask unanimous consent that the Committee of the Whole be discharged from the further consideration of the bill (H. R. 6586) amending the act of July 20, A. D. 1882, dividing the State of Iowa into two judicial districts, and that it be put on its passage.

The bill was read, as follows:

Be it enacted, etc., That the act of Congress to divide the State of Iowa into two judicial districts, approved July 20, 1882, be, and the same is hereby, amended as follows: That the counties of Cedar, Johnston, Iowa, and Tama be, and hereby are, transferred to the northern district and made a part thereof; and that said counties and the counties of Grundy, Hardin, Butler, Bremer, Black Hawk, Benton, Linn, Jones, and Clinton shall constitute a new division in said northern district, to be called the Cedar Rapids division of the northern district, the terms of court for which shall be held at the city of Cedar Rapids. All the provisions of said act approved July 20, 1882, shall be applicable to the division created by this act.

SEC. 2. That the times for holding court in said Cedar Rapids division of the northern district shall be the third Tuesday of February and the second Tuesday of September.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The amendment recommended by the committee was read, as follows:

In section 2, line 3, after the word "September," insert:

"*Provided*, That all causes and proceedings, civil and criminal, from either of said counties now pending in either of said courts shall be continued to final adjudication or settlement in the court where now pending unless changed by order of said court."

Mr. KERR, of Iowa. Mr. Speaker, I desire to offer an amendment, with the consent of the entire delegation from Iowa, by striking out the counties of Butler, Bremer, and Black Hawk, in the ninth line of section 1.

The amendment was agreed to.

The amendment offered by the committee was agreed to.

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

PUBLIC BUILDING AT BLOOMINGTON, ILL.

The SPEAKER laid before the House the bill (H. R. 196) for the erection of a public building in the city of Bloomington, Ill., with Senate amendments, on which a conference was asked.

The bill was read at length.

The amendments recommended were read, as follows:

On page 1, line 11, strike out "one hundred" and insert "seventy-five," and on page 1, line 20, strike out "one hundred" and insert "seventy-five."

Mr. ROWELL. I move to concur in the Senate amendments.

The motion was agreed to.

Mr. ROWELL moved to reconsider the vote by which the amendments of the Senate were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DEFINING A QUORUM OF THE DISTRICT BOARD OF COMMISSIONERS.

The SPEAKER also laid before the House Senate resolution 131, a joint resolution defining a quorum of the Board of Commissioners of the District of Columbia, and for other purposes.

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

Mr. GROUT moved to reconsider the vote by which the joint resolution was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. Without objection, House resolution 242, on the same subject will lie on the table.

There was no objection, and it was so ordered.

ORDER OF BUSINESS.

The SPEAKER. The morning hour begins at——

Mr. BAKER. Mr. Speaker, I desire to ask unanimous consent to present a bill for consideration. I was recognized for the same bill a few days ago, but failed to get it considered.

The SPEAKER. The morning hour has begun.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had passed without amendment House bills of the following titles:

A bill (H. R. 4254) granting a pension to John Lindt;
A bill (H. R. 4508) granting a pension to Richard Jackson;
A bill (H. R. 7915) granting a pension to Nancy Rarden;
A bill (H. R. 9132) granting a pension to Lydia Hood;
A bill (H. R. 9531) to restore the pension of Susan Nelson Page;
A bill (H. R. 9950) granting a pension to B. S. Roan;
A bill (H. R. 10226) granting a pension to Robert A. England;
A bill (H. R. 11306) to pension Willis Brooks; and
A bill (H. R. 11308) to pension Carroll Renfro.

The message also announced that the Senate had also passed a bill (H. R. 11987) to pension Mary Jane Martin, with amendments in which the concurrence of the House was requested.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 3826) for the relief of Henry Unterleiter, alias Cook or Koch;
A bill (S. 3976) granting a pension to George A. Perkins;
A bill (S. 4070) granting an increase of pension to Aaron H. Le Van;
A bill (S. 4476) directing the issue of a duplicate of a lost check drawn by A. W. Beard, collector of customs at the port of Boston, Mass., in favor of De Blois & Co; and
A bill (S. 4508) granting a pension to Johanna Teubner.

ORDER OF BUSINESS.

The SPEAKER. The morning hour begins at 1 o'clock and 30 minutes. The Clerk will report the title of the pending bill.

The Clerk read as follows:

A bill (H. R. 12042) to authorize the construction of a tunnel under the waters of the bay of New York, between the town of Middletown, in the county of Richmond, and the town of New Utrecht, in the county of Kings, in the State of New York, and to establish the same as a post road.

Mr. BAKER. There are certain amendments recommended by the committee, which have been read, and the pending question is upon concurring in them.

The amendments were concurred in.

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

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

The latter motion was agreed to.

COMMERCIAL STATISTICS.

Mr. HENDERSON, of Illinois (when the Committee on Rivers and Harbors was called). I call up the bill (H. R. 12536) to facilitate the collection of commercial statistics required by sections 2 of the river and harbor appropriation acts of 1866 and 1867.

The bill was read, as follows:

Be it enacted, etc., That owners, agents, masters, and clerks of vessels arriving at or departing from localities where works of river and harbor improvements are carried on shall furnish, on application of the persons in local charge of the works, a comprehensive statement of vessels, passengers, freight, and tonnage.

SEC. 2. That every person or persons offending against the provisions of this act shall, for each and every offense, be liable to a fine of $100, or imprisonment not exceeding two months, to be enforced in any district court in the United States within whose territorial jurisdiction such offense may have been committed.

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

OREGON PAVING AND CONTRACT COMPANY.

Mr. STONE, of Kentucky. Mr. Speaker, I move that the House do now adjourn.

Mr. HENDERSON, of Illinois. I now yield to my colleague on the committee, the gentleman from Oregon [Mr. HERMANN].

The SPEAKER. The gentleman from Kentucky [Mr. STONE] has moved that the House do now adjourn.

Mr. HERMANN. I hope the gentleman will withdraw that for a moment to let me call up this bill.

Mr. STONE, of Kentucky. I will withdraw the motion for that purpose, and then I will make it again.

Mr. HERMANN. Mr. Speaker, I ask consideration of the bill (H. R. 4809) for cancellation of contract with United States engineer for delivery of stone for the improvement of the mouth of the Columbia River in Oregon and Washington.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to cancel a certain contract entered into by and between the Oregon Paving and Contract Company, of the one part, and Capt. Charles F. Powell, United States engineer, acting for and on behalf of the United States, of the other part, and dated the 2d day of June, A. D. 1887, whereby said Oregon Paving and Contract Company contracted to furnish a certain amount of stone of certain dimensions to be used in the improvement of the mouth of the Columbia River, Oregon, on such terms as he may deem equitable and just.

Mr. HOLMAN. Mr. Speaker, I ask for the reading of the report.

Mr. HERMANN. Let the report be read.

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

The Committee on Rivers and Harbors, to whom was referred the bill (H. R. 4809) for cancellation of contract with United States engineer for delivery of stone for improvement of the mouth of the Columbia River in Oregon and Washington, submit the following report:

That this is a case in which the petitioners or claimants were misled in accepting a contract to furnish certain rock for jetty-work at the mouth of the Columbia River, and failed to complete its terms. We find that the failure was not from any fault of theirs, but from circumstances entirely beyond their control, arising from the exhaustion of a quarry of rock of sufficient dimension and the expiration of time in which to open another. We also find from the papers before us that no damage or inconvenience has occurred to the Government, and no delay in the work; and we also find that the cancellation of the contract and the release of the claimants is recommended by the War Department, and we therefore recommend the passage of the bill, believing this relief to be demanded by the peculiar circumstances and hardships in the case.

The SPEAKER. The question is on the engrossment and third reading of the bill.

Mr. ROGERS. Mr. Speaker, I want to ask the gentleman to give us some explanation of this bill a little more in detail than the generalities found in the report.

Mr. HERMANN. Mr. Speaker, I desire to say, in reply to the gentleman from Arkansas, that the circumstances of this case are peculiar. Proposals and specifications were advertised for bids to supply a certain amount of rock at the mouth of the Columbia River for the construction of the jetties. This paving company prospected for a quarry and supposed they had discovered such a quality of rock as was required in the course of this construction. They submitted samples to the engineer in charge of the work, and the contract was given to them for a certain amount of this rock at a certain figure.

They then, at great cost to themselves, prepared a plant and entered upon operations. They had proceeded but a short distance into the supposed quarry when, to their great surprise, the quarry became exhausted; the rock, instead of holding out according to the dimensions which they expected and which were required for the work, failed entirely or was found only in small pieces instead of large blocks, and the result was that the contractors failed to comply with the specifications and terms of the contract. They then made a search and prospected the country for 100 miles up and down the Columbia River to find the rock in such form and size as was required by the specifications, but they utterly failed to find it.

The War Department recommended their release. The engineer in charge of the work entered at once into a new contract for a different class of rock—a rock inferior to this, because this class of rock could not be found of the form, size, and weight originally required. In this way the work has progressed, this other class of rock being now used in the construction of that jetty. These parties having utterly failed to comply with the contract from causes which it was beyond their ability to avoid, they now come to Congress and ask to be released. No harm has been occasioned to the Government. The evidence in the form of affidavits and other papers is before the War Department, which has recommended this release.

Mr. ROGERS. Under a general law the Solicitor of the Treasury Department is authorized in all cases of this kind to make such compromises as are equitable and just. Has this matter passed under his examination?

Mr. HERMANN. This bill provides that the Secretary of War shall adjust this release upon such terms as he shall deem just to the Government and equitable with regard to these parties.

Mr. ROGERS. Why does not this matter follow the regular channel and go through the office of the Solicitor of the Treasury Department, whose duty it is, under a general statute, to investigate matters of this kind and make such compromises as are equitable and just?

Mr. HERMANN. The Solicitor of the Treasury Department can not act in a matter of this kind until after legal proceedings have been commenced; and in this case nothing of that kind has been done. The engineer in charge, to whom all the circumstances of the case were known, recommended to the Department that these parties be released from their contract.

Mr. ROGERS. How could the Secretary of War release these parties from their contract?

Mr. HERMANN. The gentleman misunderstood me if he thought I said the Secretary of War had released the parties. He has not done so. The local engineer has recommended the release to the Secretary of War, who has made to Congress the recommendation that the release be granted.

Mr. ROGERS. Now will the gentleman tell us just what the Government is to lose by reason of abandoning this first contract and entering into a second?

Mr. HERMANN. The Government loses nothing, because long before it was necessary to enter upon the work of construction a new contract was entered into, and stone in sufficient quantity and of sufficient cubical size, etc., was furnished. The Government has not been injured at all by reason of the delay.

Mr. ROGERS. But is the stone being furnished at the same price as it was to be furnished under the original contract?

Mr. HERMANN. I understand it is being furnished at a less price; the only difference is that the stone now being furnished is not of the same cubical size as that which these parties expected to supply and which the engineer in charge desired.

Mr. ROGERS. Then the Government is getting inferior stone at a lower price?

Mr. HERMANN. The stone now being furnished is considered to be a most excellent article and sufficient for the use contemplated. The price is less and the size not so large.

Mr. HENDERSON, of Illinois. I will say further to the gentleman from Arkansas [Mr. ROGERS] that the Secretary of the Treasury has not anything to do with this matter at present; it is not before the Treasury Department in any way. The contract was made under authority of law by the Secretary of War; and he alone has to deal with it.

Mr. ROGERS. I was aware of that fact, because the gentleman from Oregon [Mr. HERMANN] advised me that no suit had been instituted upon this contract, but as soon as proceedings should be begun the solicitors of the Treasury Department under general law could take up the case and dispose of it in the ordinary way.

Mr. BUCHANAN, of New Jersey. As the gentleman from Oregon made his explanation in so low a tone and directed his attention to the other side of the Chamber, I wish to ask him a question. Does this bill provide for the payment of any money to these defaulting parties?

Mr. HERMANN. It does not.

Mr. BUCHANAN, of New Jersey. It simply releases them from this contract?

Mr. HERMANN. That is all.

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

Mr. STONE, of Kentucky. I move that the House do now adjourn.

The question being taken on the motion to adjourn, there were on a division (called for by Mr. STONE, of Kentucky)—ayes 46, noes 62.

Mr. STONE, of Kentucky. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 65, nays 109, not voting 157; as follows:

YEAS—65.

Abbott,	Clements,	Fithian,	Heard,
Breckinridge, Ark.	Cobb,	Flower,	Hemphill,
Brookshire,	Cooper, Ind.	Fowler,	Holman,
Brunner,	Crain,	Geary,	Hooker,
Bynum,	Crisp,	Geissenhainer,	Kilgore,
Caruth,	Dickerson,	Hare,	Lane,
Cheadle,	Ellis,	Hayes, W. I.	Lanham,
Chipman,	Enloe,	Haynes,	Lester, Ga.

Lewis,	Montgomery,	Penington,	Turner, Ga.
Maish,	Moore, Tex.	Pierce,	Washington,
Mansur,	Mutchler,	Pindar,	Whitelaw,
Martin, Ind.	Oates,	Richardson,	Wike,
McAdoo,	O'Neall, Ind.	Rogers,	Williams, Ill.
McCreary,	O'Neil, Mass.	Seney,	Wilson, W. Va.
McMillin,	Outhwaite,	Shively,	
McRae,	Parrett,	Stewart, Tex.	
Mills,	Peel,	Stone, Ky.	

NAYS—109.

Allen, Mich.	Dingley,	Langston,	Sherman,
Atkinson, W. Va.	Dolliver,	Laws,	Simonds,
Baker,	Dorsey,	Lind,	Smith, W. Va.
Banks,	Dunnell,	McComas,	Smyser,
Bartine,	Evans,	McKenna,	Spooner,
Bayne,	Farquhar,	McKinley,	Stivers,
Belden,	Finley,	Miles,	Stockbridge,
Belknap,	Flick,	Moffitt,	Stockdale,
Bergen,	Forney,	Morey,	Stone, Pa.
Bingham,	Funston,	Morrow,	Struble,
Blanchard,	Gear,	Mudd,	Sweet,
Boothman,	Gest,	O'Donnell,	Taylor, E. B.
Brewer,	Gifford,	O'Neill, Pa.	Taylor, Ill.
Brosius,	Grout,	Osborne,	Taylor, J. D.
Brower,	Haugen,	Payne,	Townsend, Colo.
Buchanan, N. J.	Hays, E. R.	Perkins,	Tracey,
Burrows,	Henderson, Ill.	Pickler,	Turner, Kans.
Burton,	Henderson, Iowa	Post,	Vandever,
Candler, Mass.	Hill,	Quackenbush,	Van Schaick,
Cannon,	Houk,	Quinn,	Waddill,
Carter,	Kelley,	Raines,	Wallace, N. Y.
Clark, Wyo.	Kennedy,	Randall,	Wheeler, Ala.
Cogswell,	Kerr, Iowa	Ray,	Wheeler, Mich.
Craig,	Ketcham,	Reed, Iowa	Wilson, Ky.
Culberson, Tex.	Kinsey,	Reyburn,	Wright.
Cummings,	Lacey,	Sawyer,	
Cutcheon,	La Follette,	Scranton,	
Dalzell,	Laidlaw,	Scull,	

NOT VOTING—157.

Adams,	Coleman,	Lee,	Sanford,
Alderson,	Comstock,	Lehlbach,	Sayers,
Allen, Miss.	Connell,	Lester, Va.	Skinner,
Anderson, Kans.	Cooper, Ohio	Lodge,	Smith, Ill.
Anderson, Miss.	Cothran,	Magner,	Snider,
Andrew,	Covert,	Martin, Tex.	Spinola,
Arnold,	Cowles,	Mason,	Springer,
Atkinson, Pa.	Culbertson, Pa.	McCarthy,	Stahlnecker,
Bankhead,	Dargan,	McClammy,	Stephenson,
Barnes,	Darlington,	McClellan,	Stewart, Ga.
Barwig,	Davidson,	McCord,	Stewart, Vt.
Beckwith,	De Lano,	McCormick,	Stone, Mo.
Biggs,	Dibble,	McDuffie,	Stump,
Bland,	Dockery,	Miller,	Sweney,
Bliss,	Dunphy,	Milliken,	Tarsney,
Blount,	Edmunds,	Moore, N. H.	Taylor, Tenn.
Boatner,	Ewart,	Morgan,	Thomas,
Boutelle,	Featherston,	Morrill,	Thompson,
Bowden,	Fitch,	Morse,	Tillman,
Breckinridge, Ky.	Flood,	Niedringhaus,	Townsend, Pa.
Brickner,	Forman,	Norton,	Tucker,
Brown, J. B.	Frank,	Nute,	Turner, N. Y.
Browne, T. M.	Gibson,	O'Ferrall,	Vaux,
Browne, Va.	Goodnight,	Owen, Ind.	Wade,
Buchanan, Va.	Greenhalge,	Owens, Ohio	Walker,
Buckalew,	Grimes,	Paynter,	Wallace, Mass.
Bullock,	Grosvenor,	Payson,	Whiting,
Bunn,	Hall,	Perry,	Whitthorne,
Butterworth,	Hansbrough,	Peters,	Wickham,
Caldwell,	Harmer,	Phelan,	Wiley,
Campbell,	Hatch,	Price,	Wilkinson,
Candler, Ga.	Henderson, N. C.	Pugsley,	Willcox,
Carlton,	Herbert,	Reilly,	Williams, Ohio
Caswell,	Hermann,	Rife,	Wilson, Mo.
Catchings,	Hitt,	Robertson,	Wilson, Wash.
Cheatham,	Hopkins,	Rockwell,	Yardley,
Clancy,	Kerr, Pa.	Rowell,	Yoder.
Clark, Wis.	Knapp,	Rowland,	
Clarke, Ala.	Lansing,	Rusk,	
Clunie,	Lawler,	Russell,	

So the motion to adjourn was rejected.

Mr. CUTCHEON. Mr. Speaker, I was present in the Hall and heard my name called, but being in conversation at the time made a response which I understand was not caught by the Clerk. I ask to record my vote.

Mr. OUTHWAITE. Under the gentleman's own statement I make the point of order that he is not within the rule.

The SPEAKER. Was the gentleman listening when his name was called and failed to hear it?

Mr. CUTCHEON. I was in the Hall engaged in conversation, and heard my name called and responded at the time; but, as I have said, I did not make a clear response and the Clerk did not get it. I attempted to make response at the time.

The SPEAKER. The gentleman's name will be called.

Mr. CUTCHEON'S vote was recorded as above.

The following additional pairs were announced:

Mr. CHEATHAM with Mr. CLANCY, for the rest of the day.

Mr. ATKINSON, of Pennsylvania, with Mr. GRIMES, for this day.

Mr. LODGE with Mr. ALDERSON, for the rest of the day.

Mr. SWENEY with Mr. CLARKE, of Alabama, on this vote.

Mr. ARNOLD with Mr. O'FERRALL, until further notice.

Mr. RUSSELL with Mr. HENDERSON, of North Carolina, until further notice.

Mr. GREENHALGE with Mr. DUNPHY, until further notice.

Mr. BELDEN with Mr. COVERT, until further notice.

Mr. BOUTELLE with Mr. HERBERT, until further notice.

The result of the vote was then announced as above recorded.

URGENT DEFICIENCY BILL.

Mr. HENDERSON, of Iowa. Mr. Speaker, there is a message on the Speaker's table from the Senate, returning, with amendments, the urgent deficiency bill, and I would ask the Chair now to submit it to the House, so that we may take prompt action upon it, as it is important.

The SPEAKER. The Clerk will read the title of the bill.

Mr. ROGERS. I was unable to hear the request made by the gentleman from Iowa, and the Chair did not submit it to the House.

The SPEAKER. In answer to the statement of the gentleman, the Chair was going to submit the request to the House by first having the title of the bill read.

Mr. HENDERSON, of Iowa. After that I will make a motion to call up the bill as soon as the motion will be in order.

The SPEAKER. The Clerk will read the title of the bill.

The Clerk read as follows:

A bill (H. R. 12498) to supply a deficiency in the appropriation for public printing and binding for the first half of the fiscal year 1891, and for other purposes.

Mr. HENDERSON, of Iowa. I ask unanimous consent that the Senate amendments may be considered in the House as in Committee of the Whole.

Mr. ROGERS. I object to that.

Mr. HENDERSON, of Iowa. I hope the gentleman will withdraw his objection.

Mr. CLEMENTS. This is a very important matter, and I trust we may be permitted to proceed in the manner suggested by the gentleman from Iowa.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

Mr. ROGERS. I object.

Mr. HENDERSON, of Iowa. Then I move that the House resolve itself into Committee of the Whole House on the state of the Union to consider the Senate amendments to the urgency deficiency bill.

The SPEAKER. The bill is referred to the Committee of the Whole House on the state of the Union.

The Chair will state that the morning hour has not yet expired; but, if there be no objection, the motion of the gentleman from Iowa will be entertained at this time.

Mr. ROGERS. I object.

Mr. HENDERSON, of Iowa. Very well; then I will make the motion after the morning hour has expired.

ORDER OF BUSINESS.

The SPEAKER. The call still rests with the Committee on Rivers and Harbors.

When the Committee on Merchant Marine and Fisheries was called,

Mr. FARQUHAR said: Mr. Speaker, I call up for consideration the bill (H. R. 3893) to limit and govern the changing of vessels' names.

The bill was read, as follows:

Be it enacted, etc., That the names of vessels of the United States shall not be changed except for substantial reasons of a public as well as private nature. Vessels and boats that have had accidents afflictive to the public, or been burnt, sunk, or abandoned as wrecks, and such as have not been inspected nor classed in an American register for marine insurance, and those once classed that have lost their rating or had it suspended, and all that shall be rated below the grade of A 2 by the record of American and foreign shipping, or by the Inland Lloyds' register of lake vessels, or fail to be worthy of those grades, in cases of ocean and lake vessels, respectively, shall not be allowed a change of name. Vessels and boats of past and present good character and rating, seaworthy in all respects, free from debts, liens, or liabilities, and whose owners shall offer substantial and satisfactory reasons therefor, may have their names changed by the Commissioner of Navigation; but all new names given must be unlike those of any vessel hailing from the same port. Acts and parts of acts inconsistent herewith are hereby repealed.

The committee recommend the adoption of the following amendment:

Amend, in line 12, on page 2, by striking out the words "those grades" and inserting in lieu thereof "such grades."

The SPEAKER. The question is on the amendment.

Mr. FLOWER. Do I understand this to be a general bill to change the names of vessels, like the small bills we are in the habit of passing occasionally here?

Mr. FARQUHAR. No; but this is simply to regulate the change of names.

Mr. FLOWER. Then what is the object of the bill?

Mr. FARQUHAR. So as to have uniformity in such matters.

Mr. ADAMS. Will the gentleman please explain the provisions of the bill?

Mr. FARQUHAR. The report of the committee covers everything.

Mr. ADAMS. That has not been read.

Mr. FARQUHAR. Then I ask for the reading of the report.

Mr. DORSEY. Perhaps the gentleman can make a statement which will be briefer and answer the purpose.

Mr. FARQUHAR. The better way is to have the report read and then there can be no question hereafter. I ask for the reading of the report.

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

Formerly all changes of vessels' names were made by special act of Congress. March 2, 1881, Congress "authorized the Secretary of the Treasury to permit the owners of any vessel, duly enrolled and found seaworthy and free from debt, to change the name of the same when, in his opinion, there shall be sufficient cause for so doing." The Secretary was to "establish such rules and regulations and procure such evidence as to age, condition, and pecuniary liability as he might deem necessary to prevent injury to public or private interests."

On July 5, 1884, in the act establishing the Bureau of Navigation, it was provided, that—

"The Commissioner of Navigation shall, under the direction of the Secretary of the Treasury, be empowered to change the names of vessels of the United States, under such restrictions as may have been, or shall be, prescribed by act of Congress."

Different circulars have been formulated and used to govern, first, the Secretary of the Treasury himself and, second, the Commissioner of Navigation in the administration of this law. Some of the restrictions laid down are calculated to defeat the purposes of the law by blocking its operation. One of these relates to age. A vessel may be entirely rebuilt, and perfectly sound and stanch, but she has age—say twenty years and upward. It has been held she was too old to take a new name in safety to the public. This restriction is absurd, since the safety of vessels does not rest on age, but wholly on condition, on soundness and strength, which is not governed by age in well-kept, well-repaired vessels.

The bill now offered provides that—

"Vessels and boats that have had accidents afflictive to the public, or been burnt, sunk, or abandoned as wrecks, and such as have not been inspected nor classed in an American register for marine insurance, and those once classed that have lost their rating or had it suspended, and all that shall be rated below the grade of A2 (which is the fourth in a scale of six grades) by the Record of American and Foreign Shipping, or by the Inland Lloyds' register of lake vessels, or fail to be worthy of such grade in cases of ocean and lake vessels, respectively, shall not be allowed a change of name."

Here would be a provision of law much better than any rule of the Treasury Department to secure the safety of the public. This provision is such as practical men in business life will appreciate and approve as sound and reasonable, and not an arbitrary regulation. Another restriction of the Treasury Department is that a vessel using a boiler over ten years old can not have her name changed.

This rule pays no heed to the fact whether the water used is fresh or salt or whether the steamboat inspectors certify it to be safe or not. If the public safety depends more on the age of a boiler than the inspection certificate, then the inspection of boilers might as well be given up as useless. A boiler fed by salt water may be dangerous in three years' time, while another one fed by fresh water may be safe for twenty years, yet the Treasury Department sets up the absurd rule that both are safe for ten years, and after that age dangerous, notwithstanding the annual inspection. The bill provides that—

"Vessels and boats of past and present good character and rating, seaworthy in all respects, free from debts, liens, or liabilities, and whose owners shall offer substantial and satisfactory reasons therefor, may have their names changed by the Commissioner of Navigation."

The passage of this bill will greatly improve the administration of the law in changing or refusing to change the names of vessels, and is earnestly advocated.

The committee recommend that the word "those," in line 12, be changed to "such," and that the letter "s" in the word "grades," same line, be stricken out.

Mr. ADAMS. Mr. Speaker, if the gentleman from New York [Mr. FARQUHAR] will allow me, I did not hear the bill read just now, and I have been unable to get a copy of it. I appreciate the need of some legislation in this direction, and I should be glad to have the gentleman state briefly the conditions on which the name of a vessel may be changed; and if he will allow me, I will state that the case which is in my mind is that of a vessel which was not seaworthy, and which had, and perhaps deserved to have, a questionable reputation; but which at considerable expense had been entirely made over into a new vessel; and yet she was not permitted to receive a new name. It seems to me from what I have heard read that it still remains discretionary with the Commissioner of Navigation whether a name shall be changed, and I should be glad to have the gentleman from New York explain the conditions on which a name may be changed or on which the change may be refused.

Mr. FARQUHAR. The trouble really is that there are many rules of the Treasury Department covering this matter of the changing of names of vessels; and of course each Commissioner of Navigation seems to have his own opinion as to his right in making the changes. I will not say they are guided by prejudice, but there is a public or local opinion that in many cases among vesselmen and others controls the Commissioner of Navigation in making these changes. Now this law is, as it were, to make cumulative every one of these decisions and make them all reasonable and uniform. More than that, it lays down the strict law whereby the Commissioner of Navigation ought to be guided in permitting or refusing these changes of names. Now, the great difficulty has been—I am not sure I know the case which the gentleman from Illinois mentions—the difficulty has been that persons take vessels that have been wrecked on our lakes, that have been abandoned. They are purchased, they are brought into port, they are mended up again, and half the time the bill of expense is not substantially or in any complete form brought before the Treasury Department.

Another thing is this: There are names that are attached to what are called afflictive matters; that is, accidental matters with reference to pleasure boats, etc, in which lives have been lost. Now, many men, when they have an insecure vessel, have sought to simply go to the Commissioner of Navigation and secure a change of name and thereby give character to an unseaworthy boat. Now, this new law says that positively no change can be allowed under such a condition.

Then, too, boats lapse out of class. Their owners make a few changes on deck or in the bulwarks or whatever they may be. In other words, they put a summer suit of clothes, as it were, on the boat, to get a new name for the sake of respectability. Now this law says that the Commissioner of Navigation shall not make any changes in those cases, so that the whole regulation, which is contained in about eight lines of this bill, states explicitly to the Commissioner of Navigation the reasons why he shall not allow a change of name in particular cases. Otherwise the whole matter of yachts, etc., is discretionary with the Commissioner, as it has been from the foundation of the office. I wish to say that this bill meets the views entirely of the committee and also of the Treasury Department.

Mr. ADAMS. Will the gentleman state what I asked him to state, namely, the conditions on which names can or can not be changed?

Mr. FARQUHAR. I will state that. The report states that. It says:

Vessels and boats that have had accidents afflictive to the public, or been burnt, sunk, or abandoned as wrecks, and such as have not been inspected nor classed in an American register for marine insurance, and those once classed that have lost their rating, or had it suspended, and all that shall be rated below the grade of A2 (which is the fourth in a scale of six grades) by the Record of American and Foreign Shipping, or by the Inland Lloyds' register of lake vessels, or fail to be worthy of such grade in cases of ocean and lake vessels, respectively, shall not be allowed a change of name.

The class A2 that is referred to there is the fourth grade in the scale of six grades. Boats may become, in a measure, unseaworthy, but may be used, for instance, in the lake trade as lumber schooners or barges; but, as the gentleman will see, they are not allowed to change their names.

Mr. ADAMS. Will the gentleman allow me? He has mentioned certain cases in which the name shall not be changed. He said he was not familiar with the case I had in mind. That was a case where a small steamer had been converted into a large steamer, and in that case I believe they wished to change the name.

Mr. FARQUHAR. Suppose it was the Mount Vernon. In such a case they call it the Mount Vernon No. 2. In that way they retain the old name, and I do not believe the Treasury Department would object to that; but you change all your tonnage if you rebuild. You change your classification when you rebuild.

Mr. ADAMS. In the case I had in mind, where it was a substantially new vessel, the difficulty was that the change was not permitted. Now I understood the gentleman to say that this bill will specify the cases in which the change of name shall not be permitted. What is the evil that is designed to be remedied? Is the Commissioner of Navigation, or the Executive Department which has that in charge, in the habit of allowing the change of names where it ought not to be allowed? What is the object of this bill?

Mr. FARQUHAR. It does not lie entirely with the Commissioner of Navigation in a case of this kind. It has reference also to representations made to the Commissioner. Now we positively declare that under certain conditions vessels can not have their names changed. We declare also what shall constitute a proper vessel for an American register.

Mr. ADAMS. Would it include the case of a vessel which, for instance, was cut in two and lengthened and strengthened, and which had new boilers put in, where it was substantially a new vessel and a different vessel, where the change of name was desirable? In that case would it be possible or impossible?

Mr. FARQUHAR. It is possible that that vessel with her repairs stands in the class of the first vessel, and her name would be retained.

Mr. ADAMS. Suppose the vessel stands in the same class by the repairs, and by the repairing she is substantially a new vessel, can she get a new name?

Mr. FARQUHAR. Oh, yes; they would give her two names. That is what we want to get at. We want to get better vessels. It is to shut out inferior vessels.

Mr. ADAMS. I did not so understand it.

Mr. FARQUHAR. Oh, certainly it is.

The SPEAKER. The question is on agreeing to the amendment.

Mr. HOLMAN. Mr. Speaker, I notice that this bill makes a change in the officer who may exercise this power. This bill is conferring power expressly and exclusively on the Commissioner of Navigation, while the original law authorizes him to act under the Secretary of the Treasury, and does not permit power to be exercised by the head of a bureau, but what he did was by direction the Secretary of the Treasury. I doubt very much the policy of the passage of this law. I think that the matter can be left much safer in the hands of the Secretary of the Treasury than having positive rules adopted by Congress.

Mr. FARQUHAR. I just want to state, if the gentleman from Indiana will allow me, that this very bill itself is from the Treasury Department and was sent to our committee. It is the desire of the Treasury Department to have this positive restriction. Now, the gentleman from Indiana well knows how wide the range of responsibility and duty of the Commissioner of Navigation is. In some cases it seems to be more than that of the Secretary of the Treasury; but this is recommended both by the Secretary and the Commissioner of Navigation.

Mr. HOLMAN. And yet the effect is to abrogate certain rules of the Treasury Department.

Mr. FARQUHAR. But rules of that character are drawn by the Secretary of the Treasury first, and the rules and regulations as is well

understood, are prepared first by the Commissioner of Navigation, and afterwards simply receive the signature of the Secretary.

Mr. HOLMAN. If this bill was prepared by the Treasury Department I suppose it was for the reason that some other measure was being pressed upon Congress——

Mr. FARQUHAR. Oh, no.

Mr. HOLMAN. And that it is submitted as an improvement upon some other measure.

Mr. FARQUHAR. Oh, no; there is nothing of that kind.

Mr. HOLMAN. This would seem to imply a censure to the Treasury Department for the rules it had adopted.

Mr. FARQUHAR. There was a conflict in the decisions of the different Commissioners of Navigation as to how or why they would allow a change of name. Now, this thing makes it plain what class of vessels may be permitted to have a change.

Mr. HOLMAN. I do not think vessels ought to be permitted to change their names after they are ten years old.

Mr. FARQUHAR. This is for public safety.

Mr. HOLMAN. This may be for the public safety; but I think the provision of the rules that the name of the vessel shall not be changed after it has passed ten years of age is a very safe one. Certainly the rules prescribed by the Secretary of the Treasury are very safe and proper rules so far as the Western waters are concerned, and I am speaking with reference to the Western waters. I do not know how it may be on the lakes or on the high seas, but on the navigable rivers the rules prescribed by the Secretary of the Treasury are very safe and I would not like to see them abrogated. I shall object to conferring any discretionary power on the head of a bureau.

Mr. FARQUHAR. But there is no further authority conferred than there is now.

Mr. HOLMAN. But at present it is under the direction of the Secretary of the Treasury.

Mr. FARQUHAR. Under the direction of the Secretary of the Treasury, of course. That is this bill.

Mr. HOLMAN. That is not in this bill.

Mr. FARQUHAR. That is at the very beginning of the bill.

Mr. HOLMAN. I did not catch the reading of that part of it, and I shall ask for the reading of this bill again in my time.

Mr. ADAMS. It is not subject to the direction of the Secretary or the Treasury.

The Clerk proceeded to read the bill.

Mr. HENDERSON, of Iowa. Mr. Speaker, I understand the morning hour has expired.

The SPEAKER. The hour has not expired, but an hour has been spent in the consideration of business in the morning hour.

Mr. HENDERSON, of Iowa. Then I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering the urgent deficiency appropriation bill with Senate amendments thereto.

The question was taken; and the Speaker announced that the ayes seemed to have it.

Mr. ROGERS. Division, Mr. Speaker.

The House divided; and there were—ayes 84, noes 2.

Mr. ROGERS. There is no quorum present, Mr. Speaker.

The SPEAKER proceeded to count the House.

After some time spent in the count,

Mr. ROGERS said: I hope we will have the count announced. [After a pause.] Regular order, Mr. Speaker.

The SPEAKER. The regular order is proceeding.

Mr. ROGERS. I want the count announced from the chair.

The SPEAKER. The Chair understands the gentleman. [After a pause.] One hundred and forty-four gentlemen are present.

Mr. HENDERSON, of Iowa. I ask for the yeas and nays on my motion. I want to say in this connection that if this does not prevail the Government Printing Office will stop and we will not have money to pay the employés of the House nor for the payment of the laboring men in the Government Printing Office.

Mr. ROGERS. That is a very bad condition of affairs for a House organized to do business.

The yeas and nays were ordered.

The question was taken; and there were—yeas 174, nays 5, not voting 152; as follows:

YEAS—174.

Adams,	Brickner,	Cheadle,	Dolliver,
Allen, Mich.	Brookshire,	Chipman,	Dorsey,
Andrew,	Brosius,	Clark, Wyo.	Dunnell,
Atkinson, W. Va.	Brown, J. B.	Clements,	Evans,
Baker,	Brunner,	Cobb,	Farquhar,
Banks,	Buchanan, N. J.	Coleman,	Finley,
Bartine,	Buckalew,	Comstock,	Fithian,
Bayne,	Burrows,	Craig,	Flick,
Belden,	Burton,	Crain,	Flower,
Belknap,	Butterworth,	Crisp,	Forney,
Bergen,	Caldwell,	Culbertson, Pa.	Fowler,
Biggs,	Candler, Ga.	Cutcheon,	Funston,
Bingham,	Candler, Mass.	Dalzell,	Gear,
Blanchard,	Cannon,	Dickerson,	Geissenhainer,
Boothman,	Carter,	Dingley,	Gest,
Brewer,	Caswell,	Dockery,	Gifford,
Goodnight,	McDuffie,	Pierce,	Stockdale,
Grout,	McKenna,	Pindar,	Stone, Pa.
Harmer,	McKinley,	Post,	Taylor, E. B.
Haugen,	McMillin,	Quackenbush,	Taylor, Ill.
Hayes, W. I.	McRae,	Quinn,	Taylor, J. D.
Hays, E. R.	Milliken,	Raines,	Thomas,
Haynes,	Mills,	Ray,	Tillman,
Hemphill,	Moffitt,	Reed, Iowa	Townsend, Colo.
Henderson, Iowa	Montgomery,	Reyburn,	Tracey,
Hill,	Moore, N. H.	Richardson,	Turner, Ga.
Holman,	Morey,	Rowell,	Turner, Kans.
Kelley,	Morrow,	Sanford,	Vandever,
Kennedy,	Morse,	Sawyer,	Waddill,
Ketcham,	Mudd,	Sayers,	Wallace, N. Y.
Kinsey,	Mutchler,	Scranton,	Washington,
Lacey,	Oates,	Scull,	Wheeler, Ala.
La Follette,	O'Donnell,	Sherman,	Wheeler, Mich.
Langston,	O'Neall, Ind.	Shively,	Whitelaw,
Lanham,	O'Neil, Mass.	Simonds,	Wike,
Laws,	O'Neill, Pa.	Smith, Ill.	Wiley,
Lester, Ga.	Osborne,	Smith, W. Va.	Williams, Ill.
Lewis,	Outhwaite,	Smyser,	Williams, Ohio
Lind,	Owens, Ohio	Spooner,	Wilson, Ky.
Maish,	Parrett,	Springer,	Wilson, W. Va.
Martin, Ind.	Payne,	Stahlnecker,	Wright,
McAdoo,	Penington,	Stewart, Tex.	Yoder.
McComas,	Perkins,	Stivers,	
McCreary,	Pickler,	Stockbridge,	

NAYS—5.

Abbott,	Peel,	Rogers,	Seney.
Martin, Tex.			

NOT VOTING—152.

Alderson,	Cothran,	Kerr, Iowa	Reilly,
Allen, Miss.	Covert,	Kerr, Pa.	Rife,
Anderson, Kans.	Cowles,	Kilgore,	Robertson,
Anderson, Miss.	Culberson, Tex.	Knapp,	Rockwell,
Arnold,	Cummings,	Laidlaw,	Rowland,
Atkinson, Pa.	Dargan,	Lane,	Rusk,
Bankhead,	Darlington,	Lansing,	Russell,
Barnes,	Davidson,	Lawler,	Skinner,
Barwig,	De Lano,	Lee,	Snider,
Beckwith,	Dibble,	Lehlbach,	Spinola,
Bland,	Dunphy,	Lester, Va.	Stephenson,
Bliss,	Edmunds,	Lodge,	Stewart, Ga.
Blount,	Ellis,	Magner,	Stewart, Vt.
Boatner,	Enloe,	Mansur,	Stone, Ky.
Boutelle,	Ewart,	Mason,	Stone, Mo.
Bowden,	Featherston,	McCarthy,	Struble,
Breckinridge, Ark.	Fitch,	McClammy,	Stump,
Breckinridge, Ky.	Flood,	McClellan,	Sweet,
Brower,	Forman,	McCord,	Sweney,
Browne, T. M.	Frank,	McCormick,	Tarsney.
Browne, Va.	Geary,	Miles,	Taylor, Tenn.
Buchanan, Va.	Gibson,	Miller,	Thompson,
Bullock,	Greenhalge,	Moore, Tex.	Townsend, Pa.
Bunn,	Grimes,	Morgan,	Tucker,
Bynum,	Grosvenor,	Morrill,	Turner, N. Y.
Campbell,	Hall,	Niedringhaus,	Van Schaick,
Carlton,	Hansbrough,	Norton,	Vaux,
Caruth,	Hare,	Nute,	Wade,
Catchings,	Hatch,	O'Ferrall,	Walker,
Cheatham,	Heard,	Owen, Ind.	Wallace, Mass.
Clancy,	Henderson, Ill.	Paynter,	Whiting,
Clark, Wis.	Henderson, N. C.	Payson,	Whitthorne,
Clarke, Ala.	Herbert,	Perry,	Wickham,
Clunie,	Hermann,	Peters,	Wilkinson,
Cogswell,	Hitt,	Phelan,	Willcox,
Connell,	Hooker,	Price,	Wilson, Mo.
Cooper, Ind.	Hopkins,	Pugsley,	Wilson, Wash.
Cooper, Ohio	Houk,	Randall,	Yardley.

So the motion of Mr. HENDERSON, of Iowa, was agreed to.

The following additional pairs were announced:

Mr. KERR, of Iowa, with Mr. MOORE, of Texas, for the rest of the day.

Mr. HOUK with Mr. KILGORE, for the rest of the day.

Mr. STRUBLE with Mr. HOOKER, for the rest of the day.

The result of the vote was then announced as above recorded.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. BURROWS in the chair.

PRINTING AND OTHER DEFICIENCIES.

The CHAIRMAN. The House is in Committee of the Whole for the purpose of considering the Senate amendments to the bill (H. R. 12498) to supply a deficiency in the appropriation for public printing and binding for the first half of the fiscal year 1891, and for other purposes.

The Clerk will report the Senate amendments.

The amendments were read, as follows:

Page 2, after line 1 insert:

"SENATE.

"For compensation and mileage of Senators, $16,778.62."

Page 2, after line 27, insert:

"For compensation of officers, clerks, messengers, and others in the service of the Senate, including the pay of per diem clerks to committees, and clerks to Senators, under the provisions of Senate resolution of September 30, 1890, $63,749.52."

Page 2, after line 33, insert:

"For stationery and newspapers for Senators, $600."

After line 35 of page 2, insert:

"For miscellaneous items, exclusive of labor, $10,000."

"For purchase of furniture, $2,000.

"For materials for folding, $3,000.

"For expenses of maintaining and equipping horses and mail wagons for carrying the mails, $800."

Mr. HENDERSON, of Iowa. Mr. Chairman, I move that the House

concur in the amendment of the Senate numbered 3, with an amendment, as follows:

Strike out all after the word "Senate," in line 2 of said amendment, and insert in lieu thereof the following: "Thirty-nine thousand two hundred and forty-five dollars and fifty-two cents."

Coupled with that, I move that the House concur in the other amendments of the Senate; and, pending that motion, I desire to make a brief explanation to the committee.

Mr. ROGERS. Before the gentleman does that, I wish the Clerk would report the amendment as it will read if amended as the gentleman proposes.

The Clerk read as follows:

The third Senate amendment is as follows:

"For compensation of officers, clerks, and messengers, and others in the service of the Senate, including the pay of per diem clerks to committees and clerks to Senators, under the provisions of Senate resolution of September 30, 1890, $63,749.52."

It is proposed to strike out all after the word "Senate;" so as to make the paragraph read as follows:

"For compensation of officers, clerks, messengers, and others in the service of the Senate, $39,245.52."

Mr. HENDERSON, of Iowa. Mr. Chairman, the first amendment proposed by the Senate is for $16,778.62. That is occasioned by the coming in of the four new Senators, and it seems to be entirely proper and should be allowed. I will pass the next item, which is one to which we have offered an amendment. The next after that is:

For stationery and newspapers for Senators, $600.

That also is because of the coming in of the four new Senators.

The next item is:

For miscellaneous items, exclusive of labor, $10,000.

That fund is entirely exhausted because of the length of last session. The same is true as to the next item:

For purchase of furniture, $2,000.

That fund is exhausted.

The next item is:

For materials for folding, $3,000.

That fund is exhausted.

The next is:

For expenses for maintaining and equipping horses and mail wagons for carrying the mails, $800.

That fund also is exhausted, and the reason of the exhaustion of these funds is the extraordinary length of the first session of this Congress. These items, therefore, all appear to be proper, and the committee recommend concurrence in them.

Now I go back to the amendment, in which we propose concurrence with an amendment. That item carries, as it comes to us from the Senate, $63,749.52. The amendment which is proposed by the House committee reduces the total by $24,504, that amount being for twenty-five session clerks and thirty-nine Senators' clerks.

I want the Committee of the Whole to understand the reason we move to concur with an amendment striking out this appropriation of $24,000. It will be borne in mind that at the last session there was a sharp and somewhat extended conflict between the two Houses touching the question of making the clerks of Senators annual clerks instead of per diem clerks, paid only during the sessions of Congress. In order that I may be more fully understood I will say that on the legislative appropriation bill of the last session, for the fiscal year 1891, the Senate proposed by way of amendment that the pay of clerks to Senate committees, now borne on the session rolls at $6 per day during the session, and clerks to Senators, receiving $6 per day during the session, should be fixed at $1,800 per annum. The House disagreed to that amendment, and after full discussion in both Houses the Senate receded from its amendment, leaving the pay of session committee clerks of the Senate and clerks to Senators not chairmen of committees at $6 per day during the session, as previously provided for.

Now, I want the committee to give attention to this statement. On September 30, 1890, which I think was the next to the last day of the last session, the Senate adopted a resolution directing that their session committee clerks and clerks to Senators should be paid from the miscellaneous fund of the Senate (equivalent to the contingent fund) during the recess then commencing, that is to say, from October 1 to December 1, thus, it seems to me, seeking to accomplish by indirection what the two Houses had deliberately determined should not be done—that is, the placing of these Senate employés upon annual compensation. Senator MORGAN introduced a resolution to give all session employés of the Senate, including committee clerks and Senators' clerks, thirty days' additional compensation. That resolution was amended, and the following, which is the one I have referred to, was adopted:

Resolved, That the per diem clerks to the committees of the Senate and the clerks to Senators be retained in the service of the Senate during the coming recess; and that the Secretary of the Senate is hereby authorized and directed to pay out of the contingent fund of the Senate the per diem now allowed such clerks by law during the sessions of the Senate.

Now, it is the judgment of the Committee on Appropriations of the House that inasmuch as this matter was fully and repeatedly discussed in both Houses during the last session, inasmuch as the proposition allowing permanent clerks to Senators and allowing pay during the recess to session clerks of the Senate was rejected, we should not entertain upon this urgent deficiency bill this amendment proposing to permit the Senate to do by means of the resolution I have just read what was stubbornly resisted by the House and rejected in conference.

Mr. Chairman, as I said a short time ago, if this bill should fail the Government Printing Office will stop on the 1st day of January and certain employés of this House will not receive their pay and the night force of the Government Printing Office will continue without their additional 6 per cent. We feel, therefore, that the proper amendments, which the House has never resisted, should be allowed, but that this which was resisted and which fell in conference should be rejected now by the adoption of the amendments which I have sent to the Clerk's desk and had read, thus preventing what failed after a conference between the two Houses from being accomplished by indirection.

Mr. SAYERS. Will the gentleman allow me a question?

Mr. HENDERSON, of Iowa. I would like to finish this line of remark, if the gentleman pleases, before yielding.

So that if this bill is to fail at this critical time and the Government Printing Office is to stop on the 1st day of January next, the responsibility of that failure and that stoppage will not lie with this body. In other words, the Senate, if it chooses, can concur in the amendment just read, which will then dispose of this bill and allow the needed money to be paid, excluding from the bill the $24,504 designed to pay for the recess session committee clerks of the Senate and Senators' clerks, who, under the present system, are not paid during the recess.

I will now yield to my friend from Texas for a question.

Mr. SAYERS. I simply desire that the House shall thoroughly understand the real issue involved in these amendments. Does the gentleman state that he proposes to concur in the action of the Senate, excepting the appropriation for the payment of Senators' clerks, which appropriation would in effect make them annual clerks?

Mr. HENDERSON, of Iowa. Senators' clerks during the recess.

Mr. SAYERS. That is what I understand. The effect, then, of concurring in the Senate amendment would be to make the Senators' clerks in fact annual clerks. Now I understand the gentleman from Iowa as desiring to bring the Senate to an issue upon that proposition, and that alone.

Mr. HENDERSON, of Iowa. In order to be distinctly understood, I will say to my friend from Texas that under the present law or the present procedure of the two Houses no session clerks are paid during a recess of Congress, and the same is true as to Senators' clerks. The Senate, on the legislative appropriation bill of last session, attempted (and the merits of that proposition I am not discussing) to have their session clerks made annual clerks, so that they would be paid through the whole year, including the recess of Congress. The House, upon that bill, resisted that proposition; and after full debate in both Houses on the conference reports the stubborn resistance of the House prevailed and the Senate finally abandoned its position; so that when the recess was taken on the 30th of September last there was no provision to pay Senators' clerks or session clerks of the Senate during the recess.

Now, they passed a resolution in the Senate on the 30th of September last, which I have read this morning, directing that this very force should be paid during the recess out of the miscellaneous or contingent fund of the Senate, and on our urgent deficiency bill now under consideration they have incorporated an amendment to pay some sixty-three thousand and odd dollars, twenty-four thousand of it being for this very purpose, which was rejected in conference between the two Houses in the last session, and the balance of about thirty-nine thousand to make good the shortage in the payment of those who should be paid as they have always been paid in both Houses.

So, Mr. Chairman, the amendment I have offered is to concur in so much of the Senate amendment as was proper and usual and which has been always recognized as proper, and to reject the $24,000 which is to pay the clerks of committees and the clerks of Senators—that is, their personal clerks—during the last recess. Now, am I understood in that statement?

Mr. SAYERS. But let me submit another proposition to my friend from Iowa. Suppose that this bill should become a law allowing for the use of the Senate that contingent or miscellaneous item, without specifying absolutely for what purpose it is to be used, could not the Senate under its order direct that this miscellaneous or contingent fund should be used first for the payment of their personal clerks during the vacation?

Mr. HENDERSON, of Iowa. That can not well be done, I think, for the reason that the amendment incorporated by the Senate provides "for compensation of officers, clerks, messengers, and others in the service of the Senate." Now, we propose to strike from the Senate amendment that portion of it which provides for "the pay of per diem clerks to committees and clerks to Senators under the provisions of Senate resolution" adopted September last. They fix the amount required by the Senate amendment at $63,000. We strike out about twenty-four thousand and reduce the sum total to $29,245.52, and in that amount is included the compensation of those who should properly be included and who are usually paid by both Houses.

Mr. SAYERS. Would it not be better to specify particularly the persons to whom this sum is to be paid?

Mr. HENDERSON, of Iowa. I think it is not necessary under the form of the Senate amendment, which we amend. Striking out all of that part of the amendment, as we propose, would clearly prohibit the use of money for that purpose.

Mr. COBB. Let me ask the gentleman from Iowa this question: Does any of the money provided for in the bill under consideration go to the Senate contingent fund?

Mr. HENDERSON, of Iowa. Only where it is expressly so provided. These officers, I will state, are paid out of the miscellaneous fund, and they are expressly named in the amendment.

Mr. COBB. Now, if your amendment prevails, can the Senate do as they did in September last; that is, pass a resolution directing the payment of their clerks in the recess?

Mr. HENDERSON, of Iowa. No, sir; for this amendment only carries an appropriation for the payment of others, and not for the clerks mentioned, who are stricken from the Senate amendment by the amendment I have proposed.

Mr. ADAMS. The clerks in question have all been paid out of the miscellaneous fund of the Senate, have they not?

Mr. HENDERSON, of Iowa. I think not, but I can not answer specifically.

Mr. ADAMS. Because, if they have been, then, as the gentleman from Texas has said, the appropriation would be only effective as a reimbursement of the miscellaneous fund to that extent.

But the gentleman from Iowa says that it would not have that effect, and I think he is correct. There is no recess now. The only existing recess for this Congress is that which has already passed, and I supposed under that resolution they had actually been paid out of that fund.

Mr. HENDERSON, of Iowa. I yield to the gentleman from Georgia, a member of the subcommittee, who desires to be heard on this question.

Mr. CLEMENTS. Mr. Chairman, I wish to say that as to all of the other items incorporated in the Senate amendment, proposed to the bill here, they are just of such character as those carried by the bill as it left the House. There was $33,000 appropriated in the bill as it went from the Senate to pay employés a deficiency brought about by reason of the unusual length of the last session, which was not contemplated, and hence could not be estimated or provided for in the regular bill. That is the cause of the deficiency both as to the House and the Senate employés; and the items enumerated in the amendment, other than that discussed here by the gentleman from Iowa, are of the same character as those presented in our bill for the House employés, except as to furniture, stationery, and newspapers.

Mr. DOCKERY. I do not think the House bill carries any appropriation for newspapers for members of the House.

Mr. CLEMENTS. That is simply because the original bill provided for that item of contingency without a deficiency. But on account of the admission of new States and the advent of new Senators it is necessary that provision shall be made for additional stationery, furniture, newspapers, and mileage.

Mr. SAYERS. I have not served on the subcommittee of the legislative bill or the deficiency bill during this session. Do you find such an item under the contingent expenses of the House as a provision for newspapers for members?

Mr. CLEMENTS. Yes; I think there is an item in one bill, a provision for a file of newspapers. There is such a file kept in the Clerk's office of the House as well as in the Senate.

Mr. SAYERS. And that is the purpose of this part of the Senate amendment?

Mr. CLEMENTS. That is the purpose, as I understand it, to supply the deficiency there, to keep such newspapers on file as are kept by the respective Houses; and also the small item of increase for stationery, furniture, and mileage rendered necessary, as I have already stated, because of the increase in the membership of the Senate by the admission of new States. Hence there is nothing unusual in the character of these items; and the cause of the deficiency was mainly due to the last session, the length of it, and the addition of new members to the Senate, carrying salary, mileage, and incidental expenses, thereby increasing the expenditures of that body to the extent specified here.

As to the other item which is in controversy, I quite agree with the gentleman from Iowa [Mr. HENDERSON], who has just explained that if we concur in the Senate amendment it amounts to placing these session clerks of the committees of the Senate and the Senators' clerks on the annual roll at $6 per day, instead of on the session roll, as they now are. This question has been discussed over and over again, as it was at the last session on the appropriation bill.

The Senate then receded, and, as has been stated, on the last day of the session this resolution was passed authorizing their payment out of the contingent fund, and I think there is no item in the contingent fund here provided for which could possibly be used for that purpose, unless possibly the $10,000 for miscellaneous items exclusive of labor, and I scarcely think that that could be. And inasmuch as the gentleman from Illinois [Mr. CANNON] has stated that it is his information that no money has been paid in pursuance of that resolution for the services of these clerks during vacation, if that has not been done it would be impossible to use for that purpose any part of that $39,000 which is left in this bill, because the purpose of it is here specifically named, excluding any other purpose.

Mr. ADAMS. But if they have in fact been paid——

Mr. CLEMENTS. If they have in fact been paid they can not reimburse that fund out of this appropriation, because this is specifically for the compensation of officers, clerks, messengers, and others in the service of the Senate, with the language added by the gentleman in his amendment.

Mr. ADAMS. The passage of the bill in the Senate form, although it would do no good, would do no harm.

Mr. CLEMENTS. Well, if the appropriation is taken away it would do no harm.

Mr. CANNON. I want to say to the gentleman before he leaves this subject, that I am informed that in fact the two months' pay has not been given, that the payment has not been made to the employés spoken of. I have no personal information about it nor official information, but if I understood my informant correctly, who made some inquiry touching the matter and who ordinarily is correct, then they have not been paid, and this appropriation is asked for the purpose of paying them.

Mr. CLEMENTS. That is what I understand.

Mr. HOLMAN. Will the gentleman from Georgia allow me a moment? I do not know what suggestion was made by the gentleman from Illinois [Mr. ADAMS]. Perhaps it was the same I was about to make. It is this: If you adopt this, taking the language as it stands now, it reads: "For compensation of officers, clerks, messengers, and others in the service of the Senate, $39,000," and that is an appropriation just as much on the basis of the resolution of September 30 last, and for the class of persons named in that resolution, as for the other employés of the Senate, because they are embraced under the general designation of "clerks and other employés." Now, to avoid that, I was going to suggest to my friend that before the word "clerks" the word "annual" be placed, so as to designate the class of persons to whom this deficiency is to apply. Is that the suggestion made by the gentleman from Illinois [Mr. ADAMS]?

Mr. ADAMS. That, if they had not been paid, then they could not be paid under this, even if you passed it without the amendment of the gentleman from Iowa; that, if they had in fact been paid, they had been paid out of the miscellaneous fund of the Senate, which the Senate has a right to expend as it sees fit, and, if they had been paid out of that, then they could not be paid out of this, for they could not be paid twice over.

Mr. HOLMAN. The Senate would hardly pay out money in contravention of their own estimate.

Mr. ADAMS. That is for the Treasury Department to say.

Mr. HOLMAN. They would hardly apply that money to any other purposes than those indicated in their estimate, and the estimate did not embrace this additional compensation to these session clerks. But you can see very well that the term "clerks" as used here would embrace these. It was not necessary that the Senate should add the words "including those named in the resolution of September 30." I therefore wish to suggest to the gentleman from Georgia that if we express exactly what we mean in this appropriation, which is that the money shall be only paid in pursuance of the law and to persons who, under general laws, are recognized up to this time as entitled to compensation, the only way you can accomplish that is by designating them in some way; and that is by the use of the word "annual." That will express the purpose of the House. And I wish to call the gentleman's attention to that; otherwise the Senate will understand they can apply this $39,000 as they think proper.

Mr. CLEMENTS. Mr. Chairman, I quite agree with the gentleman from Indiana, and I hope the gentleman from Iowa will modify his amendment so as to provide against any possibility of misconstruing this language.

Mr. HENDERSON, of Iowa. It will be absolutely bad faith on the part of the Senate if they do any such thing, even if it were possible, as the gentleman from Georgia will see at a glance.

Mr. CLEMENTS. I merely suggest, in pursuance of what the gentleman from Indiana [Mr. HOLMAN] has just said, that there might be a possibility that this would be construed so as to put it in their discretion to pay it to any of these clerks.

Mr. CANNON. I should think not, after this debate; especially with an amendment coming in for this purpose, after the House refuses to co-operate in making the appropriation, it seems to me that they can not be paid and are fairly excluded.

Mr. CLEMENTS. I think so, most of them.

Mr. CANNON. And by way of courtesy in the proceedings between two bodies, it seems to me, the House accomplishes its object by striking out the words referred to and that part of the appropriation covered by them.

Mr. HOLMAN. I hope that the gentleman from Illinois will see clearly that by this report they may give this $39,000 away.

Mr. CANNON. I hardly think so.

Mr. HENDERSON, of Iowa. I want to call the attention of my friend from Indiana to the fact that the $39,000 to which there was no objection does not go to the annual clerks by any means.

Mr. HOLMAN. To officers possibly.

Mr. HENDERSON, of Iowa. It does not give it to any except officers of the Senate, and many of them are session officers, where there was a deficiency before the recess began.

Mr. HOLMAN. How could there be?

Mr. HENDERSON, of Iowa. Because the money that was appropriated for their pay ran out; and therefore, I fear, to insert the word "annual" would cut out men who are not desired to be cut out and that ought not to be cut out.

Mr. HOLMAN. The House, I suppose, could make it plain to whom it desires this money to be paid. It should be shown who is to receive this money. I do not care how it is done, so that it does not contain this class that was named in the resolution of September 30.

Mr. CLEMENTS. I understand that the word "annual" would be applied to a certain class, and not to the other employés, and that these others are excluded by the language used. But for my part I see no objection to making it clear.

The CHAIRMAN. The gentleman from Missouri is recognized.

Mr. CANNON. I would like to say a word upon that point.

The CHAIRMAN. The Chair will recognize the gentleman from Illinois.

Mr. CANNON. I do not think the word "annual" ought to be inserted in line 28, as the gentleman from Indiana suggests, because there are some session clerks of the Senate that would be cut out.

Mr. HOLMAN. Well, now, has this committee any information that there are any session clerks of the Senate who were not paid at the last session?

Mr. HENDERSON, of Iowa. This is a deficiency, which is to pay all of these officers, because the fund ran out on account of the extra long session.

Mr. CANNON. Precisely; and it lacks a day or two in which to have sufficient money to pay the Senate employés, the session and other employés, and our employés for this month. And I want to say here a single word as to this matter. It has been reasonably fully stated by the gentleman from Iowa [Mr. HENDERSON] and also by the gentleman from Georgia [Mr. CLEMENTS], but I want to call the attention of the House to the facts a little more fully than they were stated by the gentleman from Iowa.

The legislative appropriation bill of the last session of Congress, which carried the appropriation for the Senate and House employés, had this amendment placed upon it by the Senate:

For twenty-six clerks to committees, $1,800.
For clerks to Senators who are not chairmen of committees, $1,800.

The House having provided, as it passed the bill, for these two classes of employés during the session, the Senate amendment made them annual. I helped prepare the legislative appropriation bill and was also a member of the conference committee. The Senate insisted upon that amendment, and they argued that the Senate had the right to say what employés it should have.

Now, I call attention to the fact that some years ago, by a resolution of the Senate, the contingent fund was utilized for the payment of clerks to Senators during the session; and that now they have the right, either by resolution or by direct appropriation, which they asked, to have these clerks made annual. To this the conferees of the House never did agree; and finally, after repeated conferences, the House did that which I have very rarely seen done, adhered to its disagreement to the Senate amendment, which I believe is the last step in parliamentary practice to be taken by a legislative body, and when taken it means, so far as that body is concerned, if the other does not give way the bill will fail. The Senate then receded from its amendments rather than allow the bill to fail. That was the legislative bill.

Then, as the gentleman from Iowa has well stated, a month or two later the Senate adopted this resolution to pay these employés for two months during the vacation. Well, they did not have the money to pay them. There was no money in the contingent or miscellaneous fund to pay these clerks during that vacation, or else, I take it, that would have been paid. Now, that resolution having been passed by the Senate, they put an amendment on this deficiency bill to appropriate the money to pay these employés; and that amendment the gentleman from Iowa [Mr. HENDERSON] proposes shall not be concurred in, which would strike out these employés and the money that the Senate wished appropriated to pay them.

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

Mr. CANNON. In a moment. So that the House will understand that, if we now vote this appropriation, so far as this year is concerned we concede the demand of annual salaries to those which are now session clerks of the Senate, to Senators' clerks, and to session committee clerks of the Senate, and all that action on the legislative bill goes for nothing.

Now, it may be that that ought to be done. I do not say that it ought to be, but I hope that if the House concurs in the amendment moved by the gentleman from Iowa, and strikes this amendment out or modifies the Senate amendment in the way proposed by the gentleman from Iowa, it will do it deliberately and firmly, so that the Senate can recede from its amendment and let the bill be passed, if it so desires. I speak thus at this time for the reason that this is the Saturday before Christmas, and, if I were going to guess, I should guess that there were many chances that there would not be a quorum in the House next week. I think it is important that this bill should pass, in order that the other employés of the Senate and the House and of the Government Printing Office may be provided for, and they will be provided for if we concur in the Senate amendment. But if we send this bill back with the amendment proposed by the gentleman from Iowa, then, unless the Senate concurs in our amendment, the bill will not be passed until further conference between the two Houses, and action by them.

Mr. COBB. But, if the House adopt the amendment proposed by the gentleman from Iowa, is it within the range of possibility that the Senate can use that money in paying for the two months covered by their resolution?

Mr. CANNON. In my opinion, the Senate can not by resolution use this fund for the payment of the salaries of those employés for the two months during the vacation. I think that is sufficiently plain. But I am opposed to doing anything more than striking out the amendment, because it is proper that in the proceedings between the two Houses due courtesy should be observed.

Mr. COBB. Does the gentleman think the Senate was entirely courteous to us in passing that resolution after the debate that was had in the two Houses?

Mr. CANNON. Well, it is not for me to pass upon that matter or to criticise the Senate. I mean to say that I do not think the appropriation should be made after the action of the House at the last session, unless the House is willing to say, by concurring in this appropriation, that it was then wrong and that the Senate was right.

Mr. FORNEY. I wish to ask the gentleman a question. I see that the Senate has amended this bill with an item reading this way: "For miscellaneous items, exclusive of labor, $10,000." Can they not pay their annual clerks out of that fund?

Mr. CANNON. I think not. I do not think that any disbursing officer would do that. I do not think that the Senate would instruct him to do it, and if it was done I doubt whether the proper accounting officer would assent. I do not think there is any danger of that fund being misapplied.

Mr. FORNEY. Have they not paid them out of a similar appropriation made last session?

Mr. CANNON. As I understand, they have not been paid at all yet.

Mr. HENDERSON, of Iowa. Mr. Chairman, I now yield to the gentleman from Missouri [Mr. DOCKERY].

Mr. DOCKERY. Mr. Chairman, I ask to be allowed fifteen minutes. I do not think I shall use so much time, but I wish to yield five minutes to the gentleman from Arkansas [Mr. ROGERS].

Mr. ROGERS. Mr. Chairman, I do not desire to occupy time unnecessarily, but I may require more than five minutes.

Mr. HENDERSON, of Iowa. I will yield ten minutes to the gentleman from Arkansas.

Mr. ROGERS. Mr. Chairman, this is a sort of confession of judgment. I am conscious of the fact by a repetition of experiences that no counsel or advice which I may give the majority of the House is going to avail anything. I served notice on them last year when they adopted this code of rules as to what would take place under them, but we were told then that if this was not to be a deliberative body it was at least to be an economical body. Therefore they were not willing to give the Public Printer the amount that he said at the time ought to be allowed him, and they cut down the appropriations for the Government Printing Office pending the election to about $723,000 less than the estimate.

Of course I do not rise for the purpose of criticising this bill, because the distinguished gentleman [Mr. HENDERSON, of Iowa] who has it in charge has remained so long in charge of appropriations that he has become an artist in running the Government cheaply just before election and making up the deficiency afterwards. [Laughter.] We have here an appropriation for the Government Printing Office which, prior to the election, we were told had all the money provided that was going to be required for its economical administration; we have here a deficit of $458,830 (if I am not mistaken in my aggregate of the figures) before the year is half gone. At that rate we shall have a deficiency of a million, or nearly that, before the year expires.

Some years ago, under Democratic control of the House, I undertook and endeavored to enforce the idea upon the floor that the most economical method of administering the affairs of the Government was to make the necessary appropriations in the beginning, so that in the one instance the courts should not stop, so that in this instance no great department of the Government should be compelled to stop. But, Mr. Chairman, my advice was not taken then, nor was it taken last session by my Republican friends on the other side of the House, and when in November last the people came to hold their little meetings throughout the country they pronounced judgment against our friends on the other side for not dealing fairly, rightly, and properly with public affairs. Now, I am going to offer a little more advice, for all this ad-

vice on my part is purely gratuitous and our friends need not take it unless they like.

The gentleman from Illinois [Mr. CANNON], the chairman of the Committee on Appropriations, announces that he thinks there will not be a quorum here next week. Now, Mr. Chairman, I am not a Presbyterian, but I have a great regard for the doctrines of that church. I see my distinguished friend from Virginia has just entered the Hall and I know that he will appreciate what I am about to say. The Presbyterians believe that all things should be done in decency and in order, and my regard for this great principle which has been so long urged by that splendid organization of Christians in this country leads me to suggest to the gentleman from Illinois that if there is not a quorum here next week there will probably not be any business done, and therefore I think that, in deference to the gentleman from Illinois [Mr. CANNON] and the gentleman from Arkansas [Mr. ROGERS], we had better have the usual holiday recess. [Laughter.]

But in that regard there are one or two other things to which I want to invite attention, and it seems to me this is a most appropriate occasion. Mr. Chairman, this is a happy moment to emphasize the fact that while business in every part of this country is suffering under a financial stringency, while the farmers are organizing for relief and are revolutionizing political affairs, while the mortgagees against whom foreclosures have been made in some parts of the country are banding together and defying the authorities and taking charge of their homes after being ousted, we are here with a depleted and almost exhausted Treasury and a deficit staring us in the face, trying to open the vaults of the Treasury to take what little is left and turn it over to the plutocratic shipowners of the North and East, while at the other end of the Capitol there is being discussed a bill intended to raise—I will not say "hell," because that would not be proper language here, but to "raise Cain" throughout the country.

Now let me invite attention to another fact. If, as the gentleman from Illinois says, we shall have no quorum here next week and if no business should be done then, as none scarcely has been done thus far looking to the support and maintenance of the Government, the first thing you will know you will not only have a Treasury deficit staring you in the face, but you will have an extra session of Congress confronting you with scarcely members enough on your side (if you do not keep them here better than you have done in the past) to have a call of the House. That is an inviting prospect for an administration, calling an extra session of a Congress with 158 or 160 members of the House of Representatives in political antagonism to it.

Now, I repeat, this advice is all gratuitous. You need not take it unless you like it. I simply advise you, my friends, in view of the history of the past that you turn your attention to the public business.

Why, Mr. Chairman, I heard the other day a story somewhat amusing to me. They tell me that since the November elections a musical quartette has been organized in Washington. A distinguished gentleman from Maine is the leader of that quartette; and they tell me that, when this quartette meets and begins to sing—

> Amazing grace, how sweet the sound,
> That saved a wretch like me,

and the gentleman from Iowa raises the tune and the other members unite in singing it, it is an excruciating scene.

Mr. Chairman, unless the majority now propose to devote their time to the public business, I can only commend the moribund remnant of their party to the tender mercies of the Farmers' Alliance and the "amazing grace" of the American people.

So I took the floor to-day, not to discuss this bill, but to invite attention to the fact that unless you propose to address yourselves to the public business in an orderly way in both ends of the Capitol, under this new code of rules framed as you say "to do business," the first thing you know you will be "doing business" under a code of rules adopted by a Democratic House in an extra session of Congress. I repeat, this advice costs you nothing; do not take it unless you like it. This is a matter in which I have no profound concern, for I should take great pleasure in indorsing the retirement of you all. [Applause on the Democratic side.]

[Here the hammer fell.]

Mr. DOCKERY rose.

Mr. HENDERSON, of Iowa. Does the gentleman from Missouri [Mr. DOCKERY] desire to occupy the floor?

Mr. DOCKERY. I wish a few moments; but if the gentleman from Iowa desires now to reply to the gentleman from Arkansas——

Mr. HENDERSON, of Iowa. I prefer that the gentleman from Missouri should use the time now, if he wishes it. How much time does he want?

Mr. DOCKERY. Only a few moments.

Mr. HENDERSON, of Iowa. I yield to the gentleman.

Mr. DOCKERY. Mr. Chairman, I am not opposed to this bill. On the contrary, at the last session I urged that $723,531.21 additional was necessary to maintain the Public Printing establishment. I declared then that the only reason the amount was not appropriated was the desire of the Republican majority of the Committee on Appropriations to keep down the aggregate of their appropriations until after the election.

Mr. CANNON. Will the gentleman allow me?

Mr. DOCKERY. Certainly.

Mr. CANNON. Is it not true that since the Forty-eighth Congress, including the Forty-ninth, the Fiftieth, and the Fifty-first Congresses, it has been the practice to apportion these appropriations for public printing, limiting the appropriation in the first instance to the first half of the fiscal year, with the expectation of making a deficiency appropriation later (as has been invariably done), it having been felt necessary that these appropriations be made for as short periods as possible so as to compel the economical conduct of that office, and to place, if possible, some curb upon Congress in the ordering of public documents?

Mr. DOCKERY. I do not understand, Mr. Chairman, that any such policy as that has obtained; but I do concede——

Mr. CANNON. That policy was inaugurated by Mr. Randall and has been followed ever since.

Mr. DOCKERY. I concede that deficiencies in the appropriations for public printing have heretofore occurred, but those deficiencies have been very much smaller than that which now confronts us, the amount being $723,531.12 for the current fiscal year.

Mr. HENDERSON, of Iowa. The business heretofore done being very much less, as my friend knows.

Mr. DOCKERY. I am not sure that my friend from Iowa is quite accurate as to the volume of business.

Mr. HENDERSON, of Iowa. That is shown in the report of our committee.

Mr. DOCKERY. I admit, in all fairness and frankness, that deficiencies have occurred heretofore. In the last fiscal year the amount was $468,000, but in the prior year it amounted to only $192,000, as I now remember, and I think my memory is correct in this regard.

But, Mr. Chairman, my claim is this, that the policy of deliberately entailing deficiencies was not pursued by the House when it was under Democratic control. Deficiencies may have occurred, and no doubt did occur, but not as a result of a settled policy on the part of the Democratic party.

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

Mr. DOCKERY. Certainly.

Mr. MILLIKEN. Has not the gentleman himself in past Congresses under Democratic control, or when the Democratic party were in power in the House, time and time again heard Republicans on this side arraigning the Democratic party, and especially the chairman of the Committee on Appropriations—I will not refer to him by name, because he has now passed away—for pursuing the same policy? Has not his speech and language in that regard been quoted time and often on this floor?

Mr. DOCKERY. The chairman of the Committee on Appropriations to whom the gentleman from Maine refers ever stood as a rugged exponent of the Democratic policy of economy, a policy which always obtained when he presided over that committee.

Mr. MILLIKEN. Well, no one knows or has been able to find out what the Democratic policy of economy is. I have heard it talked about often, but I could never find anybody who could illustrate what it meant.

Mr. DOCKERY. I do not wonder that the gentleman from Maine fails to comprehend the Democratic policy in respect to the expenditure of public money——

Mr. MILLIKEN. And no one else does.

Mr. DOCKERY. For the entire Republican party seem confused upon all public questions by the result of the election on the 4th of last November.

Now, Mr. Chairman, I desire to allude briefly to an observation made upon the floor of the House on yesterday by the gentleman from Michigan [Mr. CUTCHEON]. Replying to some suggestions made by the gentleman from Mississippi [Mr. ALLEN], the gentleman from Michigan declared that the business interests of the country were "scared," and that the "capital of the country" was in a condition of "alarm," because of the Democratic victory of last November.

I have no desire, sir, at this moment to excite a partisan debate, but in answer to the views of the gentleman from Michigan, which are but the echoes of statements heretofore made by the gentleman from Ohio [Mr. SHERMAN] and the gentleman from Massachusetts [Mr. HOAR], I ask to submit some facts revealed by the books of the Treasury Department which establish beyond cavil that the existing depression in the business interests of the country was inaugurated prior to August last.

Mr. WILSON, of West Virginia. And that was the burden of our refrain when the tariff was discussed.

Mr. DOCKERY. And, as the gentleman from West Virginia well suggests, that was our theme when the tariff bill was under discussion, the depressed condition of the business interests of the country.

I find here, in a speech of my own, made on the 2d of September last, this statement:

> In view, therefore, of the recent calls of the Treasury Department to relieve the stringency in the money market it is apparent that this surplus—

Referring to the vanishing surplus in the Treasury—
will be exhausted within a very brief period.

I also stated then that from the 1st day of July, 1890, to the 1st of September, $42,118,139.10 had been used to purchase bonds to check the swelling tide of commercial disaster which had set in. Now, Mr. Chairman, I desire to submit some further figures which completely refute the declarations of Senators SHERMAN and HOAR as well as the statement of the gentleman from Michigan. What are they? I find that the bonds of the United States purchased from the 1st of July, 1890, to the 6th of October, 1890, when the McKinley bill went into operation, amounted at their face value and premiums to $86,266,730.60. In other words, Mr. Chairman, in order to relieve the stringency of the money market the Secretary of the Treasury had been compelled prior to the passage of the McKinley bill to employ the surplus in the Treasury to the amount of $86,266,730.60 to purchase Government bonds.

Mr. CUTCHEON. Will you yield to me for a question just there?

Mr. DOCKERY. I will.

Mr. CUTCHEON. Does the gentleman disapprove of the policy of bond purchases by the Treasury Department to relieve the plethora of money in the Department and the business interests of the country at the same time?

Mr. DOCKERY. The gentleman from Michigan must know that that is not the issue here.

Mr. CUTCHEON. Well, it strikes me as a very wise financial policy, to use the surplus in such an emergency and to put it in circulation for the benefit of the commerce of the country.

Mr. DOCKERY. My contention is against the system of taxation which wrung from the people in excess of the actual needs and demands of the Government, from August 3, 1887, to December 1, 1890, $416,611,334.96. This enormous surplus coerced the Secretary of the Treasury and compelled him to purchase bonds, as the only way to postpone financial disaster.

In other words, sir, and I thank the gentleman from Michigan for the suggestion, the Treasury Department under this policy of taxation has bought since the 3d of August, 1887—because the Secretary of the Treasury was compelled to use the surplus to avert a panic—$358,507,650 of Government bonds, for which we paid $416,611,334.96. So that, Mr. Chairman, the net result of this policy has been the payment in excess of the face value of the bonds (the larger part of them not due until 1907), of $58,103,684.96 as premiums since the date first mentioned.

Mr. DINGLEY. And saved money by so doing.

Mr. DOCKERY. Mr. Chairman, many of the people I have the honor to represent on this floor are compelled to resort to the banks for money at 10 per cent. or mortgage their farms to Eastern loan companies at 7 and 8 per cent., with an additional 5 per cent. commission. And thus situated they are in no mood to submit cheerfully to a system of taxation which extorts from them $416,000,000 more than the Government needs in order to buy bonds not due for twenty years, and bonds, as suggested by the gentleman from Illinois [Mr. SPRINGER], bearing only 4 per cent.

Now, Mr. Chairman, in the line of the statement I was making when interrupted by the gentleman from Michigan [Mr. CUTCHEON], I ask to submit another fact. From the 6th of October, when the McKinley bill went into effect, until the 4th of November, when the Democratic party swept the country from Maine to the Rocky Mountains——

Mr. MILLIKEN. Do not include Maine, please.

Mr. DOCKERY. Well, from the western borders of the State of Maine.

Mr. MILLIKEN. That victory was big enough without stretching it.

Mr. DOCKERY. The Speaker of the House has very aptly suggested that he "caught an early train" or else Maine would have been included in the path of that Democratic cyclone. [Laughter.]

Mr. SPINOLA. He got over the bridge before it broke down.

Mr. DOCKERY. And now, Mr. Chairman, let me say that from the 6th of October to the 4th of November the Secretary of the Treasury bought other bonds for which he paid $1,263,759.12. So that it is manifest that the Secretary of the Treasury, from the 1st of July until election day, used of the surplus, for the purchase of bonds to relieve the commercial stringency, $90,530,489.72. Does any gentleman on that side challenge the fact that this money was employed to relieve the stringency in the money market? I await an answer.

Mr. MILLIKEN. Mr. Chairman, will the gentleman allow me one word? He says he awaits an answer.

Mr. DOCKERY. Certainly.

Mr. MILLIKEN. The gentleman sets up a speech here in which he finds great fault with the Republican party. I want to ask the gentleman what his remedy is. What does he propose?

Mr. DOCKERY. The first remedy I would suggest would be the repeal of the McKinley bill. [Applause on the Democratic side.] The next action, the remonetization of silver. Let silver be clothed with all the functions and power of gold. [Applause on the Democratic side.] And, finally, I would strangle the force bill now pending in the United States Senate; and when you have employed these legislative remedies there will not be much left of the Republican party. [Applause on the Democratic side.]

Mr. MILLIKEN. But the gentleman says the stringency began before the McKinley bill was passed; so that was not the cause of it.

Mr. DOCKERY. Let me explain to the gentleman a point in that connection. The importers knew what some Western Republican farmers had not theretofore known, that the tariff is a tax, and acting upon this knowledge they borrowed money and made large importations of goods that were affected adversely or that would be increased in price by the McKinley bill, and that had its influence in assisting to bring about the disturbance in commercial circles——

Some MEMBER. And those importers were all free-trade Democrats.

Mr. SPINOLA. No; there were enough of them Republicans.

Mr. DOCKERY. And to demonstrate the accuracy of this statement you have only to go to the Treasury Department and you will ascertain that the receipts on account of customs by reason of goods imported for the four months prior to the passage of the McKinley bill, amounted in round numbers to $16,000,000 more than they did for the corresponding period of last year. Now, does any gentleman on that side question the statement I make that those bonds were bought to relieve the money market, the stringency of which was fully established months before the passage of the McKinley bill and before the election? If so, gentlemen, will you explain to your constituents the action of the Secretary of the Treasury at a time when agriculture was burdened, when labor was discontented, when unsatisfactory profits were being realized in all departments of business—will you explain the wisdom of his action when from the 10th of September, 1890, to the 10th of October, 1890, in addition to the purchase of $90,000,000 of bonds, he absolutely advanced of the people's money $12,009,951.50 to prepay interest on bonds not due until the 1st of July next?

Mr. SWENEY. Let me answer the question submitted by my friend from Missouri in part. The Secretary of the Treasury withdrew from the national banks the deposits that had been placed there by Grover Cleveland and paid them out on the public debt of the country. [Applause on the Republican side.]

Mr. DOCKERY. That is a very beautiful theory, Mr. Speaker, if it was sustained by the facts——

Mr. SWENEY. It is a fact that is known to you.

Mr. DOCKERY. But the truth of the matter is that $24,005,809.56 of the people's money is to-day deposited in national banks, and the Secretary of the Treasury refuses to withdraw it.

Mr. SWENEY. And there were $60,000,000 of Government money in national banks when this Administration came into power, or very nearly that.

Mr. DOCKERY. I think not so much as that, Mr. Speaker. Perhaps the gentleman has confused the amount with the amount of the surplus in the Treasury at the time this administration took charge of affairs.

Mr. SWENEY. Oh, no.

Mr. DOCKERY. I am of opinion that the amount stated by the gentleman is incorrect, but I will not contend with him as to the amount. I criticise the policies of both Administrations in respect to the deposit of the people's money with national banks. I criticised the policy of our own Administration, and I arraign your policy now as I did Mr. Fairchild's then.

Mr. DOLLIVER. Which is the better policy?

Mr. DOCKERY. I think the better policy is to leave the surplus in the pockets of the people, so that it will not be here to vex the Secretary of the Treasury and tempt him to deposit it in national banks to prevent a financial panic. Mr. Blaine declared in the last canvass that you would withdraw this money from the national banks; but the promise has not been redeemed.

Mr. STRUBLE. That is what we are going to do; and then you Democrats will go to the country and say we have robbed the Treasury. [Derisive laughter on the Democratic side.]

Mr. DOCKERY. I concede that it will require but very little evidence to establish that charge in the public mind, in view of the reputation of our friends on the other side. [Laughter on the Democratic side.]

[Here the hammer fell.]

The CHAIRMAN. The pending question is on the motion of the gentleman from Iowa.

Mr. HENDERSON, of Iowa. I yield five minutes to the gentleman from Michigan.

Mr. CUTCHEON. Mr. Chairman, I desire in a very few moments to reply to the gentleman from Missouri. The gentleman from Missouri [Mr. DOCKERY] has taken as the text for his homily this afternoon a few words let drop by me yesterday pending the remarks of the gentleman from Mississippi [Mr. ALLEN], "that perhaps the business interests of the country had been scared by the late Democratic victory." I am fully persuaded of the truth of that remark. [Derisive laughter on the Democratic side.]

The gentleman holds up here this afternoon certain figures in regard to the bond purchases made by the Secretary of the Treasury to prove that there has been great financial distress and stringency prior to the

passage of the McKinley bill as well as prior to the late election. Now, Mr. Chairman, what are the facts in regard to this matter? The present Secretary of the Treasury found a large surplus in the Treasury, left to him as a legacy by the late Democratic administration. He found himself clothed with power to go into the market and purchase bonds at the market price and retire them, thus saving the interest upon them. He availed himself of that authority. He has exercised that power, which his predecessor, the late Mr. Manning, failed and refused to exercise, although he had the power.

Mr. DINGLEY. And Mr. Fairchild.

Mr. CUTCHEON. And Mr. Fairchild also failed to exercise it until the surplus in the Treasury had been piled up to an almost fabulous amount. The present Secretary of the Treasury, Mr. Windom, believing it wiser that the people's money should be in circulation among the people rather than hoard and pile it up in the Treasury of the United States, thus withdrawing it from circulation, inaugurated the opposite policy without any special reference to any special monetary stringency, but as the fixed policy of this country that this money should be returned to the business channels of the country and go into circulation among the people. In pursuance of that policy and under authority vested in him by Congress, he has purchased these bonds and reduced the surplus.

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

Mr. CUTCHEON. I have only five minutes.

Mr. OUTHWAITE. I want to know why he paid 4 per cent. more for 4 per cent. bonds two years after they were bought by the Democratic administration for 124.

Mr. CUTCHEON. Mr. Chairman, I do not wish to be diverted. The gentleman from Missouri [Mr. DOCKERY] complained of the existence of the surplus; and he says that is the gravamen of his complaint, that this surplus had accumulated; that under the laws enacted by a Republican Congress the income was greater than the outgo. Now, Mr. Chairman, I am about to complete the eighth year of my service in this House; and the House of Representatives in three Congresses has been Democratic. This is the first Republican Congress we have had since I have served here. I remember that during that time, in the Forty-eighth Congress and in the Forty-ninth Congress, with a large working majority in this House, the Democratic party utterly failed and absolutely broke down in their attempt to pass any bill reducing the revenue of this country, either external or internal revenue, either in its tariff or revenue derived at home——

Mr. WHEELER, of Alabama. And the Republicans voted against the measures they introduced.

Mr. CUTCHEON. And not until the Republican party obtained control of the House has it become possible to enact a law reducing the revenues. In the first session of this Congress we gave you a tariff act that it is estimated will reduce the surplus revenue by at least $50,000,000 a year.

Mr. HENDERSON, of Iowa. I now ask for a vote.

Mr. SPRINGER. Will the gentleman from Iowa allow me to make one suggestion to the gentleman from Michigan?

Mr. HENDERSON, of Iowa. I hope the gentleman will suppress that request.

Mr. SPRINGER. I only want one minute.

Mr. HENDERSON, of Iowa. If anybody wants to talk I want to talk some myself; but I will yield the gentleman one minute, and after that I shall yield to no one.

Mr. SPRINGER. I desire, Mr. Chairman, to call the attention of the committee and the country to the fact that the gentleman from Michigan [Mr. CUTCHEON] differs with the President of the United States as to the cause of the monetary depression. The President in his annual message, dated the 1st day of this month, attributed the then existing depression to the unfavorable monetary events which have recently taken place in England.

Mr. CUTCHEON. My friend has failed to call attention to the fact that the monetary depression is not confined to this country, but is world-wide.

Mr. SPRINGER. The President says it is due to the depression in monetary affairs in England; the gentleman stated that the depression was due to the late Democratic victory. That is the difference. Now, if he is right about it I want to ask him how much of that depression was caused by his defeat in the late election?

Mr. CUTCHEON. But the failures in this country began right after the Democratic victory.

Mr. ALLEN, of Mississippi. Let the gentleman tell us also what it was that scared the people of Michigan before the election.

The CHAIRMAN. The question is on the motion of the gentleman from Iowa [Mr. HENDERSON], that the House concur in all the Senate amendments without amendment, except the one numbered 3, and that the House concur in that with an amendment.

The motion was agreed to.

Mr. HENDERSON, of Iowa. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. BURROWS, from the Committee of the Whole, reported that they had had under consideration a bill (H. R. 12498) to supply a deficiency in the appropriation for public printing and binding for the first half of the fiscal year ending June 30, 1891, and for other purposes, with the amendments of the Senate thereto, and had directed him to report the same back with the recommendation that the House concur in the Senate amendments without amendment except as to the one numbered 3, and that the House concur in that amendment with an amendment.

The amendments of the Senate were concurred in without amendment, except amendment numbered 3, which was concurred in with the amendment above.

Mr. HENDERSON, of Iowa, moved to reconsider the vote by which the Senate amendments were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. HENDERSON, of Iowa. Mr. Speaker, I move that the House do now adjourn.

Mr. DOLLIVER. Mr. Speaker, I ask the gentleman to withhold that motion a moment until I make a report which I have been directed by the Committee on Naval Affairs to make.

NAVAL APPROPRIATION BILL.

Mr. DOLLIVER, from the Committee on Naval Affairs, reported the bill (H. R. 12782) making appropriations for the naval service for the fiscal year ending June 30, 1892, and for other purposes; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, was ordered to be printed.

Mr. OUTHWAITE. Mr. Speaker, I desire to reserve all points of order on that bill.

SURETIES OF GEORGE W. HOOK, DECEASED.

Mr. BIGGS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 882) for the relief of the sureties of George W. Hook, deceased.

The bill was read, as follows:

Be it enacted, etc., That Arthur St. Clair Denver and the estates of Edgar Bogardus, deceased, Thomas H. Williams, deceased, Samuel Todd, deceased, William Van Voorhies, deceased, Sam Bell McKee, deceased, J. J. Vallejo, deceased, H. Laurencel, deceased, Patrick Durkan, deceased, and James A. McDougall, deceased, be, and they are hereby, released and discharged of and from all and every obligation and liability whatsoever on account of said persons having been sureties upon the bonds of the late George W. Hook, deceased, dated on or about the 1st day of July, 1858, given as security for the faithful performance by the said George W. Hook of his duties as receiver and disbursing agent of the United States land office at Humboldt, Cal.

Mr. BUCHANAN, of New Jersey. Mr. Speaker, I would like to know if there are any other California defalcations to be excused.

Mr. BIGGS. This occurred a long time ago. The bill was reported to the Senate and passed that body unanimously. There is no other such case in California, thank the Lord, and I know there will be no objection to this. [Laughter.]

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. CANNON. I would like to know something more about it. Let us have the report read.

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

The Committee on Claims, to whom was referred the Senate bill, an act for the relief of the sureties of George W. Hook, deceased, have had the same under consideration, and state that a bill similar to this was reported favorably to the House in the Fiftieth Congress (see House report No. 4069), and being still satisfied with said report adopt it, it being as follows:

[House Report No. 4069, Fiftieth Congress, second session.]

The Committee on Claims, to whom was referred the bill (S. 2783) for the relief of the sureties of George W. Hook, deceased, have had the same under consideration and respectfully report:

That George W. Hook, now deceased, was, in 1858, appointed receiver of public moneys and disbursing agent at Humboldt, Cal., and executed bonds dated July 1, 1858, as required by law, with Arthur St. Clair Denver, Edgar Bogardus, Samuel Todd, Thomas H. Williams, William Van Voorhies, Samuel Bell McKee, J. J. Vallejo, H. Laurencel, Patrick Durkan, and James A. McDougall, as sureties.

Hook entered upon the duties of said office on July 24, 1858, and retired from office on June 15, 1861. During this entire period he made regular monthly reports up to May 30, 1861, and accounted for all moneys received by him up to that date. There does not appear to be any report from him for the fifteen days of June, 1861.

His accounts were adjusted by the First Comptroller on June 2, 1862, whereby it was alleged that Hook was indebted to the Government in the sum of $9,271.03, all of which was alleged to have accrued in the last fifteen days of official life. No notice of such alleged deficiency was given to Hook in his lifetime, or any of his sureties.

Various items for disbursements made by Hook were suspended in the former settlement, and on May 23, 1888, the Comptroller made a further adjustment of these by giving a further credit on the alleged deficiency of $1,288.39, thus reducing it to $8,982.64.

When the adjustment was made on June 2, 1862, Hook and each and all of his sureties were solvent and able to meet any real deficiency that might be shown to exist. Subsequently most of them became insolvent.

Hook died in the county hospital in San Francisco November 26, 1868, insolvent.

Ex-Senator James A. McDougall died about the same date at Albany, N. Y., insolvent.

Bogardus died at Ypsilanti, Mich., some years ago, and his estate has been distributed.

All of the others, except Denver, died years ago, and the estates of all were insolvent except those of Williams and Laurencel.

None of the parties ever had any notice of any claim against them until suit

was instituted in the United States circuit court for California, in August, 1880, more than eighteen years after the account had been adjusted, and long after the principal and nearly all of the sureties were dead and their estates insolvent.

No final action has been yet had on said suit, and since its institution all the then surviving sureties except one have died.

The Government by its laches has lost nearly all of its surety assets by failure to prosecute the claim within a reasonable time, and it would be a great and unjust hardship on the estates of only two or three of the sureties to enforce any demand on them growing out of a transaction occurring nearly thirty years ago, and for which no demand or notice was made or given them for more than eighteen years after adjustment.

The committee therefore recommend the passage of the bill as both equitable and just.

Mr. CANNON. Well, Mr. Speaker, I have listened to the reading of that report. I fail to see any reason in the world why a bill like this should pass in this case more than in any one of the ten thousand other cases.

Mr. SPRINGER. The point in this case is that the laches of the Government, in allowing this matter to rest for so long a time without reviving it, should entitle these parties to a release.

Mr. CANNON. And the same principle would release parties who are held now for over $20,000,000. If we are to have a statute of repose as against the Government for one let us have it for all.

Mr. BIGGS. I ask the gentleman from Missouri [Mr. MANSUR], who reported this bill, to explain the case to the House.

Mr. MANSUR. Mr. Speaker, this bill was reported by our committee upon the ground of the gross laches and negligence of the Government, and its failure to enforce its rights within any reasonable period after it knew the amount of the defalcation, and also upon the ground that nearly everybody concerned has died, except one surety, who alone, as I understand, is living and solvent. As will be seen from the reading of the report, there were some nine or ten sureties in the first place, all of them good. This gentleman, Mr. Hook, was collector for a period of nine years, from 1852 to 1861, and during that time he settled all claims promptly. When he was removed there remained a period of some fifteen days in which this deficit occurred.

It took the Government nearly a year to adjudicate that account, and it seems to me, from all the evidence laid before the committee, that even after they had adjudicated the account and found a balance of between $8,000 and $9,000, no notice was given to either the principal or any of the sureties for over eighteen years. Now, sir, we know that as between citizens a much shorter period is an absolute bar, and, by analogy, if the Government, having knowledge of this deficit from its records, lets the matter sleep and lets all the sureties but one die, it is, in our opinion, an outrage upon this one surety to hold him responsible now, after all this lapse of time.

This bill takes no money out of the Treasury. It simply seeks, since a suit has now been brought to recover the full amount from this one solvent surety, to give him the same benefit by act of law that has practically, by the operations of nature and the settlement of estates, been given to the rest of the sureties; in other words it proposes to exonerate him from this debt.

In analogy with this proposition, I may mention that in my State, if a sheriff is not sued within three years after the close of his official term (I believe it is three years, certainly it is not more than five) neither the sheriff himself nor his sureties can be held for the payment of a single dollar on account of any defalcation that may have occurred. The same thing is true with regard to the office of treasurer. In all transactions between man and man, there are statutes of limitation, and in analogy with such statutes it is proper that after this long lapse of time we should give this one surety the relief sought.

Mr. CANNON. While it may be, Mr. Speaker, that this relief ought to be given, I do not see why such relief should be granted in this case and not in a great many others involving over $20,000,000.

Mr. FLOWER. Relief was given in a case which occurred in Boston, was it not?

Mr. CANNON. No, sir; I do not recollect any instance similar to this in which relief was given.

Mr. CANDLER, of Massachusetts. I think there was a case similar to this.

Mr. CANNON. What was it?

Mr. CANDLER, of Massachusetts. The case of an assistant subtreasurer at Boston.

Mr. CANNON. What was that case?

Mr. CANDLER. The clerk ran away with the funds.

Mr. CANNON. That case is not on all fours with this. I am aware that we have constantly passed bills relieving subtreasurers, paymasters, and others from liability where the loss has occurred by default of the clerks or other subordinates furnished by the Government. This is not such a case. Here there was a default on the part of the receiver of the land office; and relief is asked upon the simple ground that the Government has slept upon its rights for eighteen years and ought therefore to be barred in equity and right from enforcing the collection of this claim against the surety of the man who defaulted. This is not like the case which the gentleman from Massachusetts has mentioned.

Now I hope this bill will not be passed simply because the party has a Representative here who has interest enough in the matter to introduce and pass a bill for relief, while in hundreds, if not thousands, of similar cases throughout the country the parties are not so fortunate. If anything should be done, it should be by a general act covering all these cases.

Mr. SPRINGER. My colleague [Mr. CANNON] will allow me to suggest that the object in this case is to relieve one of the bondsmen. If the proposition were to relieve the party himself, I should oppose it. But this case has been allowed by the Government to sleep for eighteen years; all the sureties except one have died or become insolvent; and now by reason of the default of the Government in failing to press its claim at the proper time, a single one of the sureties, if we do not pass this bill, will be held responsible for his principal and for all the cosureties. I think it wrong that one man should be required to stand good for the defalcation of this officer, all the other sureties having escaped liability by reason of the neglect of the Government for eighteen years to press the matter. That is the only ground on which I support this bill.

Mr. CANNON. Mr. Speaker, the very object of a bond with sureties is that the sureties shall be responsible jointly and severally for the default of the principal. Time and again during one hundred years past Congress has refused to enact any statute of limitations as against the Government. It may be that the present rule works hardship; but if relief of this kind is to be granted we had better repeal our laws requiring a joint and several bond in these cases or we should pass a statute of limitations as against the Government.

Mr. CANDLER, of Massachusetts. Mr. Speaker, the argument of the chairman of the Committee on Appropriations [Mr. CANNON] shows clearly, I think, that it is our duty to consider the real merits of this case. If there are hundreds of other cases of similar character which are not presented here that is no reason that we should do injustice to a man whose case is presented. If there has been laches on the part of the Government it is for us to recognize the fact, and if relief of this character is right, as the remarks of the gentleman from Illinois in fact recognize, let us vote for this bill and take the responsibility. I hope the bill will pass. [Applause.]

Mr. CANNON. I do not say that this relief is right at all.

The question being taken, the bill was ordered to a third reading, and was accordingly read the third time.

The question being taken on the passage of the bill; there were on a division (called for by Mr. CANNON)—ayes 64, noes 9.

Mr. CANNON. It seems to me that this bill ought to be acted upon by a quorum.

The SPEAKER. On this question the ayes are 64, the noes 9.

Mr. HILL. No quorum.

The SPEAKER. Is the point made that there is no quorum present?

Mr. CANNON. Yes; my colleague [Mr. HILL] makes it. [Laughter.]

The SPEAKER. The point is made that there is no quorum present.

Mr. SPRINGER. Allow me a parliamentary inquiry. When the House meets next Monday will this bill come up as unfinished business immediately after the reading of the Journal, the question being now on the passage of the bill?

The SPEAKER. The Chair thinks it will.

Mr. SPRINGER. I move, then, that the House adjourn.

Mr. DINGLEY. Does the Chair hold that this bill will come up on Monday morning, the previous question not having been ordered?

The SPEAKER. The Chair at this time and without an examination of the question will not undertake to rule positively upon the point, because this bill comes up by unanimous consent and in a peculiar way. The Chair declines to rule on the question until it arises. Does the gentleman from Illinois [Mr. SPRINGER] wish now to move to adjourn?

Mr. SPRINGER. Is there any objection to ordering the previous question now?

Mr. MCKINLEY. I move that the House adjourn.

The motion of Mr. MCKINLEY was agreed to.

LEAVE OF ABSENCE.

Pending the announcement of the vote on the motion to adjourn the following requests for leave of absence were submitted;

By Mr. HOOKER, for ten days, on account of important business;

By Mr. COLEMAN, for two weeks, on account of important business;

By Mr. EWART, for ten days, on account of important business;

By Mr. HENDERSON, of North Carolina, for ten days, on account of important business;

By Mr. FORMAN, indefinitely, on account of important business;

By Mr. ARNOLD, indefinitely, on account of sickness in his family;

By Mr. WALLACE, of Massachusetts, for two weeks, on account of important business;

By Mr. MONTGOMERY, indefinitely, on account of important business; and

By Mr. MOORE, of New Hampshire, for ten days, on account of important business.

The SPEAKER. Is there objection to the request for leave of absence?

Mr. BUCHANAN, of New Jersey. I object to all except in case of sickness.

Mr. DICKERSON. I ask leave of absence for ten days on business.

The SPEAKER. Objection has been made to such requests.

Mr. MONTGOMERY. I move that the leaves of absence asked for be granted.

The SPEAKER. The Chair thinks that the motion can not be entertained in the present state of things. Leave of absence now can only be granted by unanimous consent, as the House has already voted to adjourn.

ENROLLED BILLS SIGNED.

Mr. KENNEDY, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 256) providing for a public building in South Bend, Ind.;

A bill (H. R. 630) to provide for the erection of a public building at Reidsville, N. C.;

A bill (H. R. 1676) increasing the pension of Eliza B. Dorrance, widow of the late George W. Dorrance, chaplain United States Army;

A bill (H. R. 3279) for the erection of a public building at Rome, Ga.;

A bill (S. 3929) authorizing the city of Albany, in the county of Linn, State of Oregon, to construct a bridge across the Willamette River, in said State;

A bill (S. 4561) authorizing the Bowling Green and Northern Railroad Company to bridge Green and Barren Rivers; and

A bill (H. R. 4728) for the relief of Henry W. Burlingame.

The result of the vote on the motion of Mr. MCKINLEY was then announced; and accordingly (at 4 o'clock and 40 minutes p. m.) the House adjourned.

EXECUTIVE AND OTHER COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following communications were taken from the Speaker's table and referred as follows:

UNITED STATES BUILDING AT JEFFERSON, TEX.

A communication from the Secretary of the Treasury, requesting an appropriation of $3,000 for the United States courthouse, post office, etc., building at Jefferson, Tex.—to the Committee on Appropriations.

PROPOSED LEGISLATION TO CARRY OUT SUGGESTIONS OF INTERNATIONAL MARINE CONFERENCE.

A letter from the Acting Secretary of the Treasury, transmitting a communication from the Lighthouse Board referring to the report of the International Marine Conference, and submitting draught of bill to be presented to Congress to carry out certain recommendations of that conference—to the Committee on Commerce.

ESTATE OF EWING M. SKAGGS, ASSIGNEE OF ELI H. SKAGGS, DECEASED, VS. THE UNITED STATES.

Letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of the estate of Ewing M. Skaggs, assignee of Eli H. Skaggs, deceased, against the United States—to the Committee on War Claims.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred as follows:

A bill (S. 182) for the relief of the First National Bank of Newton, Mass.—to the Committee on Claims.

A bill (S. 337) granting a pension to Levi Danley—to the Committee on Invalid Pensions.

A bill (S. 4299) granting a pension to Nathan C. Moore—to the Committee on Pensions.

A bill (S. 4487) granting a pension to John W. West—to the Committee on Pensions.

A bill (S. 4493) to provide for the purchase of a site and the erection of a public building thereon at Danville, in the State of Illinois—to the Committee on Public Buildings and Grounds.

A bill (S. 4585) granting a pension to Mary B. Hascall—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. SPOONER, from the Committee on Accounts, reported favorably the following resolution of the House:

Resolved, That the Committee on Appropriations be authorized to provide in the general deficiency bill for the salary of the special messengers who were appointed messengers in the House by resolution adopted January 13, 1890, from March 4, 1891, to the beginning of the first session of the Fifty-second Congress,

accompanied by a report (No. 3327)—to the Committee of the Whole House on the state of the Union.

Mr. BELKNAP, from the Committee on Invalid Pensions, reported favorably the bill of the House (H. R. 12242) for the relief of Mrs. Elizabeth C. Custer, accompanied by a report (No. 3328)—to the Committee of the Whole House.

Mr. CRAIG, from the Committee on Invalid Pensions, reported with amendment the bill of the House (H. R. 12528) granting a pension to Maria M. C. Richards, accompanied by a report (No. 3329)—to the Committee of the Whole House.

Mr. CARTER, from the Committee on Coinage, Weights, and Measures, reported favorably the bill of the House (H. R. 12226) to amend an act authorizing the receipt of gold coin in exchange for gold bars, approved May 26, 1882, accompanied by a report (No. 3330)—to the House Calendar.

Mr. FLOWER, from the Committee on Ways and Means, reported with amendment the bill of the House (H. R. 10346) for the relief of John P. Downing, first paying teller in the subtreasury at Boston, Mass., accompanied by a report (No. 3331)—to the Committee of the Whole House.

Mr. YODER, from the Committee on Invalid Pensions, reported with amendment the bill of the House (H. R. 12400) granting an increase of pension to Xenophon Peck, accompanied by a report (No. 3332) to the Committee of the Whole House.

Mr. LANE, from the Committee on Invalid Pensions, reported with amendment the bill of the House (H. R. 12312) to grant a pension to Mary C. Hoffman, widow of General William Hoffman, accompanied by a report (No. 3333)—to the Committee of the Whole House.

Mr. CUTCHEON, from the Committee on Military Affairs, reported favorably the joint resolution of the House (H. Res. 230) to authorize the Secretary of War to loan two light field guns to the Michigan Military Academy, accompanied by a report (No. 3334)—to the House Calendar.

Mr. BOUTELLE, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 12571) to authorize the sale to the Schuylkill River East Side Railroad Company of a lot of ground belonging to the United States Naval Asylum, in the city of Philadelphia, and providing that the amount of moneys received shall be expended in the improvement of the Naval Asylum at Philadelphia, reported, as a substitute therefor, a bill (H. R. 12781) to provide for the sale of a portion of the grounds of the United States Naval Home at Philadelphia; which was read twice, and, accompanied by a report (No. 3338), referred to the Committee of the Whole House on the state of the Union.

ADVERSE REPORTS.

Under clause 2 of Rule XIII, adverse reports were delivered to the Clerk and laid on the table, as follows:

By Mr. WILLIAMS, of Ohio, from the Committee on Military Affairs:

On the bill (H. R. 7066) for the relief of Leonard Hack (Report No. 3335).

Also, on the bill (H. R. 11408) for the relief of John A. Brown (Report No. 3336).

Also, on the bill (H. R. 11381) for the relief of John Bishop (Report No. 3337).

BILLS AND JOINT RESOLUTIONS.

Under clause 3 of Rule XXII, bills and a joint resolution of the following titles were introduced, severally read twice, and referred as follows:

By Mr. WADDILL: A bill (H. R. 12766) for the erection of a public building at the city of Manchester, Va.—to the Committee on Public Buildings and Grounds.

By Mr. COMSTOCK (by request): A bill (H. R. 12767) to create and locate a national park on the northwest angle, in Beltrami County, Minnesota—to the Committee on the Public Lands.

By Mr. ADAMS: A bill (H. R. 12768) to extend the jurisdiction of the United States court in the Indian Territory—to the Committee on the Judiciary.

By Mr. FARQUHAR: A bill (H. R. 12769) to amend section 3117 of the Revised Statutes of the United States, in relation to the coasting trade on the Great Lakes—to the Committee on Merchant Marine and Fisheries.

By Mr. O'NEALL, of Indiana: A joint resolution (H. Res. 259) in relation to the distribution of books and documents—to the Committee on Printing.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills and a joint resolution of the following titles were presented and referred as indicated below:

By Mr. BERGEN: A bill (H. R. 12770) to increase the pension of Richard Brown, formerly private Company G, Twenty-eighth Regiment New York Volunteers—to the Committee on Invalid Pensions.

By Mr. CRAIG: A bill (H. R. 12771) granting a pension to Diana Dickey—to the Committee on Invalid Pensions.

By Mr. DOLLIVER: A bill (H. R. 12772) granting an honorable discharge to Julius Seifert—to the Committee on Military Affairs.

By Mr. FLOWER: A bill (H. R. 12773) for the relief of the Twenty-first New York Griswold Light Infantry—to the Committee on War Claims.

By Mr. WALTER I. HAYES: A bill (H. R. 12774) granting a pension to Sarah A. Noble—to the Committee on Invalid Pensions.

By Mr. HOUK: A bill (H. R. 12775) granting a pension to Capt. Isaac A. Duncan, of Shady Grove, Tenn.—to the Committee on Invalid Pensions.

By Mr. MILLIKEN: A bill (H. R. 12776) for the relief of Mrs. Clarissa Hutchings—to the Committee on Invalid Pensions.

By Mr. REYBURN: A bill (H. R. 12777) to increase the pension of John H. R. Storey, Company F, One hundred and ninth Regiment Pennsylvania Veteran Volunteers—to the Committee on Invalid Pensions.

By Mr. TRACEY: A bill (H. R. 12778) for the relief of Saxe Brothers—to the Committee on Claims.

By Mr. WIKE: A bill (H. R. 12779) for the relief of Mrs. Mary Head, widow of Henry Head, deceased, late of Quincy, Ill.—to the Committee on War Claims.

By Mr. YODER: A bill (H. R. 12780) to correct the military record of Joseph Smolinski—to the Committee on Military Affairs.

By Mr. DUNNELL: A joint resolution (H. Res. 260) for the relief of Charles Stoughton—to the Committee on Commerce.

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. BLANCHARD: Memorial of the Anti-Lottery League of Louisiana, praying Congress to pass a bill submitting an amendment to the Constitution prohibiting lotteries—to the Committee on the Judiciary.

By Mr. BROOKSHIRE: Petition signed by Charles Dailey, president, and Thomas L. Nevins, of County Assembly No. 118, of the Farmers' Mutual Benefit Association of Parke County, Indiana, representing a membership of 1,427, praying the early consideration and passage of House bill 5353, defining options and futures—to the Committee on Agriculture.

By Mr. COMSTOCK: Resolution of Chamber of Commerce of St. Paul, Minn., urging Congress to appropriate money for irrigation purposes in the Dakotas—to the Committee on Agriculture.

Also, petition from Big Stone County, Minnesota, favoring passage of anti-option bill—to the Committee on Agriculture.

By Mr. DOLLIVER: Petition for increase of pension for John A. Tomlinson, private Company I, Second Kentucky Infantry Volunteers, Mexican war—to the Committee on Pensions.

Also, petition of Julius Seifert, for removal of charge of desertion—to the Committee on Military Affairs.

Also, petition of A. Greene and 35 others, citizens of Carroll County, Iowa, for passage of the anti-option bill—to the Committee on Agriculture.

Also, petition of Simon Grover and 11 others, citizens of Greene County, Iowa, for same measure—to the Committee on Agriculture.

Also, petition of John W. Hillisan and 12 others, citizens of same county, for same measure—to the Committee on Agriculture.

Also, petition of the Highland Township Alliance in said county, for same measure—to the Committee on Agriculture.

Also, petition of Bass Point Alliance, No. 935, Iowa, for same measure—to the Committee on Agriculture.

Also, petition of John D. Higgins and 25 others, citizens of Greene County, Iowa, for same measure—to the Committee on Agriculture.

Also, petition of Julius Jasperson and 20 others, citizens of Winnebago County, Iowa, for same measure—to the Committee on Agriculture.

Also, petition of Henry Smith and 20 others, citizens of same county, for the Conger lard bill—to the Committee on Agriculture.

Also, petition of William A. Thompson and 26 others, citizens of Greene County, Iowa, for the anti-option bill—to the Committee on Agriculture.

Also, petition of Swan Ackerson and 35 others, citizens of Hamilton County, Iowa, for same measure—to the Committee on Agriculture.

Also, petition of the Northeast Marion Alliance, No. 785, Hamilton County, Iowa, for same measure—to the Committee on Agriculture.

Also, petition of William Higginbotham and 22 others, citizens of Winnebago County, Iowa, for the Conger lard bill—to the Committee on Agriculture.

Also, petition of same persons for the passage of the anti-option bill—to the Committee on Agriculture.

Also, petition of Bear Creek Farmers' Alliance, Winnebago County, Iowa, for same measure—to the Committee on Agriculture.

Also, petition of George E. Bennett and 16 others, citizens of Boone County, Iowa, for same measure—to the Committee on Agriculture.

Also, petition of T. H. Kennedy and 30 others, citizens of Boone County, Iowa, for same measure—to the Committee on Agriculture.

Also, petition of Pleasant Home Farmers' Alliance, No. 1197, Greene County, Iowa, for same measure—to the Committee on Agriculture.

By Mr. FLICK: Petition of J. H. Berry and 24 others, citizens of Madison County, Iowa, urging the passage of House bill 5353, defining options and futures—to the Committee on Agriculture.

Also, petition of A. W. Moffett and 94 others, citizens of Decatur County, Iowa, for passage of same measure—to the Committee on Agriculture.

Also, petition of John White and 23 others, citizens of Dodge township, Union County, Iowa, for same measure—to the Committee on Agriculture.

Also, resolutions of Hamilton Alliance, No. 1703, Decatur County, Iowa, for passage of same measure—to the Committee on Agriculture.

Also, resolutions of Dodge Center Alliance, No. 1207, Dodge Township, Union County, Iowa, for passage of same measure—to the Committee on Agriculture.

Also, petition of W. A. Guthrie and 22 others, citizens of Page County, Iowa, for same measure—to the Committee on Agriculture.

Also, petition of M. R. Kennedy and 86 others, citizens of Union County, Iowa, for same measure—to the Committee on Agriculture.

By Mr. GROUT: Petition of Adaline Powell, of Strafford, Vt., for pension—to the Committee on Pensions.

By Mr. HALL: Petition against free pasturage of the public domain—to the Committee on the Public Lands.

By Mr. HAUGEN: Petition of J. F. Heurich, and 28 others, for the anti-option bill—to the Committee on Agriculture.

Also, petition of W. S. Swetland and 10 others, for same measure—to the Committee on Agriculture.

By Mr. WALTER I. HAYES: Resolutions of Farmers' Alliance of Elwood, Clinton County, Iowa, in favor of the option bill—to the Committee on Agriculture.

Also, resolutions of Farmers' Alliance of York Centre, Iowa County, Iowa, for same measure—to the Committee on Agriculture.

Also, petition of citizens of Scott County, Iowa, in favor of the option bill—to the Committee on Agriculture.

Also, petition of citizens of York Township, Iowa County, Iowa, in favor of the option bill—to the Committee on Agriculture.

Also, petition of citizens of Clinton County, Iowa, in favor of the option bill—to the Committee on Agriculture.

By Mr. HENDERSON, of Iowa: Paper from Owasa Farmers' Alliance, Hardin County, Iowa, urging passage of the anti-option bill—to the Committee on Agriculture.

By Mr. LACEY: Petition of Oak Grove Farmers' Alliance, of Poweshiek County, Iowa, in favor of the Butterworth option bill—to the Committee on Agriculture.

Also, petition of Bladensburgh Farmers' Alliance, of Iowa, for same measure—to the Committee on Agriculture.

Also, petition of Joseph Davis and others, of Wapello County, Iowa, for same measure—to the Committee on Agriculture.

By Mr. MILLIKEN: Petition for a pension for Mrs. Clarissa Hutchings—to the Committee on Invalid Pensions.

By Mr. MORROW: Petition, numerously signed by citizens of California, for passage of the rebate amendment to the tariff tax bill—to the Committee on Ways and Means.

Also, resolution of the Pacific Board of Trade of San Francisco, Cal., favoring the passage of the Frye-Farquhar shipping bills—to the Committee on Merchant Marine and Fisheries.

By Mr. O'NEILL, of Pennsylvania: Memorial of the religious Society of Friends of Pennsylvania, New Jersey, and Delaware, relative to treatment of the Indians—to the Committee on Indian Affairs.

Also, memorial of the Women's Silk Culture Association of the United States at Philadelphia, Pa., for continuance of the former appropriation of $5,000 a year to enable them to enlarge the scope of their work—to the Committee on Agriculture.

By Mr. PAYSON: Memorial of Behring & Sons and 101 others, citizens of New York, for the relief of Charles Stoughton, the projector of the Harlem River Canal improvement, for services rendered therefor at the request of many commercial, civic, and other business men of the United States—to the Committee on Commerce.

By Mr. REYBURN: Statement and affidavit of J. H. R. Storey, Company F, One hundred and ninth Regiment, Pennsylvania Veteran Volunteers, in his application for increase of pension by special act of Congress—to the Committee on Invalid Pensions.

By Mr. SMITH, of Illinois: Petition of 16 citizens of Vergennes, Jackson County, Illinois, for passage of the Conger lard bill—to the Committee on Agriculture.

Also, resolutions of Porter's Valley Lodge, No. 149, Farmers' Mutual Benefit Association, of Jackson County, Illinois, recommending passage of the anti-option bill, H. R. 5353—to the Committee on Agriculture.

By Mr. STAHLNECKER: Petition and resolution for relief of General Franz Sigel, of New York City, passed by the memorial committee of the Grand Army of the Republic—to the Committee on Invalid Pensions.

Also, petition of boards of trade from nineteen States, favoring ocean mail service as per Senate bill 3739—to the Committee on the Post Office and Post Roads.

Also, petition of the Republican Club of New York, favoring the shipping bill—to the Committee on Commerce.

By Mr. STRUBLE: Petition of George Capstick and 18 others, citizens of Clay County, Iowa, urging the passage of House bill 5353—to the Committee on Agriculture.

Also, petition of W. B. French and 17 others, citizens of Sioux County, Iowa, for same measure—to the Committee on Agriculture.

Also, petition of F. H. Adams and 22 others, citizens of Ida County, Iowa, for same measure—to the Committee on Agriculture.

Also, resolutions of Meadow Alliance, No. 1126, Iowa, for same measure—to the Committee on Agriculture.

Also, petition of G. H. Sherman and others, citizens of Dickinson County, Iowa, for same measure—to the Committee on Agriculture.

Also, resolution of Washington Alliance, No. 1225, Iowa, for same measure—to the Committee on Agriculture.

By Mr. TRACEY: Petition of citizens of Albany, N. Y., asking passage of an amendment to the tariff law whereby rebate will be given on tobacco—to the Committee on Ways and Means.

By Mr. WHEELER, of Michigan: Petition of C. H. Hubbell and 50 others, citizens of the Tenth Congressional district of Michigan, in favor of House bill 892 to promote the efficiency of the Life-Saving Service—to the Committee on Commerce.

Also petition of Joseph Van Buskirk and 15 others, citizens of same Congressional district, for same measure—to the Committee on Commerce.

By Mr. WILLIAMS, of Illinois: Additional evidence in claim of John J. Vincent for property taken for use of the Government—to the Committee on War Claims.

SENATE.

MONDAY, *December* 22, 1890.

The Senate met at 10 o'clock a. m.

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

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

HOUSE BILLS REFERRED.

The following bills, received on Saturday from the House of Representatives, were severally read twice by their titles, and referred to the Committee on Commerce:

A bill (H. R. 12042) to authorize the construction of a tunnel under the waters of New York Bay between the town of Middletown, in the county of Richmond, and the town of New Utrecht, in the county of Kings, in the State of New York, and to establish the same as a post road;

A bill (H. R. 4809) for cancellation of contract with United States engineer for delivery of stone for the improvement of the mouth of the Columbia River in Oregon and Washington; and

A bill (H. R. 12536) to facilitate the collection of commercial statistics required by sections 2 of the river and harbor appropriation acts of 1866 and 1867.

The bill (H. R. 6586) amending the act of July 20, A. D. 1882, dividing the State of Iowa into two judicial districts was read twice by its title, and referred to the Committee on the Judiciary.

CALL OF THE SENATE.

The VICE PRESIDENT. Petitions and memorials are in order.

Mr. HARRIS. Mr. President, I do not think we ought to proceed with business with only a dozen Senators on the floor. Let the roll be called.

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

Berry,	Daniel,	Manderson,	Sawyer,
Blair,	Davis,	Morgan,	Sherman,
Call,	Edmunds,	Morrill,	Spooner,
Carlisle,	Faulkner,	Pasco,	Stewart,
Casey,	Gorman,	Payne,	Stockbridge,
Chandler,	Harris,	Platt,	Vance,
Cockrell,	Hoar,	Reagan,	Walthall,
Cullom,	Kenna,	Sanders,	Wolcott.

The VICE PRESIDENT. Thirty-two Senators have responded to their names. No quorum is present.

Mr. MORGAN. That is about twice as many as we have been having at this hour of the day for a week.

After a little delay, Mr. COKE and Mr. PADDOCK entered the Chamber and answered to their names.

Mr. HOAR (at 10 o'clock and 20 minutes a. m.). I move that the Sergeant-at-Arms be directed to notify absent Senators to appear.

The VICE PRESIDENT. The Senator from Massachusetts moves that the Sergeant-at-Arms be directed to request the presence of absent Senators.

The motion was agreed to.

The VICE PRESIDENT. The Sergeant-at-Arms will execute the order of the Senate.

Mr. BARBOUR, Mr. BATE, Mr. DIXON, Mr. DOLPH, Mr. EVARTS, Mr. HIGGINS, Mr. MCMILLAN, Mr. MITCHELL, Mr. VEST, and Mr. WARREN having entered the Chamber and answered to their names,

The VICE PRESIDENT (at 10 o'clock and 30 minutes a. m.). Forty-four Senators have responded to their names. A quorum is present.

Mr. SHERMAN. I move that further proceedings under the call be dispensed with.

The VICE PRESIDENT. The Senator from Ohio moves that further proceedings by the Sergeant-at-Arms be discontinued.

The motion was agreed to.

PETITIONS AND MEMORIALS.

Mr. SHERMAN presented a petition of the National Board of Trade, praying for the extension of time for the withdrawal of goods in bond; which was referred to the Committee on Finance.

Mr. CASEY presented a petition of Farmers' Alliance No. 70, of Barnes County, North Dakota, praying for the passage of the Conger lard bill and the Butterworth option bill; which was ordered to lie on the table.

Mr. CULLOM presented a memorial of citizens of Quincy, Ill., remonstrating against the enactment into law of the Sunday-rest bill; which was referred to the Committee on Education and Labor.

Mr. VANCE presented a memorial of the Chamber of Commerce of Raleigh, N. C., remonstrating against the passage of the Conger lard bill; which was ordered to lie on the table.

Mr. PADDOCK presented resolutions adopted by the Virginia State Grange, Patrons of Husbandry, at its eighteenth annual session, praying for the passage of the Conger lard bill, the same being also urged by the Grange from thirty-six States of the Union; which were ordered to lie on the table.

He also presented a petition of Pleasant Valley Alliance, No. 357, of Holt County, Nebraska, praying for the passage of the Conger lard bill; which was ordered to lie on the table.

Mr. STOCKBRIDGE presented the petition of Farmers' Alliance No. 36, of Muskegon County, Michigan, praying for the passage of the Conger lard bill; which was ordered to lie on the table.

Mr. HOAR. I present a resolution in the nature of a petition of the National Board of Trade, adopted at a meeting in the city of New Orleans, from the 8th to the 10th of December, 1890, recommending the immediate passage of the Torrey bankruptcy bill. I move that the resolution lie on the table.

The motion was agreed to.

Mr. DANIEL presented resolutions adopted by the State Grange, Patrons of Husbandry, of Virginia, praying for the passage of the Conger pure lard bill; which were ordered to lie on the table.

Mr. COCKRELL. At the special instance and request of the Wage-Workers' Political Alliance of the District of Columbia, I present a petition praying Congress to lay aside the "monstrous Davenport elections bill" long enough to call the yeas and nays on certain bills of the Senate. I ask that the petition be received, and move that it be referred to the Committee on Finance.

The motion was agreed to.

Mr. PASCO presented a resolution of the Chamber of Commerce of Pensacola, Fla., in the nature of a petition, praying that the time may be extended beyond February 1, 1891, for the removal of imported goods from bonded warehouses; which was ordered to lie on the table.

He also presented a resolution of the Chamber of Commerce of Pensacola, Fla., condemning the features of House bill 11568, known as the Conger lard bill, and opposing its passage, but favoring the passage of the Paddock pure-food bill; which was ordered to lie on the table.

Mr. MITCHELL. I present a communication addressed to the Senate and House of Representatives by John E. Doherty, president, and Henry P. Murphy, recording secretary, respectfully representing that—

On the 10th day of October last occurred the centenary of the birth of Father Theobold Mathew, the apostle of temperance. A public meeting, under the auspices of the Father Mathew Society of this city, was held at Carroll Hall on the evening of that day, at which a large number of Catholic clergymen were present. Rev. Father Walter, pastor of St. Patrick's Church, presided. Right Rev. Bishop John J. Keane, rector of the Catholic University of America, was the orator of the occasion. Addresses were also delivered by Rev. Father McGee, Rev. Father Hannan, and Milton E. Smith, editor of the Church News, the representative Catholic paper of Washington. The inclosed resolutions were unanimously adopted:

"*Resolved*, That this meeting of temperance people, who are residents of the city of Washington, D. C., desiring to advance as much as may be in their power, the progress of the cause of temperance and good morals, express their approval of the high-license bill for said District now pending before the Congress of the United States and approved by the honorable commissioners of said District. It is our belief that the enactment of such a law will largely diminish the number of saloons that are now permitted to carry on a business that we believe is injurious to the best interests of this city, will increase the peace and good order of society, minimize the burdens of taxation, and materially aid us in our efforts to curtail the sin and consequent evils of intemperance.

"*Resolved*, That we earnestly commend to the members of the Catholic Church in this city the cause of total abstinence as advocated and practiced by the Father Mathew Total Abstinence Society, of the city of Washington. It has brought peace, happiness, and prosperity to many desolate homes, and it is worthy of the constant encouragement and support of all Christian people, who contemplate with sorrow the existence of the sin of intemperance."

I move that the resolutions lie on the table.

The motion was agreed to.

Mr. BUTLER presented a petition of citizens of Aiken, S. C., praying for the passage of a rebate amendment to the tariff and tax bill approved October 1, 1890; which was ordered to lie on the table.

Mr. WILSON, of Iowa, presented resolutions of Farmers' Alliance No. 1584, of Columbus City, Iowa, in favor of the passage of the Conger