By Mr. WOOMER: Protests of citizens of Onset, Pa., against sectarian appropriations; also petition urging the passage of the proposed amendment to the Constitution of the United States—to the Committee on the Judiciary.

Also, petition of S. Anderson and 56 others, of Talley Cavey, Pa., praying for the recognition of God in the preamble of the Constitution of the United States—to the Committee on the Judiciary.

By Mr. WRIGHT: Resolutions of W. W. Rockwell Post, No. 125, Grand Army of the Republic, of Pittsfield, Mass., in favor of the passage of a bill granting pensions to ex-prisoners of war—to the Committee on Invalid Pensions.

Also, resolutions of W. W. Rockwell Post, No. 125, Grand Army of the Republic, of Pittsfield, Mass., in favor of service pension for all honorably discharged soldiers—to the Committee on Invalid Pensions.

SENATE.

THURSDAY, *March 12, 1896.*

Prayer by Rev. WALLACE RADCLIFFE, D. D., of the city of Washington.

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, transmitting an estimate of appropriation of $3,130 for setting up and operating two portable steam sawmills on the Nez Perce Indian Reservation, Idaho, including transportation of mill machinery from the agency to the mill sites, as submitted by the Secretary of the Interior on the 10th instant as an amendment to the Indian appropriation bill; 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 Secretary of the Treasury, transmitting a letter of the 4th instant, from N. L. Jeffries, attorney for the North American Commercial Company, lessees of the islands of St. Paul and St. George, Alaska, remonstrating against the proposition to destroy fur seals by order of the United States, as contemplated by House bill No. 3206, which recently passed the House of Representatives; which, with the accompanying letter, was ordered to lie on the table and be printed.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented the petition of Mary E. Cartland, president, and sundry other members of the White Ribbon Society of North Carolina, praying for the appointment of an international arbitration commission between the United States and Great Britain; which was referred to the Committee on Foreign Relations.

He also presented a petition of sundry citizens of Okolona, Miss., praying for the adoption of the proposed religious amendment to the Constitution of the United States; which was referred to the Committee on the Judiciary.

Mr. FAULKNER (for Mr. SMITH) presented the memorial of William B. Graves and 24 other physicians of Essex County, N. J., remonstrating against the enactment of legislation providing for the further prevention of cruelty to animals in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. HARRIS presented a petition numerously signed by citizens of Athens, Tenn., praying for the adoption of the proposed religious amendment to the Constitution of the United States; which was referred to the Committee on the Judiciary.

Mr. FRYE presented a petition of E. G. Parker Post, No. 99, Department of Maine, Grand Army of the Republic, praying that a service pension of $8 a month be granted to all honorably discharged soldiers, sailors, and marines of the war of the rebellion; which was referred to the Committee on Pensions.

He also presented a petition of the Merchant Tailors' National Exchange, praying for the formation of the international peace society; which was referred to the Committee on Foreign Relations.

He also presented a petition of the American Purity Alliance of New York, praying for the establishment of a national commission to investigate the subject of social vice; which was referred to the Committee on the Judiciary.

He also presented the petition of R. E. L. Graham and 30 other citizens of Chestnut Hill, Philadelphia, Pa., praying for the adoption of the proposed religious amendment to the Constitution of the United States; which was referred to the Committee on the Judiciary.

Mr. SHERMAN presented a memorial of the committee for philanthropic labor of the Ohio Yearly Meeting of Friends, remonstrating against the introduction of military drill in the public schools of the country; which was referred to the Committee on Education and Labor.

He also presented a petition of the faculty of the University of Wooster, Wooster, Ohio, praying for the adoption of the proposed religious amendment to the Constitution of the United States; which was referred to the Committee on the Judiciary.

He also presented a petition of the Ohio Intercollegiate Oratorical Association of Granville, Ohio, praying for the establishment of an international board of arbitration between Great Britain and the United States; which was referred to the Committee on Foreign Relations.

Mr. GALLINGER. I have in my hand a petition from the White Ribbon women. It is a petition in behalf of the Woman's Christian Temperance Union of New Hampshire, representing 2,800 women, advocating the settlement of differences between the United States and the mother country by arbitration. The petition is very brief, and it will be gratifying to me to have it printed in the RECORD.

There being no objection, the petition was referred to the Committee on Foreign Relations, and ordered to be printed in the RECORD, as follows:

We, White Ribbon women, who wear the badge of peace and represent the home, the church, the school, and the philanthropies that seek to enthrone the golden rule of Christ, that by its means we may help to bring in the golden age of man, hereby earnestly petition your honorable body to adopt a resolution, and appoint a commission to carry out the provisions of the same, whereby all subjects of difference between the United States and our mother country shall be referred to arbitration.

We rejoice that the legislature of the great Empire State of New York, with but one dissenting voice, petitioned you to take the same beneficent action, and we believe that every legislature in the land would gladly do the same. She who bears the soldier begs that he need no longer bear the sword, but that instead the keen blade of justice and the ammunition of cogent argument may be the only weapons used between two great nations so closely akin by reason of their common ancestry and religion, their common language and history, and their common love and loyalty to the home, which is the bright consummate flower of a Christian civilization.

To this end we appeal to you with great good will and entire confidence that our prayer to God and our plea to you will not prove to be in vain.

In behalf of the Woman's Christian Temperance Union of New Hampshire, representing 2,800 women.

MISS C. R. WENDELL, *President.*
MISS C. N. BROWN,
Corresponding Secretary.

Mr. MCMILLAN presented sundry petitions of citizens of Washington, D. C., praying for the passage of Senate bill No. 1886, or some similar measure, requiring the Eckington and Soldiers' Home Railway Company to adopt rapid transit on its lines, and remonstrating against the extension of the tracks of that company until its existing lines are modernly equipped and operated; which were referred to the Committee on the District of Columbia.

Mr. WALTHALL presented the petition of P. K. Mayers, of Scranton, Miss., praying for the enactment of legislation to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. ALLEN presented a petition signed by sundry citizens of Nebraska and Kansas, praying for the adoption of the proposed religious amendment to the Constitution of the United States; which was referred to the Committee on the Judiciary.

Mr. TURPIE presented the petition of S. M. Taylor and sundry other citizens of Fort Wayne, Ind., praying that religious matter, including tracts, be given improved postal facilities under the act of July 16, 1894, regulating second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry citizens of Memphis, Ind., praying for the adoption of the proposed religious amendment to the Constitution of the United States; which was referred to the Committee on the Judiciary.

Mr. MITCHELL of Wisconsin presented a memorial of 194 citizens of Milwaukee, Wis., remonstrating against the adoption of the proposed religious amendment to the Constitution of the United States; which was referred to the Committee on the Judiciary.

Mr. CAFFERY presented a petition of sundry citizens of Alexandria, La., and a petition of sundry citizens of Lecompte, La., praying for the adoption of the proposed religious amendment to the Constitution of the United States; which were referred to the Committee on the Judiciary.

Mr. NELSON presented the memorial of E. C. Corcoran and 50 other citizens of Alexandria, Minn., remonstrating against the enactment of a Sunday-rest law for the District of Columbia, and also against the adoption of the proposed religious amendment to the Constitution of the United States; which was referred to the Committee on the Judiciary.

He also presented a petition, in the form of resolutions adopted by the Federated Trades Assembly of Duluth, Minn., praying for the passage of Senate bill No. 418, concerning the trial and punishment of contempts in the United States courts; which was referred to the Committee on the Judiciary.

He also presented a memorial of the Chamber of Commerce of Duluth, Minn., remonstrating against the construction of a bridge across the Detroit River; which was referred to the Committee on the Judiciary.

He also presented a petition, in the form of resolutions adopted by the Minnesota Forestry Association, praying for the enact-

ment of legislation extending our forest reserves; which was referred to the Select Committee on Forest Reservations and the Protection of Game.

He also presented the memorial of Peter H. Christenson and sundry other citizens of Minnesota; the memorial of Christian Johnson and sundry other citizens of Minnesota; the memorial of Peter A. Hanson and sundry other citizens of Minnesota; the memorial of R. W. Croskrey and sundry other citizens of Minnesota; the memorial of Hans Jansen and sundry other citizens of Minnesota; the memorial of George McCrady and sundry other citizens of Minnesota; the memorial of F. E. Run and sundry other citizens of Minnesota; the memorial of J. H. Behrens and sundry other citizens of Minnesota; the memorial of V. G. Bryant and sundry other citizens of Minnesota; the memorial of Joseph Johnson and sundry other citizens of Minnesota; the memorial of M. B. Van Kirk and sundry other citizens of Minnesota; the memorial of G. G. Mattson and sundry other citizens of Minnesota; the memorial of W. J. Newton and sundry other citizens of Minnesota; the memorial of Josiah Wood and sundry other citizens of Minnesota, and the memorial of Louis Anderson and sundry other citizens of Minnesota, remonstrating against the enactment of a Sunday-rest law for the District of Columbia; which were referred to the Committee on the District of Columbia.

Mr. SEWELL presented the petition of Seth F. Chambers and 30 other citizens of Cold Spring, N. J., and a petition of Cold Spring Council, No. 135, Junior Order United American Mechanics, of Cold Spring, N. J., praying for the passage of the so-called Stone immigration bill; which were referred to the Committee on Immigration.

Mr. VEST presented resolutions adopted at a meeting of the Enrolled Missouri Militia, held at Gallatin, Mo., March 7, 1896, favoring the enactment of a general pension law granting a pension of $8 per month to all soldiers of the late war, including the Enrolled Missouri Militia, and all who were in the six months' service who served ninety days and were honorably discharged, and also to the widows and orphans of such as may be deceased; which were referred to the Committee on Pensions.

Mr. HOAR presented the petition of S. Anderson, of Talley Cavey, Pa., and a petition of sundry citizens of Pennsylvania, praying for the adoption of the proposed religious amendment to the Constitution of the United States; which were referred to the Committee on the Judiciary.

Mr. DANIEL presented a memorial of the Chamber of Commerce of Norfolk, Va., remonstrating against a change in the laws affecting the present pilot system; which was referred to the Committee on Commerce.

He also presented the petition of W. P. Respess, E. L. Crockett, W. F. Doran, and sundry other citizens of Virginia, praying for the adoption of the proposed religious amendment to the Constitution of the United States; which was referred to the Committee on the Judiciary.

He also presented a petition of the faculty of Randolph-Macon College, Ashland, Va., praying for the establishment of a permanent board of arbitration between Great Britain and the United States; which was referred to the Committee on Foreign Relations.

He also presented the petition of James Wilson, Timothy Casey, John Moriarty, and Thomas F. Stanford, of Danville, Va., praying for the passage of Senate bill No. 1600, to amend chapter 67, volume 23, of the Statutes at Large of the United States; which was referred to the Committee on Military Affairs.

REPORTS OF COMMITTEES.

Mr. BATE, from the Committee on Military Affairs, to whom was referred the bill (S. 805) to provide for the rank, pay, and emoluments of retired officers of the United States Army, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. McMILLAN, from the Committee on Commerce, to whom was referred the bill (S. 1980) for a relief light vessel on the Pacific Coast, reported it with an amendment, and submitted a report thereon.

Mr. WOLCOTT, from the Committee on Interstate Commerce, to whom was referred the bill (S. 2027) to amend an act entitled "An act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their cars with automatic couplers and continuous brakes and their locomotives with driving-wheel brakes, and for other purposes," approved March 2, 1893, reported it without amendment.

Mr. ELKINS, from the Committee on Military Affairs, to whom was referred the bill (S. 314) for the relief of Eunice Tripler, widow of Charles S. Tripler, reported it without amendment, and submitted a report thereon.

Mr. WILSON, from the Committee on Indian Affairs, to whom was referred the amendment submitted by Mr. TELLER on the 11th instant intended to be proposed to the Indian appropriation bill, reported it with amendments, and moved that it be printed, and, with the accompanying papers, referred to the Committee on Appropriations; which was agreed to.

Mr. NELSON, from the Committee on Improvement of the Mississippi River and its Tributaries, to whom were referred the following petitions, asked to be discharged from their further consideration, and that they be referred to the Committee on Commerce; which was agreed to:

A petition of the Board of Trade of Stillwater, Minn., praying that an appropriation be made for the protection of the harbor and lake fronts of said city; and

A petition of sundry citizens of South Sioux City, Nebr., praying that a special appropriation be made to protect encroachment of the Missouri River.

Mr. PALMER, from the Committee on Military Affairs, to whom was referred the bill (S. 328) for the relief of Richard S. Taylor, reported adversely thereon, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 1598) for the relief of Richard L. Taylor, late private Company F, Fifty-first Illinois Volunteers, reported adversely thereon, and the bill was postponed indefinitely.

Mr. FAULKNER, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 3462) to regulate the business of storage in the District of Columbia, reported it with an amendment.

Mr. PLATT, from the Committee on Indian Affairs, to whom was referred the amendment submitted by Mr. TELLER on the 4th instant concerning the issue of rations and supplies to all Southern Ute Indians to whom lands have been allotted, etc., intended to be proposed to the Indian appropriation bill, reported it with amendments, and moved that it be referred to the Committee on Appropriations, and that it be printed; which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by himself on the 11th instant concerning the claim of the Fond du Lac band of Chippewa Indians, of Lake Superior, intended to be proposed to the Indian appropriation bill, reported it favorably, and moved that it be referred to the Committee on Appropriations; which was agreed to.

Mr. PASCO, from the Committee on Commerce, to whom was referred the bill (H. R. 6936) for the reconstruction of the Rock Island Bridge, reported it without amendment, and submitted a report thereon.

He also, from the Committee on Claims, to whom was referred the bill (S. 434) for the relief of William F. Wilson, reported it without amendment, and submitted a report thereon.

Mr. WALTHALL, from the Committee on Military Affairs, to whom was referred the bill (S. 307) for the relief of Richard H. Marsh, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. HAWLEY. The bill (S. 2324) to relieve John McCarthy from the charge of desertion was referred to the Committee on Military Affairs. That committee asks to be excused from its further consideration, and that it be sent to the Committee on Naval Affairs. It pertains to service in the Navy.

The report was agreed to.

Mr. MITCHELL of Wisconsin, to whom was referred the bill (H. R. 1499) to correct the muster of Lieut. Gilman L. Johnson, reported it without amendment, and submitted a report thereon.

Mr. HANSBROUGH, from the Committee on Pensions, to whom was referred the bill (S. 2035) granting a pension to Julia D. Richardson, reported it without amendment, and submitted a report thereon.

Mr. FRYE, from the Committee on Commerce, to whom was referred the amendment submitted by himself on the 2d instant intended to be proposed to the sundry civil appropriation bill, reported it with amendments, and moved that it be printed, and, with the accompanying papers, referred to the Committee on Appropriations; which was agreed to.

GAS BUOYS IN THE ST. LAWRENCE RIVER.

Mr. FRYE. I am directed by the Committee on Commerce, to whom was referred the bill (S. 2114) establishing gas buoys in the St. Lawrence River, to report it favorably with an amendment.

Mr. HILL. I ask unanimous consent that the bill may be taken up for present consideration.

Mr. SHERMAN. Let it be read for information.

The Secretary read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and is hereby, authorized and directed to establish gas buoys at or near the following-named places in the St. Lawrence River: One at Charity Shoals, one at Featherbed Shoals, one at Rock Island Point, one near the Sisters Island Light, one at Sunken Rock, one at Bay State Shoals, and one at the Lower Narrows.

The VICE-PRESIDENT. The Senator from New York asks unanimous consent for the present consideration of the bill which has just been read.

Mr. MILLS. Is it a measure reported from the Committee on Commerce?

Mr. HILL. It is just reported.

Mr. FRYE. It is a bill to which I think there can be no possible objection. It is recommended by the Light-House Board.

Mr. MILLS. I have no objection to it. I merely wanted to know if it had been reported.

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

The amendment of the Committee on Commerce was, in the last line of the bill, to strike out the word "and" where it first appears, and after the word "Narrows" to insert "and one at entrance upper harbor Ogdensburg."

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.

DISTRICT STREET RAILWAY FRANCHISES.

Mr. HARRIS. I am directed by the Committee on the District of Columbia to report back favorably the concurrent resolution of the House of Representatives referred to that committee day before yesterday, and I ask the unanimous consent of the Senate that it be now considered. It is a resolution of a single paragraph.

The concurrent resolution was read and agreed to, as follows:

Resolved by the House of Representatives (the Senate concurring), That there be printed and bound into one convenient volume, at the Government Printing Office, all the various acts of Congress relating to street-railway franchises in the District of Columbia; and that 200 copies of the same shall be furnished for the use of the Senate, 400 copies for the use of the House of Representatives, and 2,500 copies for the use of and distribution by the Commissioners of the District of Columbia.

Mr. HARRIS. There is now on the Calendar the joint resolution (S. R. 14) to compile and publish the laws relating to street-railway franchises in the District of Columbia, which was reported a month ago. I move that the joint resolution be postponed indefinitely.

The motion was agreed to.

PRINTING OF BULLETIN ON APICULTURE.

Mr. HALE. I am directed by the Committee on Printing, to whom were referred the amendments of the House of Representatives to the concurrent resolution of the Senate providing for the printing of 15,000 copies of the bulletin on apiculture, to report it back and move concurrence in the House amendments.

The amendments of the House of Representatives were read and concurred in, as follows:

IN THE HOUSE OF REPRESENTATIVES, *March 9, 1896.*

Resolved, That the foregoing concurrent resolution of the Senate "providing for the printing of 15,000 copies of the bulletin on apiculture" do pass, with the following amendments:

Line 2, strike out "fifteen" and insert "twenty."

Line 6, strike out "and."

Line 7, after the word "Senate," insert "and 5,000 copies for the use of the Department of Agriculture."

Amend the title so as to read: "Providing for the printing of 20,000 copies of the bulletin of apiculture."

THE CONGRESSIONAL RECORD.

Mr. HALE. I am directed by the Committee on Printing, to whom was referred the amendment of the House of Representatives to the joint resolution (S. R. 72) directing the Public Printer to supply the Senate and House libraries each with 20 additional copies of the CONGRESSIONAL RECORD, to report it favorably and move that it be concurred in.

The amendment of the House of Representatives was, in line 3 of the title, to strike out "20" and insert "10"; so as to make the title read: "A joint resolution directing the Public Printer to supply the Senate and House libraries each with 10 additional copies of the CONGRESSIONAL RECORD."

The amendment was concurred in.

GOVERNMENT PRINTING OFFICE BUILDING.

Mr. HALE presented a report of operations by Col. John M. Wilson, Corps of Engineers, upon repairs and enlargement of the Government Printing Office and the erection of a fireproof building upon the site of the Government Printing Office stables under the Chief of Engineers during the month of February, 1896; which was ordered to be printed.

HARBOR AT CLEVELAND, OHIO.

Mr. NELSON. I am directed by the Committee on Commerce, to whom was referred the joint resolution (H. Res. 133) directing the Secretary of War to submit estimates for necessary repairs at Cleveland Harbor, to report it without amendment, and I ask for its present consideration.

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

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

Mr. NELSON, from the Committee on Commerce, to whom was referred the joint resolution (S. R. 95) directing the Secretary of War to submit estimates for necessary repairs at Cleveland Harbor, reported adversely thereon; and the joint resolution was postponed indefinitely.

OBSOLETE CANNON BALLS.

Mr. PALMER. I am directed by the Committee on Military Affairs, to whom were referred the bill (S. 611) donating condemned cannon and cannon balls to the Michigan Soldiers' Home, and the bill (S. 745) donating condemned cannon and cannon balls to the New Hampshire Soldiers' Home, to report them back with a substitute which has the effect of a general law for both the bills. I call the attention of the Senator from New Hampshire [Mr. GALLINGER] and the Senator from Michigan [Mr. BURROWS] to the fact that in the opinion of the Chief of Ordnance the proposed general law that I report as a substitute will serve the purposes of both these bills.

Mr. GALLINGER. I inquire of the Senator from Illinois if I understood him correctly to state that a general law has been reported covering this matter?

Mr. PALMER. It is now reported with these bills. The Chief of Ordnance furnished the draft of a bill which in his judgment covers not only these two bills, but all others of like character.

Mr. GALLINGER. I am gratified to know that fact. I think it is a proper measure.

The bill (S. 2489) to authorize the Secretary of War to deliver obsolete or unserviceable cannon balls to any of the National Homes for Disabled Volunteer Soldiers was read twice by its title.

Mr. PALMER. There is a law now which authorizes the delivery of condemned cannon to all these homes. Application has been made for obsolete cannon balls by the homes, to be used for mere ornamental purposes. The purpose of the bill is to authorize the Secretary of War to deliver such cannon balls. The existing law provides for the delivery of condemned cannon.

Mr. GALLINGER. I suggest to the Senator from Illinois that unfortunately this bill will not reach the home that I have in mind. It is a State home.

Mr. PALMER. The bill provides also for State homes.

Mr. GALLINGER. The title does not so indicate. I hope it does.

Mr. HALE. Let me state that the Senate has already passed a bill authorizing both the Secretary of War and the Secretary of the Navy to give or loan condemned cannon or cannon balls to any of these homes, and to soldiers' monument associations, and to municipalities. That bill is now before the House. It can do no harm to pass this measure, too, but it will not perhaps be needed.

Mr. PALMER. May I ask the Secretary to read the communication from General Flagler, which will furnish all the information that is in my possession? It will be found among the papers accompanying the bill.

Mr. HALE. I do not object to the bill at all.

Mr. PALMER. I desire that it shall be understood.

The VICE-PRESIDENT. The Secretary will read as indicated.

The Secretary read as follows:

OFFICE OF THE CHIEF OF ORDNANCE,
UNITED STATES ARMY,
Washington, D. C., January 6, 1896.

SIR: I have the honor to return herewith Senate bills 611 and 745, donating condemned cannon and cannon balls to the Michigan and New Hampshire Soldiers' Homes, with report that there is already on the statute books a general law that authorizes the issue of two obsolete guns to the National Homes for Disabled Volunteer Soldiers, and also to the State homes for soldiers and sailors (volume 25, page 657, Statutes at Large). So that, so far as the cannon are concerned, these bills are unnecessary.

But these bills provide for the issue of 100 cannon balls, and the general law mentioned above does not provide for the issue of any cannon balls.

The cannon balls are on hand and can be supplied, if Congress authorizes the issue. To accomplish this it would be necessary that these two bills should be enacted into law, and the portions of the bills relating to the guns, being unnecessary, should be stricken out. As it is equally desirable, however, that all the other national and State homes should receive cannon balls, as proposed in these bills, I submit and recommend for favorable action the following draft of a bill which will accomplish this purpose, and recommend that it be substituted for Senate bills 611 and 745, viz:

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of War be, and hereby is, authorized and directed, subject to such regulations as he may prescribe, to deliver to any of the National Homes for Disabled Volunteer Soldiers already established or hereafter established, and to any of the State homes for soldiers and sailors, or either, now or hereafter duly established and maintained under State authority, such obsolete or unserviceable cannon balls as may be on hand undisposed of, not exceeding 100 to any one home, for ornamental purposes."

Very respectfully,
D. W. FLAGLER,
Brigadier-General, Chief of Ordnance.

The SECRETARY OF WAR.

Mr. PALMER. I ask unanimous consent that the bill may be now considered.

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.

On motion of Mr. GALLINGER, the title was amended so as to read: "A bill to authorize the Secretary of War to deliver obsolete or unserviceable cannon balls to any of the National or State Homes for Disabled Volunteer Soldiers."

The VICE-PRESIDENT. The committee will be discharged from the further consideration of the two bills reported by the Senator from Illinois.

BILLS INTRODUCED.

Mr. HAWLEY introduced a bill (S. 2490) to amend an act entitled "An act to establish a national park at Gettysburg, Pa.," approved on the 11th day of February, 1895; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. PROCTOR introduced a bill (S. 2491) to increase the pension of Louisa E. Baylor, widow of Thomas G. Baylor, late a colonel of the United States Army; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. MORRILL introduced a bill (S. 2492) authorizing the purchase of a site for a building for the accommodation of the Supreme Court of the United States; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. WOLCOTT introduced a bill (S. 2493) granting an increase of pension to Albert Flanders; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2494) restoring a pension to Michael Carron; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2495) restoring a pension to Oliver R. Goodwin; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2496) to remove the charge of desertion from the military record of James B. Jordan; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. GORMAN introduced a bill (S. 2497) to confer jurisdiction upon the Court of Claims to adjudicate a claim of the heirs of John Bowling, deceased, and to remove the bar of the statute of limitations therefrom; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 2498) to permit the Home Telephone Company of Washington, D. C., to install, maintain, and operate a telephone and telegraph plant and exchange in the District of Columbia, and for other purposes; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. HARRIS (by request) introduced a bill (S. 2499) to amend an act entitled "An act to incorporate the Washington and Great Falls Electric Railway Company"; which was read twice by its title, and, with the accompanying papers, referred to the Committee on the District of Columbia.

Mr. FRYE introduced a bill (S. 2500) to remove the charge of desertion from the record of Charles T. Hurd, formerly a landsman in the United States Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. WALTHALL introduced a bill (S. 2501) for the relief of James Sims, of Marshall County, Miss.; which was read twice by its title, and referred to the Committee on Claims.

Mr. FAULKNER introduced a bill (S. 2502) making appropriation for the purpose of grading, graveling, and guttering Rhode Island avenue from Fourth street NE. to Twelfth street NE.; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. HAWLEY introduced a bill (S. 2503) for the relief of Addison A. Hosmer; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Public Lands.

Mr. HANSBROUGH introduced a bill (S. 2504) to incorporate the Maritime Canal of North America, and for other purposes; which was read twice by its title, and referred to the Committee on Commerce.

Mr. NELSON introduced a joint resolution (S. R. 98) directing the Secretary of War to submit a plan and estimates for the repairs and maintenance of the harbor at Stillwater, Minn.; which was read twice by its title, and referred to the Committee on Commerce.

Mr. MITCHELL of Oregon. I introduce a joint resolution which I ask may be read by title and referred to the Committee on Commerce. If the Senate will allow me one word before introducing the joint resolution, I will state that it is a joint resolution proposing that not exceeding $20,000 of the money heretofore appropriated for the construction of the canals and locks at the Cascades of the Columbia be used for the purpose of erecting necessary protecting walls not technically included in the contract and which are absolutely necessary in order that that great work can be opened to traffic immediately. I make the request of the committee that the joint resolution be submitted to the War Department for report.

Mr. FRYE. Does the joint resolution provide that the consent of the contractors shall be obtained?

Mr. MITCHELL of Oregon. It does.

The joint resolution (S. R. 99) authorizing the immediate use of a portion of the unexpended balance of appropriations heretofore made for construction of canal and locks at the Cascades of the Columbia River in construction of protecting walls necessary to the opening of said canal and locks to navigation was read twice by its title, and referred to the Committee on Commerce.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. BAKER submitted an amendment intended to be proposed by him to the Post-Office appropriation bill; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

Mr. KYLE submitted an amendment intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. GALLINGER submitted an amendment intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

PRESIDENT'S MESSAGE ON THE VIRGINIUS CASE.

Mr. MORGAN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That Executive Document B of the special session of the Senate, being a message of the President of the United States, of March 15, 1875, in relation to the Virginius case, be reprinted for the use of the Senate.

CLAIMS FOR BARRACKS AND QUARTERS.

Mr. LINDSAY. I submit a resolution, and ask unanimous consent for its present consideration.

The resolution was read, as follows:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to cause the proper accounting officers of the Treasury to reexamine Treasury settlements Nos. 9695, 159, and 9660, being claims for barracks and quarters certified to Congress for appropriations in House Document No. 234, Fifty-third Congress, third session, for the payment of which no appropriations have been made; and if found correct to report the same to Congress at as early a day as practicable at the present session.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. MITCHELL of Oregon. This is an original resolution, I understand?

Mr. LINDSAY. It is.

Mr. PLATT. I think it has been customary where a claim has once been acted upon and reported to Congress to ask that it be reexamined.

Mr. LINDSAY. These claims have been acted upon.

Mr. MITCHELL of Oregon. That has been the rule. I wanted to know if this came within the rule; that is all.

The resolution was agreed to.

CALUMET RIVER BRIDGE.

Mr. CULLOM. I ask leave out of order, in view of the fact that I am compelled to attend the Committee on Appropriations, to call up the bill (S. 2251) to authorize the construction of a bridge across the Calumet River.

Mr. CALL. I hope the Senator from Illinois will allow the order of resolutions to be called. There is a resolution on the table which I should like to have acted upon. I do not think it will take any time.

Mr. CULLOM. This bill will take no longer time than the reading of it. I hope it will be taken up.

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 WASHINGTON GAS LIGHT COMPANY.

Mr. CALL. I ask for the consideration of the resolution submitted by me a few days ago and which comes over from yesterday.

The VICE-PRESIDENT. The Chair lays before the Senate the resolution of the Senator from Florida, coming over from a previous day. The resolution will be read.

The Secretary read the resolution submitted by Mr. CALL on the 9th instant, as follows:

Resolved by the Senate, That the Committee on the District of Columbia be, and is hereby, directed to obtain from the Washington Gas Light Company and report to the Senate a statement under oath showing the amount of cash on hand on the 1st day of January, 1895, including money on deposit in banks and elsewhere; also a statement of the money received from consumers of gas; also how much money received from other sources; each to be given separately; also the disbursements of money, and for what purpose; also the amount of money at the close of business on the 31st of December, 1895, including money in bank and elsewhere.

The VICE-PRESIDENT. The question is on agreeing to the resolution.

Mr. HOAR. What is the resolution?

Mr. CALL. I will state to the Senator from Massachusetts that the resolution was introduced by request of a large number of persons in the District here who are interested in the subject of

the gas lighting of the District and the new proposals for improving the lighting here.

Mr. HARRIS. It simply asks for information.

Mr. HOAR. Let it be read. Was it reported from a committee?

Mr. CULLOM. It was not.

The VICE-PRESIDENT. The resolution will be again read.

The Secretary again read the resolution.

Mr. HOAR. I move to amend the resolution by adding the following:

And also to report to the Senate such further facts in regard to the management of the business of supplying the citizens of Washington with gas and the price thereof as they may deem material for action by the Senate.

Mr. CALL. I accept that amendment.

Mr. HAWLEY. I suggest another amendment, to be put either in the amendment of the Senator from Massachusetts or in the original resolution of the Senator from Florida, by inserting "and also the prices paid for coal."

Mr. HOAR. That is "material" and would be included in the amendment I have offered; but I have no objection to it, and accept it.

Mr. CALL. I have no objection to that amendment.

The VICE-PRESIDENT. Without objection, the resolution will be modified as indicated by the Senator from Massachusetts [Mr. HOAR] and the Senator from Connecticut [Mr. HAWLEY].

Mr. HOAR. Let the amendment be read from the desk as it now stands.

The VICE-PRESIDENT. The amendment will be read.

The SECRETARY. Add at the end of the resolution:

And also to report to the Senate such further facts in regard to the management of the business of supplying the citizens of Washington with gas and the price thereof as they may deem material for action by the Senate, and also the prices paid for coal.

Mr. HOAR. The words "and also the prices paid for coal" should come in before the words "as they may deem material." I suggest that there be also inserted "and the illuminating power of the gas so furnished."

Mr. WOLCOTT. I should like to have the entire resolution read as it will read with the modifications which have been made.

The VICE-PRESIDENT. The resolution as modified will be read.

The Secretary read the resolution as modified, as follows:

Resolved by the Senate, That the Committee on the District of Columbia be, and is hereby, directed to obtain from the Washington Gas Light Company and report to the Senate a statement under oath showing the amount of cash on hand on the 1st day of January, 1895, including money on deposit in banks and elsewhere; also a statement of the money received from consumers of gas; also how much money received from other sources; each to be given separately; also the disbursements of money, and for what purpose; also the amount of money at the close of business on the 31st of December, 1895, including money in bank and elsewhere; and also to report to the Senate such further facts in regard to the management of the business of supplying the citizens of Washington with gas, also the price thereof, also the prices paid for coal, and also the illuminating power of the gas so furnished, as they may deem material for action by the Senate.

Mr. WOLCOTT. I suggest that this resolution had better be printed and go over until to-morrow. If it is intended to cover an investigation as to all the materials used in the production of gas, the illuminating power, etc., I should not think the resolutions drastic enough to accomplish the purpose.

Mr. CALL. I have no objection to that suggestion.

Mr. SHERMAN. I think the resolution should go over.

Mr. WOLCOTT. My only desire is to help to perfect it; that is all.

Mr. CALL. I have no objection to the resolution going over.

The VICE-PRESIDENT. The resolution will go over.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CHAPELL, one of its clerks, announced that the House had agreed to the amendment of the Senate to the bill (H. R. 3265) donating condemned cannon and four pyramids of condemned cannon balls to Stone River Post, No. 74, Grand Army of the Republic, Sedan, Kans.

The message also announced that the House had passed the following bill and joint resolution:

A bill (S. 818) for the relief of Halvor K. Omlie, of Homen, N. Dak.; and

A joint resolution (S. R. 47) relating to the Federal census.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 900) to provide for the payment of the claim of William H. Mahoney;

A bill (H. R. 2290) to provide for the time and place of holding the terms of the United States circuit and district courts in the State of South Dakota;

A bill (H. R. 5229) for the relief of George H. Lott;

A bill (H. R. 5979) for the right of the Rock Island, Muscatine and Southwestern Railway Company to build a bridge across the Illinois and Mississippi Canal;

A bill (H. R. 6304) to authorize the construction of a bridge across the Tennessee River at Knoxville, Tenn.;

A bill (H. R. 6505) to revive and reenact an act to authorize the construction of a bridge across the Arkansas River, connecting Little Rock and Argenta;

A bill (H. R. 6614) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1897; and

A bill (H. R. 7137) to provide for printing and binding for the Navy Department.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (S. 1825) to incorporate the Convention of the Protestant Episcopal Church of the Diocese of Washington; and it was thereupon signed by the Vice-President.

CLAIMS OF UNITED STATES AND TENNESSEE.

Mr. HARRIS. I ask unanimous consent of the Senate to consider at this time Senate joint resolution 91. I will state briefly that it is a joint resolution authorizing the Attorney-General, the Secretary of the Treasury, and the Secretary of War to meet three commissioners appointed by the State of Tennessee for the purpose of investigating and reporting upon certain claims of the Government of the United States against the State of Tennessee and certain claims of the State of Tennessee against the Government of the United States. I desire that the joint resolution shall be now considered, and will say that if it consumes any time in debate I will withdraw the request.

Mr. SHERMAN. I wish to call up, after action is had upon the joint resolution referred to by the Senator from Tennessee, the conference report before the Senate on the resolutions in regard to Cuba, on which the Senator from New York [Mr. HILL] thinks he has a meritorious claim to the floor; and I will yield to that with pleasure. After he is through, I intend to press for action upon the conference report, and give notice that from this time forward I shall seek as early a vote as possible upon the adoption of the report and the passage of the resolutions.

The VICE-PRESIDENT. The Senator from Tennessee asks unanimous consent for the present consideration of the joint resolution named by him. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (S. R. 91) providing for the adjustment of certain claims of the United States against the State of Tennessee and certain claims of the State of Tennessee against the United States.

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

The preamble was agreed to.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Commerce:

A bill (H. R. 5979) for the right of the Rock Island, Muscatine and Southwestern Railway Company to build a bridge across the Illinois and Mississippi Canal;

A bill (H. R. 6304) to authorize the construction of a bridge across the Tennessee River at Knoxville, Tenn.; and

A bill (H. R. 6505) to revive and reenact an act to authorize the construction of a bridge across the Arkansas River, connecting Little Rock and Argenta.

The following bills were severally read twice by their titles, and referred to the Committee on Appropriations:

A bill (H. R. 6614) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1897; and

A bill (H. R. 7137) to provide for printing and binding for the Navy Department.

The bill (H. R. 900) to provide for the payment of the claim of William H. Mahoney was read twice by its title, and referred to the Committee on Finance.

The bill (H. R. 2290) to provide for the time and place of holding the terms of the United States circuit and district courts in the State of South Dakota was read twice by its title, and referred to the Committee on the Judiciary.

The bill (H. R. 5229) for the relief of George H. Lott was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

WAR IN CUBA.

Mr. SHERMAN. I now move that the Senate proceed to the consideration of the conference report on the Cuban resolution.

The VICE-PRESIDENT. The question is on the motion of the Senator from Ohio.

The motion was agreed to.

Mr. HILL. Mr. President, I shall vote against concurring in the report of the conference committee. The few remarks which I shall submit are intended more as an explanation of the vote which

I shall give than as any elaborate argument upon the questions involved.

Permit me at the outset to state to the Senate the precise parliamentary status. Unless we are entirely satisfied with these three distinct resolutions, we must vote to nonconcur. They are not now in a situation to be amended; they can not be altered; they can not be changed; no instructions can be given in regard to them. The only question upon which we are permitted to vote under the present parliamentary situation is whether we agree or disagree to this conference report. I shall vote against concurring, because I object to the terms of the third resolution. I base my objection upon that third resolution only. Let me proceed to examine it. I will read it:

Resolved, That the United States has not intervened in struggles between any European Governments and their colonies on this continent; but from the very close relations between the people of the United States and those of Cuba, in consequence of its proximity and the extent of the commerce between the two peoples, the present war is entailing such losses upon the people of the United States that Congress is of opinion that the Government of the United States should be prepared to protect the legitimate interests of our citizens, by intervention if necessary.

I shall vote against concurring in the conference report to the end that, if it shall be disagreed to, we may then proceed to strike out the third resolution by appropriate parliamentary methods. There are several ways in which that can be done, if the report shall be disagreed to. It is not necessary that I should now specify them. To disagree to the conference report is the only way in which we can now change the terms of these resolutions.

Let me read the first part of the third resolution. It is as follows:

Resolved, That the United States has not intervened in struggles between any European Governments and their colonies on this continent.

In order to understand what that resolution means, we must understand what the word "intervention" means. If, as here used, it means that we have not interfered by taking a hostile part in the struggles between European governments and their colonies on this continent, then it states the truth. I do not understand that any reason exists why that fact should be reiterated in this connection; but if it means that we have not at any time intervened in the sense of recognizing those colonies as belligerents, it is not true. If it means that we have not interfered by recognizing the independence of those colonies, it is not true. It all depends upon what is meant by the word "intervention."

We did intervene years ago when Spain was having conflicts with its colonies in this hemisphere. We did intervene by recognizing them as belligerents. We did more than that. We recognized their independence. Therefore something more must have been meant when the House of Representatives adopted the word "intervened" in this connection.

I need not remind the Senate that this is not one of its resolutions. The Senate abandoned the two resolutions which had passed the Senate—abandoned them without the firing of a gun and with little consultation—and surrendered to the House of Representatives and adopted these three resolutions, to the third of which I now object. Therefore I say at the outset that in the sense in which it must be used here, there is intended something more than intervention by the recognition of belligerency, something more than intervention by the recognition of independence. It probably means to declare that we have not intervened by taking a hostile part in the struggle, by actively aiding with arms and men and money one side or the other. Mr. President, I object to that part of the resolution as unnecessary. It has no connection, necessarily, with the subject.

What follows? These words follow at the end:

That the Government of the United States should be prepared to protect the legitimate interests of our citizens by intervention, if necessary.

What intervention? Not the intervention mentioned before; not the intervention mentioned in the first line of the third resolution, because it says "the United States has not intervened." It does not mean intervention by recognition as belligerents; it does not mean recognition of independence. It means something more. We are to intervene not by those methods; but if it has any legitimate meaning at all, it means that this country is to take an active and hostile part in the struggle between Spain and its colony of Cuba.

Mr. President, an unnecessary resolution is an unwise one. This is an unnecessary resolution. It is subject to double construction; it is liable to misinterpretation; it will breed mischief in the future. All that the Senate intended to do the other day when it passed its resolutions, for which I voted, was to declare two points; first, that a state of war existed between Spain and its colony of Cuba which, in our opinion, warranted the recognition of the insurgents as belligerents; second, that the kind offices of this Government should be extended to the end of securing independence. We need not have gone further; we ought not to have gone further. This resolution, as I say, is likely to complicate us.

What is meant by this term "intervention"? We have already declared that we think the Cubans should be recognized as belligerents: we have already expressed our opinion that the President should exercise his friendly offices to the end that Cuban independence may occur in the future. Therefore this intervention means something different from that. It may mean war. I suggest that it is an unwise step for us to take. Let the future take care of itself. Let us declare where we stand to-day, and not anticipate events.

This resolution is subject to another objection. It reads:

The Government of the United States should be prepared to protect the legitimate interests of our citizens by intervention.

It sounds too much like a threat, too much like buncombe. If we indorse the general proposition that this Government should be prepared to do whatever is necessary, it means little or nothing. Of course it follows that we should always do whatever is actually necessary. Do we mean simply to utter a truism, that this Government intends to do whatever is necessary? Whatever ought to be done, of course, we should do. If this mere declaration has any meaning whatever, it means more than that. That is the reason it is mischievous. Let us be frank with ourselves; let us be frank to Spain; let us be frank to Cuba; let us not deceive either party to this controversy. What does it mean? "Should be prepared" is the phrase used.

Let the preparation, if necessary, be by bill. Let the preparation be made, not by mere declaration, not by ex parte statements. If it means that we should increase our Navy, if it means that we should increase our Army, let us proceed by bill duly introduced, to which the President of the United States can become a party; let us proceed to prepare, not by threatening preparations, not by idle boasts of preparation, but by legitimate bills. Let us raise the necessary revenue, let us prepare for action by bill. What are we going to be prepared for? Let us see:

To protect the legitimate interests of our citizens.

Let me suggest that hardly anyone would think of protecting their illegitimate interests. What interests? Not their lives; not their safety; not their comfort; but their moneyed interests. "Protect" their "interests" means moneyed interests, because the resolution in its words just immediately preceding speaks of "losses upon the people of the United States."

We are, then, to intervene, not on the score of humanity—this resolution does not place our intervention upon any such high ground—not for the purpose of stopping bloodshed; not for liberty's sake; not because we want to help along free institutions. Oh, no; no such words are used. But the third resolution says:

The Government of the United States should be prepared to protect the legitimate interests of our citizens—

Because—

the present war is entailing such losses upon the people of the United States.

Mr. President, this is basing our proposed action upon a very low ground. If there must be intervention in the form in which this third resolution states, whatever it may mean, let it be placed upon some higher ground than the mere losses to some of the business interests of our country; let it be put upon the broad ground of stopping bloodshed; let it be put upon the broad ground of doing something for a people struggling to be free; let us put it upon the ground of our sympathy with the establishment of republics, but do not put it upon the low ground that we are losing a few dollars by this contest between Spain and Cuba.

I know that it is said: "Well, this action amounts to nothing; we only propose to interfere if necessary; that is all the resolution says." An unnecessary resolution is an unwise one, as I have said, for what it eventually proposes is not stated, and we have to guess at it.

Mr. President, I am not aware of any very great losses which this Government is suffering on account of the war in Cuba. I know I am besieged with telegrams from New York. People there have seen this resolution, have seen the low ground that is proposed to be occupied with regard to this question, and some of them seem to think that this is a mere question of dollars and cents, and that is all, and that we ought to stop passing resolutions here if such action affects some of our merchants in our cities.

I suppose if we proceed at all here we should proceed upon some ground upon which we can stand, and not upon the ground that some people trading with Cuba are being affected. I have a telegram from New York. I shall not give the names of the very respectable gentlemen who send it, but they hold high positions in the commercial world. The telegram is as follows:

Present attitude of the United States toward Cuba seriously affecting commerce of New York with that island. Merchants of Cuba are combining to boycott American products in consequence of Congressional action, and have cabled canceling all orders and shipments.

And they expect me to base my vote upon a grave international question of right or wrong upon the mere point that some Spanish merchants in Cuba are boycotting my constituents in New York. Mr. President, with all due respect to these gentlemen, our action here should proceed upon higher ground, better ground, more tenable ground than this.

Sir, you will recollect that in the days of the American Revolution there were people who deplored war. Every great struggle for independence has had its opponents who have tried to stop it or to take advantage of the incidents of war for the purpose of realizing money. You recollect that old story, that you will permit me here to read, found in Wirt's Life of Patrick Henry:

The case of John Hook, to which my correspondent alludes, is worthy of insertion. Hook was a Scotchman, a man of wealth, and suspected of being unfriendly to the American cause. During the distresses of the American Army consequent on the joint invasion of Cornwallis and Phillips in 1781, a Mr. Venable, an army commissary, had taken two of Hook's steers for the use of the troops. The act had not been strictly legal, and on the establishment of peace, Hook, under the advice of Mr. Cowan, a gentleman of some distinction in the law, thought proper to bring an action of trespass against Mr. Venable in the district court of New London.

Mr. Henry—

Patrick Henry, the great defender of liberty—

appeared for the defendant, and is said to have disported himself in this cause to the infinite enjoyment of his hearers, the unfortunate Hook always excepted. After Mr. Henry became animated in the cause, says a correspondent, he appeared to have complete control over the passions of his audience. At one time he excited their indignation against Hook. Vengeance was visible in every countenance. Again, when he chose to relax and ridicule him, the whole audience was in a roar of laughter. He painted the distresses of the American Army, exposed almost naked to the rigor of a winter's sky and marking the frozen ground over which they marched with the blood of their unshod feet. "Where was the man," he said, "who had an American heart in his bosom, who would not have thrown open his fields, his barns, his cellars, the doors of his house, the portals of his breast, to receive with open arms the meanest soldier in that little band of famished patriots? Where is the man? There it stands; but whether the heart of an American beats in his bosom you gentlemen are to judge." He then carried the jury, by the powers of his imagination, to the plains around York, the surrender of which had followed shortly after the act complained of. He depicted the surrender in the most glowing and noble colors of his eloquence. The audience saw before their eyes the humiliation and dejection of the British as they marched out of their trenches. They saw the triumph which lighted up every patriotic face, and heard the shouts of victory, and the cry of "Washington and liberty!" as it rung and echoed through the American ranks and was reverberated from the hills and shores of the neighboring river. "But, hark! what notes of discord are these which disturb the general joy and silence the acclamations of victory? They are the notes of John Hook, hoarsely bawling through the American camp, 'Beef! beef! beef!'"

Mr. President, in the years to come, when this resolution, if passed, shall be exhibited to posterity as an incident in this great crisis of our country's affairs, it will be said that the American Congress voted to intervene on the low ground that the war was entailing such losses upon the people of the United States. In other words, "Beef! beef! beef!" again. For these reasons I am opposed to the third section of the House resolutions which the conference committee saw fit to adopt, and I shall vote against them, in order that if the vote to concur shall be defeated we can strike out the third resolution. If we want to be prepared for whatever is necessary, while I see no necessity for declaring in advance what we are going to do or making any declaration upon the subject, I repeat, let it be done by proper measures brought in here without buncombe, without threat, without idle and empty declarations.

I am for the other two sections of the resolution. I voted for the two resolutions which the Senate passed the other day, which are substantially like these. I think I prefer possibly the Senate resolutions, but in substance they are the same and I shall not retract. I shall not take back that vote simply because there may be a little change of public sentiment or because some Spanish students have trampled upon the American flag. I am not frightened by any such occurrence.

What is the first resolution? It declares—

That in the opinion of Congress a state of public war exists in Cuba, the parties to which are entitled to belligerent rights, and the United States should preserve a strict neutrality between the belligerents.

I favor that resolution because it is an expression of the opinion of Congress. Does not a state of war exist in Cuba to-day? I know the distinguished Senator from Massachusetts [Mr. HOAR] yesterday said, "What proof have we of the existence of war there?" That country is full of reliable correspondents. Once in a while there are to be found a few reliable correspondents, and they are portraying every day in the newspapers of the country the details of a great war existing there. The morning papers, in which the press reports are contained, state that one of the generals of the insurgents is within a stone's throw of the capital of that country, the city of Habana.

Mr. President, it is idle to disguise the situation. The consular reports here show that a state of war exists. We can not shut our eyes to what is apparent to us. The precise extent of the war is not very material. The best information that I can obtain is that the insurgents have three-quarters of the island substantially under their control. We must determine this question from such light as we have.

I know it is said that we are embarrassing the Administration or the executive department by the passage of the resolution of opinion. I deny it. I think that if the Administration thought that the resolutions which have been pending before this body for some time were antagonizing to and embarrassing them, some one here upon this side of the Chamber would have knowledge of the fact. I can not believe that the officials of this Government would keep their own counsels so closely that no one would know what the Administration desires.

Mr. President, we must determine this question from the facts which are before us. We must determine it from just such knowledge as we have, from official reports, from newspapers, from the magazines, from any source whatever from which it may come to us.

My distinguished friend the Senator from Massachusetts [Mr. HOAR] yesterday said in substance that this is an idle resolution. He says it has no legal effect. He says that it is a Pickwickian resolution. The reason why he so stated is that it is concurrent in its form, and also because it expresses the opinion of Congress.

But a short time since we passed a resolution authorizing the Judiciary Committee to examine the whole question as to the legal effect of concurrent resolutions and whether all resolutions ought not to be signed by the President. The distinguished chairman of the committee honored me by making me a member of the subcommittee with himself, but without his usual courtesy, to which I bear cheerful testimony, he has concluded to determine the question all by himself, and yesterday he boldly declared that this resolution was meaningless, of no effect, because the President would not have to sign it. I supposed that was the very question which we were going to consult about as a subcommittee.

Mr. HOAR. Will the Senator from New York pardon me?

The VICE-PRESIDENT. Does the Senator from New York yield to the Senator from Massachusetts?

Mr. HILL. Certainly.

Mr. HOAR. I do not understand that the question submitted to the Committee on the Judiciary is the same proposition in regard to which I expressed an opinion yesterday, or that it has anything to do with it. I certainly have no such understanding. If I am not interfering with the Senator from New York too much, perhaps he will allow me to state my proposition.

Mr. HILL. I do not wish to trespass upon the time of the Senator from Ohio [Mr. SHERMAN], who wishes to follow me. But I will hear a question.

Mr. HOAR. No; I want to be permitted to point out to the Senator, if he has no objection, that I think he misconceives the argument I made yesterday.

Mr. HILL. The Senator from Massachusetts may proceed.

Mr. HOAR. My proposition was and is that this declaration, by a concurrent resolution, has no legal effect whatever. It does not relate at all to the question whether certain concurrent resolutions may have legal effect without the signature of the President or whether they can be passed.

We have neutrality laws making it a highly penal offense to sell arms to the insurgent subjects of a government with which we are at peace unless they have been previously recognized as belligerents, and rendering the cargoes containing such arms or other warlike assistance liable to seizure. Now, my proposition is that a resolution by the two Houses of Congress, not assented to by the President, declaring a state of belligerency, has no legal effect whatever. So any citizen who, relying on it, would do an act to-morrow after its passage which would be unlawful yesterday, would be liable still to all the penalties of trading with the insurgent subjects of a government with which we are at peace and whose belligerency we have not acknowledged. That is the proposition.

Mr. HILL. Does the Senator place his opinion upon the ground that the President has not signed the resolution of Congress?

Mr. HOAR. Certainly. If the President signs this resolution of Congress or a resolution declaring belligerency, then an American citizen without committing a crime, as it is said, and I suppose truly, by the Senators representing the Committee on Foreign Relations, may sell arms and other munitions of war to the rebels.

Mr. HAWLEY. Or to the Spaniards.

Mr. HOAR. Or to the Spaniards.

Mr. MORGAN. He can do it now.

Mr. HOAR. Not to the insurgents.

Mr. MORGAN. Oh, yes.

Mr. HOAR. I do not so understand.

Mr. MORGAN. Unquestionably.

Mr. HOAR. We have been seizing ships.

Mr. HILL. I do not propose at this time to enter upon the question as to whether the signature of the President is necessary in order to give validity to the resolution, because we seem to agree upon that point, and I think the Senator, instead of relieving himself of the difficulty, has only added to it.

Mr. HOAR. Does the Senator claim that the law of the land would be changed one particle by the passage of these resolutions without the signature of the President?

Mr. HILL. After hearing the argument of the Senator yesterday, which was in accordance with my previous opinion upon this subject, I am inclined to agree with him that this resolution has no legal effect without the signature of the President, and,

being a concurrent resolution, it will not be presented to the President for that purpose.

Mr. HOAR. Very well.

Mr. HILL. So we have both separately, two members of the committee, not jointly but concurrently, arrived at the same opinion without any report.

Mr. GRAY. May I ask the indulgence of the Senator from New York——

Mr. HILL. And in that view I now propose further to discuss it and to show that it is a proper resolution under the circumstances. I will hear the Senator from Delaware [Mr. GRAY], however.

Mr. HOAR. Will the Senator permit me for one moment, in order that we may put this matter entirely right? I do not understand that the question submitted to the Judiciary Committee is, whether a concurrent resolution like this would have validity without the signature of the President. I do not suppose there is a member of this body who has a doubt in his mind upon that subject; possibly the Senator from Alabama [Mr. MORGAN] may have, but I do not suppose any others have. I speak of the claim of the Senator from Alabama about making war by act of Congress without the President.

But I understood that the claim had been made, which I at one time was inclined to support, that we could not pass a concurrent resolution at all without the signature of the President, because the Constitution says that every vote to which the assent of both Houses is necessary shall be submitted to the President. So it was claimed that where a statute says the two Houses of Congress may join in ordering printing, still, notwithstanding the statute, we must get the signature of the President to the concurrent resolution for printing, and so in regard to other public expenditures.

Mr. HILL. I think I understand the Senator from Massachusetts.

Mr. HOAR. Now, I understand the question submitted to us is, whether the signature of the President is essential in all cases of concurrent resolutions or only as to those concurrent resolutions to which the vote of the two Houses is constitutionally necessary. It does not touch this question at all.

Mr. HILL. I do not think it wise to interrupt my remarks by a discussion of this abstract question. The Senator, when he reads my resolution, which the Senate adopted and which has been referred to the Committee on the Judiciary and which we are both considering separately from one another, will find it precisely as I have described it. I yield a moment to the Senator from Delaware.

Mr. GRAY. I was merely going to ask the indulgence of the Senator from New York that I might call to the attention of the Senator from Massachusetts [Mr. HOAR] some language he used in his speech yesterday which I feared might be misleading, as coming from the chairman of the Judiciary Committee of the Senate, to the people of the United States who are interested in these transactions that he described. He has said, and I think has said truly, that perhaps this resolution, if it were passed, would make no difference in the situation of those who are furnishing arms to the insurgents in Cuba. But I think he has perhaps either been misreported or inadvertently said what he is reported as saying yesterday in these words:

> If any unhappy manufacturer or maker of arms, encouraged by this resolution, goes down to Mobile and sells them to a Cuban insurgent, or sends them from New York, and sets up in his defense that his Government has declared that those people are belligerents, he is liable to be indicted and convicted for a breach of our neutrality laws next week, just as he would have been last week before the resolution was passed.

What I want to call the attention of the Senator from Massachusetts to is that statement of the law which I do not think, when he comes to read it over, he will consider as reflecting his real opinion in this matter. I should be sorry if the people of this country should understand that an ordinary commercial venture by any citizen of the United States, sending arms openly to Cuba, if you please, selling them without disguise to an insurgent, is a breach of our neutrality laws.

Mr. HOAR. I did not speak of an ordinary commercial venture. I spoke of ventures prohibited by the neutrality laws.

Mr. GRAY. I beg the Senator's pardon. I am very glad to have given him an opportunity of correcting the impression which the country might obtain from the use of that language.

Mr. HOAR. I did not use the phrase "ordinary commercial venture."

Mr. HILL. I do not think it wise to go off into a discussion of the neutrality laws.

Mr. WHITE. Mr. President——

The VICE-PRESIDENT. Does the Senator from New York yield to the Senator from California?

Mr. HILL. Certainly.

Mr. WHITE. I desire to call the attention of the Senator from Massachusetts to the decision of the circuit court of appeals of the United States for the ninth circuit, reported in the case of the *Itata* (56 Federal Reporter), and also to the case decided by Judge Blatchford in Florida, reported in 4 Benedict, and also to the opinion of Attorney-General Speed, which I quoted the other day, all of which go to the extent that commercial ventures such as those referred to by the Senator from Delaware may be undertaken and carried on from the United States, not in the form of an expedition, but that the mere selling of arms and munitions is not unlawful.

Mr. HILL. I will now continue the argument which I had contemplated making. I referred simply to the fact that the Senator from Massachusetts had characterized this resolution as Pickwickian in its character, as not amounting to anything, for various reasons, and among others because it was the mere expression of an opinion, that it was a concurrent resolution, etc.

Away back in 1836 Mr. Clay did not think that a resolution of Congress expressing its opinion upon a question of this character was Pickwickian. On the contrary, in a report which he made in that year he laid it down that while the Constitution vested in the President mainly the care of our diplomatic relations, yet Congress could properly pass resolutions expressing its opinion. What would have been the argument if the Committee on Foreign Relations had presented a joint resolution? Would the Senator from Massachusetts have voted for it then? Of course he would not. What, then, would have been the argument? It would have been said, "You are embarrassing the President." It would have been said that the Constitution contemplates that the President shall be the final judge of what ought to be done, and it would have been said that the resolutions were wrong and improper, because we were interfering with the prerogatives of the President. That would have been the argument.

I am for this resolution declaring that in our opinion a state of war exists which requires the recognition of belligerent rights, because it is merely an opinion, because it is respectful to Spain, because it is respectful to the President, because it does not ignore the President, because it does not require Executive approval, because, after all, it leaves it to the President to exercise his prerogatives under the Constitution, to do as he sees fit on this question, having possibly greater knowledge on the subject, taking into consideration, and with respect, as he assuredly will do, the opinion of Congress.

I should have hesitated long before I should have voted for a joint resolution which would compel the action of the President within ten days. This resolution recognizes the propriety of his having the final determination of this question, and it is an appropriate resolution, not a Pickwickian one, just such a one as Henry Clay approved in 1836.

It is a safe resolution, because it is merely an expression of opinion. It does not bind anyone except those who declare what their opinion is. It has its moral effect. It will be received with respect by the executive department. It has its moral effect throughout the country. It will have its moral effect throughout the world. This is exactly the way in which such resolutions have been adopted in the past.

Away back in the thirties, when Mr. Jackson was President, Congress passed a concurrent resolution—not a joint one—expressing its opinion (I have it before me, but I will not detain the Senate by reading it), not upon the mere question of belligerency, but upon the greater question of the recognition of the independence of Texas. It was not expected that it would be presented to the President for approval. It was not presented to the President for approval. It was simply a concurrent resolution expressing the opinion of Congress. Therefore Senators can not rise here in their places and say that this is an unprecedented resolution. It is in accordance with precedent, it is a safe, it is a conservative, it is a fair resolution; it is the very action which we ought to take. Thus far should we go and no farther upon this point.

Mr. President, Senators have read with words of approval the protest of Mr. Lincoln and Mr. Seward against what they termed the premature acknowledgment of the belligerency of the Confederate States. With all due respect to those distinguished statesmen, and I would not detract a single word from their high places in history, it is impossible to read those protests and not think they were wrong. In May, 1861, several foreign governments properly recognized the Confederate States as belligerents, not their independence. That recognition took place before a single prisoner of war had been exchanged between the two armies, and yet Senators read from old musty documents that there can be no recognition until prisoners of war have been exchanged. Of course Mr. Lincoln and Mr. Seward felt it was their duty to protest.

There has never been an insurrection anywhere or a rebellion anywhere that the parent government did not see fit to protest against the recognition of the insurgents as belligerents. Why? For the purpose, if possible, of preventing a recognition of independence. I recollect what Henry Ward Beecher once said in an address. He said: "If you want to keep a man whom you are walking with at about a certain proper pace, you must keep all the while a few steps ahead of him." So, in order to prevent the recognition of the independence of the Confederate States, it was

deemed wise upon their part to protest against the recognition of them as belligerents. Suppose that course had not been adopted; do you think the United States would not themselves have recognized the Confederates as belligerents? Did they not, in fact? Did they not very soon thereafter begin a series of recognitions between the two troops? Were not flags of truce recognized? Were not prisoners of war exchanged? You can not prosecute a whole people for treason. That is the reason why you must recognize these great contending forces as belligerents.

Three-quarters of the Island of Cuba is in insurrection to-day. They say that the insurgents are overrunning, not actually occupying, the island. Be that as it may, it is proper in the interests of humanity, it is proper in the interest of the orderly conduct of civilized warfare, that those people should be recognized as belligerents. Must the strife go on? Must we encourage it? Will we stand by and allow those prisoners, who are virtually prisoners of war, to be executed, to be guillotined, to be hung upon the gallows? This may be done, and we have no power or influence to stop it unless we recognize those people as belligerents.

Mr. President, the recognition of belligerency is nothing with which Spain can find any fault. It gives no real offense to Spain. It is in accordance with the dictates of humanity; it is in accordance with established usage. We can not do less. The whole question of belligerency is addressed to the discretion of other than the contending powers. There is no precise rule laid down. Each case must be judged from its own circumstances. No harm can be done by our proposed action. It may tend to stay the cruel warfare that is being continued in that island.

Mr. President, what further should we do? I do not intend to argue the second proposition, because it seems to be generally conceded that the second resolution, which simply provides that this Government should tender its kindly offices to the end of securing independence, should be adopted. Even the Senator from Massachusetts [Mr. HOAR] averred that he was willing to vote for that resolution, and when the Senator from Massachusetts can not find fault with a resolution it is pretty good evidence that no one else can. [Laughter.]

Mr. President, this is our position upon this second question. He agrees with us. He agrees with those who voted the other day that it is an appropriate time for this Government to say that its friendly offices should be exercised to the end of securing Cuban independence. And yet in the next breath he says the insurrection is not of that nature, is not of that proportion, is not of that strength that we ought to recognize the insurgents as belligerents. He would ask this Government to interfere, to interfere to the end that these insurgents may be recognized as an independent government, but in the meantime he would not give them the right of belligerents. I think that is an inconsistent position. I think that if he stands ready to welcome Cuban independence, if he thinks that the best interests of Spain, of Cuba, of the United States, and of the world will be subserved by granting those people independence, he might strain a little further and accord to these poor people belligerent rights in the meantime.

Mr. President, there have been many quotations made here from General Grant's messages and the reports of Mr. Secretary Fish. Mr. Fish, as well as President Grant, in their messages and reports, said that the question of Cuban independence was a mere matter of a short time; that in the end it was bound to come. Both of them stated that over and over again. They said repeatedly, it is impossible that this foreign Government of Spain away across the waters should be permitted to plunder, to rob, to unduly tax those people; that they have struggled for years against such oppression and that there could be but one final result, and that would be independence for Cuba sooner or later.

In view of those statements, in the light of that experience, in view of all that has taken place in that unfortunate island, may we not well anticipate that that independence will surely come in the very near future? If we think it will come, may we not act upon such light as we have before us and say, in the great struggle for that independence which is to come surely and inevitably, we will in the meantime rid this warfare of some of its hardships, some of its infamies, some of its degradation, some of its brutality? For that is all that this resolution, in effect, proposes to do.

I therefore, for these reasons, thus hastily expressed, am in favor of the first two resolutions which are involved in the conference report. I am opposed to the third one, and therefore must vote to nonconcur, because I do not like the pusillanimous and inconsistent terms, the unfortunate terms, the unwise terms, of the said resolution. Let us put our action upon high ground. What position we should take is very clear to me.

Mr. President, while the true policy of this Government is that of peace—not peace at any price, but peace with honor—and while our general policy is that of nonintervention in the affairs of other countries, yet let me repeat what has been so often stated here and elsewhere, that as one of the free States among nations—one of the greatest of Republics—it is impossible that our principles, our sentiments, and our example should not produce effect upon the opinions and hopes of society throughout the civilized world; and if other peoples, no matter in what quarter of the globe, whether near our own shores or in the distant waters of the Pacific, imbued with the same spirit of liberty—catching the inspiration of our success—desire to found a Republic and throw off the shackles of a monarchy, if we can not consistently give them a helping hand, at least we should not retard them; we should not crush them; we should not frown upon them; we should not stand up so straight as to lean over backward against them in the exercise of a strict and cold neutrality; but on the contrary, we should encourage and cheer them in all the ways and methods permissible under the wise rules of international law. In short, such efforts on our part as well as our sympathies should be extended to every people struggling to be free from the burdens, oppressions, and wrongs of monarchial government.

We can not ignore the fact that we set them their example. We are responsible for the lessons we have taught the world. We established the doctrine that the right of revolution for just cause exists. Who so craven as now wants to abandon it?

What is the situation? The people of Cuba have founded a Republic and are seeking to maintain it. They are resisting the right of taxation without just representation. They want some voice in their own Government. They naturally object to longer being governed by a distant power that does not in fact govern, but oppresses and plunders them. It is the old story of our American Revolution over again. There were Tories then, as there are Tories now whose sympathies are with aristocratic and monarchial governments. They will be crushed now, as they were then, by the force of the enlightened and intelligent public sentiment of a free people determined to maintain free institutions for liberty's sake alone.

We can not shut our eyes to the fact that there exists what Mr. Seward calls "an irrepressible conflict" between the forces of republicanism on the one hand and the forces of monarchy on the other hand, between absolute and constitutional governments, between those who believe in the divine right of kings to rule and those who believe that society itself shall have a substantial part in its own government.

The people of the United States have chosen their side in that great conflict which is constantly being waged, sometimes quietly, secretly, and peacefully, sometimes openly, through revolution and bloodshed.

The establishment of republics is in the line of the progress of civilization. The history of the last half century shows that the salutary influence of our example has performed its work.

One of the greatest nations of the earth, France, which shared with us the glory and dangers of our own Revolution, has taken her place among the sisterhood of republics and planted the citadel of liberty in the very heart of monarchical Europe. The South American countries are nearly all Republics. Mexico long since threw off kingly rule and will never resume it. The revolution in Hawaii—no matter how instituted—resulted in another republic, and it is our earnest wish that it may have long life and prosperity.

Cuba now wants to join the procession of Republics, that it may receive with us the blessings of liberty and good government. God grant that she may succeed. But whether she succeeds or not, we shall at least have the proud consciousness that we have discharged our duty to it, to mankind, and to liberty.

Let us discharge our duty as we understand it and as we see it at this time. Let the future take care of itself. What position we may safely, wisely, and consistently take in this crisis I have already indicated. Let us go no further at this time. Let us not anticipate events, but leave future conditions and situations to be solved when they arise. In conclusion, permit me to quote the appropriate words of Daniel Webster in his great speech in the House of Representatives in 1823 in behalf of the virtual recognition of Grecian independence, when he said:

> What part it becomes this country to take on a question of this sort, so far as it is called upon to take any part, can not be doubtful. Our side of this question is settled for us, even without our own volition. Our history, our situation, our character, necessarily decide our position and our course before we have even time to ask whether we have an option. Our place is on the side of free institutions.

Mr. SHERMAN. Mr. President——

Mr. MITCHELL of Oregon. If the Senator will allow me, I ask that the unfinished business be laid before the Senate.

The VICE-PRESIDENT. The Chair always lays the unfinished business before the Senate at the proper time.

Mr. MITCHELL of Oregon. I ask the Senator from Ohio to yield to me that I may introduce a joint resolution.

Mr. SHERMAN. Certainly.

[The joint resolution introduced by Mr. MITCHELL of Oregon appears under its appropriate heading.]

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A resolution reported by Mr. MITCHELL of

Oregon, from the Committee on Privileges and Elections, that Henry A. Du Pont is entitled to a seat in the Senate from the State of Delaware for the full term commencing March 4, 1895.

Mr. PRITCHARD. Mr. President——

Mr. FRYE. Mr. President, just one word. I recognize the fact that notwithstanding a special order was made for 2 o'clock to-day, both the unfinished business and the conference report are privileged questions, and that therefore the special order must go over.

Mr. SHERMAN. I think that the controversy or apparent conflict between the two propositions may be very easily reconciled. I understand the honorable Senator from North Carolina [Mr. PRITCHARD] desires to speak on the subject of the contested-election case, that being a privileged question. I desire also to speak upon the other privileged question pending; and it would embarrass the Chair somewhat and the Senate also to select. I propose therefore to go on and not make a very long speech, a comparatively short one in the Senate Chamber, and then to give way to the Senator from North Carolina, who desires to go away. But it is understood that after that the Cuban resolution shall be acted upon until it is definitely settled.

Mr. MITCHELL of Oregon. I am not so certain about that.

Mr. WOLCOTT (to Mr. SHERMAN). Understood by whom?

Mr. SHERMAN. I understood the Senator from Oregon himself to consent.

Mr. MITCHELL of Oregon. I stated yesterday that after the conclusion of the speech of the Senator from Indiana [Mr. TURPIE], so far as I was concerned, having charge of the Du Pont case, I would give way to the Cuban resolution, but unfortunately the speech of the Senator from Indiana continued until a late hour and the Senator from Ohio left the Chamber, and, of course, the Cuban question was not taken up yesterday. I hardly feel at liberty at this time to consent that at the conclusion of the speech of the Senator from North Carolina the Du Pont case shall be shelved until the Cuban question is finally settled.

The VICE-PRESIDENT. The Chair will state that in the judgment of the Chair the Senator from North Carolina [Mr. PRITCHARD] is now entitled to the floor upon the unfinished business, it having been laid before the Senate. Does the Senator from Ohio submit a request?

Mr. SHERMAN. Yes, I did. I desire also to accommodate the Senator from Missouri [Mr. COCKRELL], and I think we may as well have the arrangement made now. The Senator from Missouri desires to address the Senate upon a subject to-morrow. I think that also should be understood.

Mr. COCKRELL. Immediately after the completion of the routine morning business to-morrow.

Mr. CALL. What is the arrangement proposed?

Mr. SHERMAN. I hope the Senator from North Carolina will allow me to proceed on the Cuban question.

Mr. HARRIS. I ask the Senator from North Carolina to yield to me for a single moment.

Mr. PRITCHARD. Certainly.

Mr. HARRIS. I should be glad to have an executive session for a few moments—I think thirty minutes will be sufficient—immediately upon the conclusion of the remarks of the Senator from North Carolina. If that can not be obtained, I had intended to ask it immediately after the routine business to-morrow, but I can not afford to interfere with my friend from Missouri. The main reason for my request is because my physical condition is such that I want to get away from here in the next few days, and there is a matter that I must see disposed of before I can get away.

Mr. MILLS. Can we not do that this evening?

Mr. COCKRELL. We can do that to-day.

Mr. HARRIS. I ask unanimous consent that we may have an executive session immediately upon the conclusion of the remarks of the Senator from North Carolina.

Mr. COCKRELL. At the conclusion of the remarks of the Senator from Ohio.

Mr. MITCHELL of Oregon. No, no; I can not consent to that.

Mr. HARRIS. Immediately upon the conclusion of the remarks of the Senator from North Carolina to-day.

Mr. MITCHELL of Oregon. Will the Senator from North Carolina yield to me a moment?

The VICE-PRESIDENT. Is there objection to the request of the Senator from Tennessee?

Mr. CALL. I wish to understand what is to become of the Cuban resolution before I assent to that. I should be glad to learn from the Senator from Ohio what is to be done with the resolution that has been under consideration.

Mr. SHERMAN. I have already asked that the pending business be temporarily laid aside until I can make my remarks.

Mr. STEWART. Before that is done——

The VICE-PRESIDENT. The Chair will submit the request of the Senator from Ohio, and the Chair will then recognize the Senator from Nevada. The Senator from Ohio asks unanimous consent that the unfinished business be laid aside temporarily in order that he may address the Senate upon the Cuban resolution.

Mr. HARRIS. At this time?

The VICE-PRESIDENT. At this time. Is there objection to the request of the Senator from Ohio?

Mr. STEWART. I do not think that the proceeding is quite fair to go on in this way by unanimous consent. A resolution is taken up and one Senator makes a speech and then gives the floor to another. There are several who may want to make some remarks, but these arrangements have been going on for a week and the floor is preempted all the while. I shall object to this order of proceeding. One or the other of these two measures should be taken up and disposed of and there should not be unanimous consent given for a certain Senator to make a speech on one measure and then change over to the other by unanimous consent. It appears to put the business of the Senate in a condition in which there is not an equal chance all around. So I object to any more unanimous-consent agreements. Let the Senate decide which case it will take up beforehand.

Mr. WOLCOTT. If the Senator from North Carolina will yield to me, I suggest that the only difficulty was one inadvertently created by the Senator from Ohio. As I understand it, the Senator from North Carolina has the floor intending to address the Senate upon the Du Pont case. He yields to the Senator from Ohio, who has some remarks to make upon the Cuban resolution. That is within the province of the Senator from North Carolina. When the Senator from Ohio has concluded his remarks, the Senator from North Carolina will resume the floor and make his remarks upon the Du Pont case, and then the Senate can determine whether it will proceed with that resolution or what it will take up.

Mr. MITCHELL of Oregon. That is right.

The VICE-PRESIDENT. The Chair has not understood from the Senator from North Carolina that he has yielded the floor. The Chair submitted to the Senate the request of the Senator from Ohio that the pending resolution, which is the unfinished business, be laid aside in order that the Senator from Ohio might address the Senate. To that objection was interposed by the Senator from Nevada [Mr. STEWART]. The Chair recognizes the Senator from North Carolina upon the unfinished business.

Mr. SHERMAN. I have the floor, I think.

Mr. HARRIS. Was my request for an executive session at the conclusion of the remarks of the Senator from North Carolina put to the Senate?

Mr. PRITCHARD. I have the floor, Mr. President.

The VICE-PRESIDENT. The Senator from Tennessee has addressed the Chair upon a parliamentary inquiry. The Chair understood the Senator from Florida [Mr. CALL] to object.

Mr. GRAY. I rise to a parliamentary inquiry.

Mr. CALL. I do not object except as to its consideration at this time. As was suggested by the Senator from Colorado, when the speech of the Senator from North Carolina has been concluded there will be ample time to make that arrangement.

The VICE-PRESIDENT. So the Chair has stated. What is the inquiry of the Senator from Delaware?

Mr. GRAY. It is this: I am anxious to hear the Senator from North Carolina, but is it competent for the Senator from North Carolina to take the floor upon the unfinished business and yield the floor to anyone and then resume it except by unanimous consent?

The VICE-PRESIDENT. The Chair will determine that question as the Chair has determined it before. If the Senator from North Carolina yields the floor for any purpose, unless he yields during an argument for a question, he can not thereafter control the floor. The Chair knows of no authority for one Senator to yield the floor to another. The Senator from North Carolina has been recognized.

Mr. MITCHELL of Oregon. I appeal to the Senator from Nevada and to the Senate that the unfinished business be temporarily laid aside and that the Senator from Ohio be permitted to make his speech on the Cuban matter at this time.

Mr. GRAY and others. That is right.

The VICE-PRESIDENT. Is there objection? The Chair hears none. The unfinished business is laid aside temporarily at the request of the Senator from Oregon, and the Chair recognizes the Senator from Ohio.

Mr. SHERMAN. Mr. President, I would not trespass again on the attention of the Senate upon the Cuban question, and I would have been entirely content to leave the discussion of this interesting topic to the speeches that were made while the resolution was pending in the Senate, but since that time the adoption of the resolution of the House, the action of the conference committee upon it, and the sudden exploit, I may say, of my friend from Massachusetts on my left [Mr. HOAR] induce me to participate a little further in this debate. I do it very reluctantly to-day, because I desire in every way to promote the wishes and convenience of the Senator from North Carolina [Mr. PRITCHARD].

The Senator from Massachusetts by his early directions to his colleague convinced me that he was one of the strongest supporters of the policy of recognizing the belligerent rights of Cuba, and assisting, if possible, in gaining its independence. He was not satisfied with the resolution reported by the Senate committee, as it was quite conservative, very considerate of the dignity and pride of Spain, and very carefully prepared in its language, but he preferred the resolution offered by the Senator from Pennsylvania [Mr. CAMERON] as an amendment or substitute to the proposition of the committee. That resolution went far beyond the resolution of the committee. The Senator from Massachusetts having committed himself to that resolution, I assumed that he would vote for any proposition falling short of it, if he could not get that.

Mr. HOAR. Will the Senator have that resolution read?

Mr. SHERMAN. I will do so after a while. The Senator, however, in a sudden way, without notice to me, although we are very near neighbors, sitting side by side, and always possessing my highest regard and respect, introduced a resolution of an extraordinary character. The resolution reported to the Senate was adopted by a majority of more than 10 to 1, and a substitute for it was adopted by the House of Representatives by more than 15 to 1. These disagreeing resolutions were brought into conference, and after full consideration that of the House was adopted by the conference and the report signed by all of the conferees. Before any action has been taken in the Senate upon that report, the honorable Senator from Massachusetts, who had been absent at his home during the pendency of the debate on the Cuban question, rises in his place and offers a resolution taking the matter practically out of the hands of the Committee on Foreign Relations and proposing to postpone consideration until toward the middle of April, and, if adopted, practically defeating the conference report.

This summary and unusual course excited some feeling. The Senator is probably aware that I am usually patient and cool, but I must confess that this sudden change disturbed my coolness and patience. I thought it was a very undeserved reproach, a very severe reflection upon the Committee on Foreign Relations, which had given to the Cuban war the most careful study, and therefore when I expressed my views upon this subject I expressed them precisely as I felt.

Now, Mr. President, overlooking all this and thanking my honorable friend for the high compliment that he paid me yesterday, I advise the Senate that we are entirely reconciled and we can sit by the side of each other with mutual respect and esteem, which on my part I express to him heartily.

I wish to present, in a plain, sensible way, the Cuban resolution and the changes made by the Committee on Foreign Relations as the subject was developed. I said that the proposition submitted by the Senator from Pennsylvania [Mr. CAMERON] was not contained in the resolution first reported by the Senator from Alabama [Mr. MORGAN]. It is as follows:

Resolved, That the President is hereby requested to interpose his friendly offices with the Spanish Government for the recognition of the independence of Cuba.

It was thought by the committee that it was injudicious to propose to Spain the independence of Cuba. It was regarded by the committee, and intended by the Senator who offered it, as a direct intervention by the people of the United States and a demand upon Spain—because it would have been construed as a demand—for the independence of Cuba. The resolution reported by the Committee on Foreign Relations did not go so far. It provided as follows:

That, in the opinion of Congress, a condition of public war exists between the Government of Spain and the Government proclaimed and for some time maintained by force of arms by the people of Cuba; and that the United States of America should maintain a strict neutrality between the contending powers, according to each all the rights of belligerents in the ports and territory of the United States.

That was the simple proposition of the Committee on Foreign Relations; but afterwards, upon further reflection and a thorough consideration of the whole subject in all its details, upon the presentation of the reports made by the Senator from Alabama and the Senator from Pennsylvania, we came to the conclusion that, on the whole, it was proper to annex to the resolution the resolution proposed by the Senator from Pennsylvania, somewhat modified, as follows:

Resolved further, That the friendly offices of the United States should be offered by the President to the Spanish Government for the recognition of the independence of Cuba.

This resolution went far beyond the original resolution of the Senate committee; but it was proposed and agreed to in committee, and presented to the Senate, and adopted without amendment, and by the large vote I have already mentioned of 64 to 6.

The concurrent resolution in that form was sent to the House of Representatives, as I have already stated, and in the House a substitute for it was adopted by a vote of 262 to 17. On the action of the House being communicated to the Senate, the matter went into conference, the conferees on the part of the Senate being the Senator from Alabama [Mr. MORGAN], the Senator from Massachusetts [Mr. LODGE], and myself.

After a careful examination by the conferees, without any feeling of rivalry whatever between the two Houses, without any other consideration except an earnest desire to do the best for the public interests and the most we could properly do for the people of Cuba, we agreed to accept the House proposition. It was substantially the same as that passed by the Senate, being only different in phraseology. By the adoption of the report of the committee of conference the matter would be settled, and the House would be relieved from further action. There will be no objection, as a matter of course, if a better scheme can be proposed, or if, as is thought by some Senators here, the third resolution is not exactly in proper language, it will be easy to have a further conference, so that the matter can be satisfactorily arranged; but, substantially, the two Houses have agreed in the resolutions passed by the respective Houses, both meaning practically the same thing.

The complaint of my friend from Massachusetts against the Committee on Foreign Relations was that the committee agreed to a milder measure than he thought ought to be adopted; that is, the resolution as reported by the committee did not contain the amendment proposed by the Senator from Pennsylvania, and therefore he complained of our resolution because it did not go far enough. Yet he afterwards insisted very strongly that the resolutions as they now stand with the Cameron amendment inserted would give no relief to the struggling Cubans; that they would have no meaning, no force, either as law or as an expression of opinion. But, Mr. President, the expression of the opinion of the Congress of the United States in favor of the independence of Cuba, or in favor of local autonomy for Cuba, or in favor of Cuba in any form that recognized their equal rights as belligerents with the Spaniards who were treading over their soil, could not fail to have great weight. Such a proposition would, I believe, receive the hearty approval of the people of the United States whenever it should be put forth.

It was also complained that the resolutions were made concurrent. Certainly we might have converted them into a joint resolution, and thus have required the assent of the President to their passage; but the consideration which weighed with us, after full deliberation, was that we ought not to put the President in that position. Up to this time there has been no politics in this question, and I trust there never will be. We are not dealing in the petty or greater politics of the country, as the Senator from Massachusetts seems to think and conveys by a joke. We are dealing with the lives and property of nearly two millions of people who are bravely following the example of our Revolutionary fathers by fighting for liberty and republican rule.

Mr. TURPIE. I wish to ask the honorable Senator from Ohio whether I understood the statement correctly that these resolutions reported from the conference committee had received the sanction of the Committee on Foreign Relations of the Senate?

Mr. SHERMAN. The committee reported a single resolution, which was modified and adopted by the Senate. It was amended by a substitute by the House. The Senate disagreed to the House resolutions. That sent them into conference; but the original resolution reported to the Senate, I believe, was agreed to by the committee unanimously.

Mr. TURPIE. These resolutions have never been considered by the Senate Committee on Foreign Relations.

Mr. SHERMAN. The conference report?

Mr. MORGAN. The original resolutions?

Mr. TURPIE. The House resolutions.

Mr. SHERMAN. I have the resolutions before me here in print. I do not know to what my colleague on the committee refers.

Mr. TURPIE. I ask the Senator from Ohio whether I understood his statement to be that these resolutions had received the sanction of the Senate Committee on Foreign Relations? I ask if I was mistaken in that understanding, or whether the Senator wishes now to state that the three resolutions of the House of Representatives received the sanction of the Committee on Foreign Relations?

Mr. SHERMAN. The House resolutions came over in the nature of a substitute. They were disagreed to in the Senate, and a committee of conference was ordered. That is the usual course pursued in such cases. Therefore, it is true that the House resolutions were never before the Committee on Foreign Relations; but they were referred to a committee of conference, composed of three members of each House, and the House resolutions were adopted by that committee.

Mr. HAWLEY. I call the attention of the Senator to the fact that the last two resolutions reported by the committee of conference have been before the Committee on Foreign Relations, for they are the resolutions offered by the Senator from Massachusetts [Mr. LODGE]; but those were set aside in the report finally made from the Committee on Foreign Relations. So that those two resolutions, it may be considered, were laid aside.

Mr. LODGE. Will the Senator from Ohio allow me one moment?

Mr. SHERMAN. Certainly.

Mr. LODGE. When the action of the House of Representatives was reported to the Senate, I followed the usual course and moved that the House substitute be referred to the Committee on Foreign Relations. It went there. The substitute of the House and the original resolutions of the Senate were before the Committee on Foreign Relations, and that committee, as I remember, authorized the chairman to move that the Senate disagree and ask for a committee of conference, the usual course, I think, and that is what was done.

Mr. HAWLEY. I hope the Senator will allow me a word. Some one has said, and the Senate apparently thinks, that the resolutions reported from the committee of conference have not been before the Committee on Foreign Relations. The committee of conference has taken two of the resolutions offered by the Senator from Massachusetts [Mr. LODGE] and incorporated them. The resolution that was rejected by the Committee on Foreign Relations, and the resolution that has given rise to the most controversy here, appears as follows in the print of the resolution of the Senator from Massachusetts:

Resolved, That the United States has not intervened in struggles between any European Governments and their colonies on this continent; but from the very close relations between the people of the United States and those of Cuba in consequence of its proximity and the extent of the commerce between the two peoples, the present war is entailing such losses upon the people of the United States that Congress is of opinion that the Government of the United States should be prepared to protect the legitimate interests of our people, by intervention if necessary.

That is the resolution of the Senator from Massachusetts.

Mr. SHERMAN. I intended to read that.

Mr. TURPIE. Mr. President, I should like permission to make a statement of my understanding of the present status. I do not question that these resolutions of the House were before the Senate Committee on Foreign Relations; they were introduced there by a member of the committee; they were laid upon the table; the Senate Committee on Foreign Relations declined to report them, and they had only the support of one vote. Then the committee of conference met, and these same resolutions that the Senate Committee on Foreign Relations had declined to report are returned now as a report from the committee of conference; but they never received the sanction of the Senate Committee on Foreign Relations.

Mr. SHERMAN. Mr. President, I suppose everyone knows the course of business in such cases. These resolutions came back with a substitute from the House of Representatives, and the subject of the disagreement between the two Houses was referred to the Committee on Foreign Relations. That committee advised the Senate not to concur in the House resolutions. They were then sent to a committee of conference, and after a careful examination on both sides it was concluded that, on the whole, the House resolutions were preferable. Whether we were right or wrong is a question which the Senate can determine at any moment.

Mr. HOAR. May I ask the Senator a question?

Mr. SHERMAN. I desire, respectfully, to object to further interruption.

Mr. HOAR. It is merely as to a question of fact.

Mr. SHERMAN. All right.

Mr. HOAR. Is it not true that every proposition in the conference report has once been rejected by the Committee on Foreign Relations—the resolution of the Senator from Pennsylvania [Mr. CAMERON], the House resolutions, and all the resolutions?

Mr. SHERMAN. No, sir; the first resolution, which contained the declaration of neutrality, very much as it now stands in the conference report, was in the resolutions reported.

Here I ought to say that this matter was long considered in the Committee on Foreign Relations. For many weeks we had it before us, and there were submitted to us a great mass of documentary evidence and information of various kinds, and the committee discussed the whole subject thoroughly.

The committee finally settled down upon a simple resolution, similar to the one which now stands as the first resolution. It so happened that during one of the meetings of the committee I was not in good health and was unable to attend, and a resolution was agreed to, which was handed over to the honorable Senator from Alabama to be reported to the Senate, with a written report, and the Senator from Pennsylvania submitted his resolution with quite a lengthy minority report, both of which reports were printed. The resolution submitted by Mr. MORGAN was subsequently modified, and in this form, with the addition substantially of the resolution of the Senator from Pennsylvania, it was supported by the vote of every member of the Committee on Foreign Relations, reported here, and passed. This is the history of the action of the Senate.

Mr. President, I respectfully ask that Senators will not interrupt me further, because I am trespassing on the time of the honorable Senator from North Carolina [Mr. PRITCHARD], who is entitled to the floor on the contested election case, and therefore I do not wish to be interrupted, as I desire to make my statement as clear and brief as possible.

The objection was made that the resolutions were concurrent. The honorable Senator from New York [Mr. HILL] properly stated that. If after we had received the resolutions from the House of Representatives we had changed them to a joint resolution, they would necessarily have to be sent to the President of the United States; and at a critical period of the war in Cuba he would have been compelled to determine upon his executive action in ten days, and either approve or disapprove them. All we desired, however, was the moral influence of the declaration of Congress. We did not wish to place the President in a dilemma. I would say here, that no matter how many differences there may be between us and the President of the United States on questions of domestic policy, no one doubts his courage, his loyalty, his fidelity to the flag of our country in any contest with any foreign power. I believe that can be said of him with the hearty assent of nearly all.

I wish to state also that in the entire controversy between the two committees the question of party, whether Populist, Republican, or Democratic, was never mentioned or thought of, and the action of the committee and also the action of the Senate was practically unanimous. That was the reason why we did not send the resolutions to the President, and I think it was a very good reason.

When we came to examine the question, we had before us from the beginning of the session in December last the message of the President of the United States upon the subject. It is true the reference to the matter in that message was brief. We soon, however, had a multitude of other information. We had the current history of events, and we are accepting and acting on faith in the current history of events every day upon the most important as well as upon trifling matters; and though that history may not be always a reliable ground for action, it is very often our only mode of obtaining information, and we must judge of it as best we can, according to the source from which it comes. The committee had also before it the important fact that Campos, an able general of Spain, probably the most distinguished of his time, was suddenly displaced because of his disposition to compromise and make arrangements with the rebels, and General Weyler was appointed in his place.

Weyler was a general who was denounced before he came to Cuba as a tyrant—"butcher" is the name given to him—and his history has been detailed on this floor. It is true the honorable Spanish minister—and I think he was justified in doing so—endeavored to apologize for that general, and endeavored to show that Weyler's name was not mentioned in the book detailing the enormities to which I referred in my speech on the floor of the Senate. Sir, Weyler's name was mentioned in the paper from which I quoted and his character was referred to throughout; and when Weyler went to Cuba he did not deny it, but he said—and probably there is a good deal of force in that, and therefore it ought to be taken in mitigation of his offenses—that he was a lieutenant-colonel in the army, that he obeyed orders, and that his orders commanded these measures in order to put down and suppress the rebellion of ten years ago.

The House of Representatives had before it a document containing over 200 pages, which covered every portion of this controversy, and which was used in the Senate. We have the claim of the insurgents. My honorable friend from Massachusetts spoke of it as a matter of reproach that I introduced here a document coming from the agent of the insurgents.

Mr. HOAR. If the Senator will pardon me, I stated that the argument of one of the counsel for these belligerents was not a statement of fact on which we could proceed without knowing whether the committee had found those facts were true. I did not mean to reproach the Senator. My language is reported in the CONGRESSIONAL RECORD.

Mr. SHERMAN. That document contains their case; and in that document they present their grievances and the history of the war in which they are involved. The kindness and liberal disposition of Gomez and other generals in the treatment of prisoners of war, the mode and manner of conducting the war, and the constitution which was framed by the people of Cuba—most of them in the army—are all set out in detail.

Besides, we had the secret history of the correspondence with Spain. The Senator from Massachusetts [Mr. LODGE] went to the State Department and was furnished by the Secretary of State, Mr. Olney, with all those private papers, which show more than any other the condition of affairs in Spain and the purposes of that country as therein revealed. As a matter of course, the contents of those papers were never disclosed to the public at large. We had the statement of the Senator from Massachusetts, who went over the correspondence and communicated it to us,

and we never revealed it in any way. I have said all that I desire to say in that connection.

Now, I wish to take up the resolutions before us and, in the briefest manner I can, present them, so that the Senate may see what they are. First, we must know what the facts are as they exist in Cuba. Cuba for fifty years has been in a state of rebellion, either slumbering or boldly engaged in revolution. Most of the people of Cuba are of native birth. It is said that about two-fifths of the people there are of negro descent or mixed descent of various kinds, some with Indian blood, but that about three-fifths of them are native Cubans of Spanish stock, and only 9 per cent are Spaniards. The whole history was brought out as to the strength of these people and as to the existence of a war. If war did not exist in Cuba, where did war ever exist?

All that makes war "hell on earth" is crowded into the history of Cuba. Murder, fire, the ravages of hate, and every form of crime is in the daily life of Cuba.

There are more than 100,000 Spanish soldiers on that island, which contains a population of 1,600,000 people. There is daily warfare, either in a limited scope or on a more extended scale. Who are the combatants? The Cubans and their allies on one side, whites and blacks, of whatever race or name, against the Spanish authorities and the comparatively few property holders who sympathize with them. It is said the insurgents are ignorant, uneducated soldiers. So they may be, but they are fighting for the same cause as the soldiers of our Revolutionary war. They have marched from one end of Cuba to the other. Where were the 100,000 Spaniards sent there to conquer the island and put down the rebellion? They were compelled to remain in the towns and places where they could seek protection through forts or otherwise. There never was a more clear conquest in the sense of possession of the Island of Cuba than those ignorant, uneducated soldiers won against the 100,000 soldiers of Spain. If this is not war, what is it?

Mr. CULLOM. Will the Senator allow me to interrupt him?

Mr. SHERMAN. Certainly.

Mr. CULLOM. The Spanish bureau, I believe, gave out this morning that there was a battle in which 3,000 insurgents were defeated. What can that be called? Is that war, or something else? It seems to me to be war.

Mr. SHERMAN. Mr. President, here was the condition with which we were confronted. We had to meet that peculiar state of affairs, which had been growing worse and worse all the time. We had to review the incidents of ten years ago. I have here an interesting fact which I think I ought to present to the Senate. At the close of the war of 1878 the insurgents had held power and possession of nine-tenths of Cuba for ten long years, fighting constantly. Finally they were persuaded to enter into negotiations for terms, and General Campos, who was then in command, a liberal and broad-minded soldier, held out to them the offer that they could have autonomy, that they could have representatives in the Cortes, that they could have a body of some 30 persons to make laws for them, that they should have protection and education, and that slavery in that country should be abolished. Those were the terms which were agreed upon. The Cubans thereupon laid down their arms, and what was the result? The Cortes refused to carry the promise into execution, and General Campos within a year after that wrote a letter in regard to the course of the Spaniards in that matter.

[From the Madrid Liga Agraria of July 27.]

Here is a letter of Gen. Martinez Campos, read in the Senate by Señor Canovas del Castillo on July 21, 1879, that is, after the peace of El Zanjon:

"Promises never fulfilled, abuses of all kinds, no provision made for agriculture and public works, the exclusion of the natives from all branches of administration, and other faults in plenty, gave rise to the insurrection of Yara. The conviction of successive governments that no other means can be used here but terror, and that it is a matter of dignity not to begin reforms as long as a shot is fired, made it continue. In this way we should have accomplished nothing, even though we covered the island with soldiers. If we do not wish to ruin Spain, we must take up frankly the question of liberties. I believe that if Cuba is too weak to be independent it is more than strong enough to become a Spanish province.

"In Santiago de Cuba it has been impossible to hold communication with the enemy's camp. There a mulatto is in command who once was a muleteer and now is a general. He has immense ambition, great valor, and great prestige; under a rough exterior he hides natural talents. We have been unable to do anything with him in spite of all that the Chamber and Government expected; he only consented to see Maximo Gomez in order to snub him; he insisted on seeing me to deceive me, and, worst of all, he has succeeded in winning over Vicente Garcia by appealing to his vanity; to gain him he turned over the command to him.

"This war can not be called a war; it is a hunt in a climate deadly to us, in a country worse than the desert. The financial situation can not be sustained. Men thought before that the character of the people living here was unsuited to war; whites and blacks have both proved the contrary to us; to-day they have become veterans, and if they have no great generals among them, they have what they need, excellent guerrilla leaders."

What have we done, from the peace of El Zanjon to this day, to prevent a repetition of what happened at Yara?

So that within one year after these terms were agreed upon the Spanish Government violated every one of them except the promise that slavery should be abolished. Yet within a year they were, by the outrageous oppression practiced upon them, forced to further hostilities.

I have here also a statement made by Mr. Margall, in which he speaks of the present condition of Cuba. He says:

PI Y MARGALL SPEAKS OUT FOR CUBA—PLAIN TALK FROM THE SPANISH STATESMAN, WHO ADVISES SPAIN TO GRANT HOME RULE WITHOUT DELAY TO THE CUBAN PATRIOTS.

[From the Madrid Don Quijote of July 12.]

We must endeavor to reestablish the principles of justice. No nation has the right to occupy territory inhabited by other men unless with their consent. Should a nation occupy it by force, the conquered can at all times fight against it till they drive it from their native land. No prescription is possible in this matter. Prescription does not apply, and can never apply, to the right to liberty and independence.

Whenever it concerned our own existence have not we Spaniards always understood this so? For two centuries we fought for our independence against ancient Rome. The Cantabrians, the last to keep up the struggle, threw themselves on their own swords in order not to become slaves. For seven centuries we fought against the Arabs, who had spread from Tarifa to the Pyrenees in the space of three years. The prescriptive rights of centuries were of no avail to them against us. Spaniards, like ourselves, were the men of Granada and of Seville when we forced them to leave the land; they traced descent from ten generations and more of Spaniards. We did not lay down our arms till we had driven them from our shores, and in Malaga we carried our cruelty to the point of stripping them of the gold and jewels that might have alleviated the miseries of exile.

Is it right that we, who acted in this manner, should now call those men bandits who rise to defend their independence against us? For the same deeds and the same cause shall they across the water be called outlaws while those in Spain we deem heroes? As heroes likewise are they esteemed throughout America and all the world, who in the first third of this century drove us out of Mexico, of Guatemala, of Colombia, of Ecuador, of Peru, and of Chile.

Let us be just to the men who to-day are fighting against us in Cuba. We ought long ago to have granted them the autonomy to which they have an undeniable right; we should have kept them united to the peninsula by the single tie of common interests, national and international. How much blood and treasure would have been spared by such a course! We were urged to it by reason, by right, by our self-interest, by the thought of the vast colonial empire we have lost. Unfortunately, for nations even more than for individuals, the force of habit is irresistible. Nothing could make us give up our old policy, a policy discredited by disaster to ourselves and to others.

If there is now a war in Cuba, the fault is ours, and ours alone. We have before us the imperative duty of repairing our mistake and putting a stop to the war. The war of 1868 lasted ten years and we could only make an end of it by a compromise. We then gave to the Cubans the rights and liberties which Puerto Rico already enjoyed. The compromise with which we shall have to terminate the present war, if Cuba does not prove stronger than we, let us make it now while we are still the more powerful and our generosity can not be branded as weakness. Seventeen years ago we gave them freedom; let us now give them autonomy. Let us make them masters and arbiters of their own destinies. Let us leave them to rule themselves in all matters pertaining to their internal life—political, administrative, and economic. And that our generosity may be better appreciated let us help them to pass from subjection to self-rule, without disturbance, without noise, without bloodshed.

Against such conduct the sentiment of patriotism is invoked. But above the idea of country rises that of humanity, and above both that of justice. Cuba is the grave of our youth in these deplorable wars. Our soldiers perish there by thousands, some victims of the climate, others of the lead and steel of the enemy. The greater part are dragged there by force, and must fight for a cause that is distasteful to them. It is the height of inhumanity not to find a means of sparing the blood of these men.

It is irritating to read and to hear, day after day, that it is necessary to send to Cuba regiment on regiment in order to make an end of the rebels and to leave the sovereignty of the nation firmly planted and established. If their patriotism is not false, those who say such things should join with their sons the vanguard of the army. It is easy to stay at home and send others to slaughter; it is easy, above all, to know nothing of the war, save through the narratives of the battles, read in winter by the table lamp and in summer in the shade of the public parks.

The sovereignty of the nation! Must the nation, to be sovereign, drain the life of the groups composing it? Does its sovereignty necessarily carry with it the slavery of the colonies? Its sovereignty is limited to the national interests. It must be confined to a form that will permit relations between the mother country and the colonies to exist.

Our national pride and the country's honor are also called in as reasons for continuing the war. As though it were a shame for a nation to grant what is justly due, as if honor would not suffer more by keeping on with the war and being beaten. Was it a small affront for us to ratify in Mexico, by the peace of Cordoba, the plan of Iguala, and in Peru to sign the shameful capitulation of Aycucho? The war will aggravate our already desperate economic situation. It is not yet three months since it began, and it has already cost us $7,000,000. In the estimates, made before the war broke out, a deficit of 6,000,000 pesetas was foreseen, and we all know how these deficits grow when the accounts are settled. Calculate what our deficit will be at the end of the next economic year, if the war continues.

F. PI Y MARGALL.

There are other documents which I have upon this subject, but I shall not delay the Senate by reading them. I will simply say that we had in all our investigations the amplest information that could be procured up to the time the new régime came in. Then, among the first acts done by Weyler was to organize a system of suppression of all information. He took possession of the telegraph and every means of transmitting intelligence, and for a time we did not get any news whatever, except that day by day there was a battle fought, that so many rebels had been killed, so many had been wounded; and so on, day in and day out, until it would appear that the whole rebellion was about to collapse, that there were no victories except upon one side; but it turns out after all that Gomez and Maceo had chasséd across the island from time to time, sometimes on one side and sometimes on another, and when they were said to be driven back into the eastern portion, whence they came, one bright morning within 10 miles of Habana there appeared a force of 15,000 men under Maceo and Gomez,

and there were some 25,000 men in another portion of the island. Weyler was in Habana, and it is said was going to move to Matanzas, or to some other place, where perhaps it was safer.

I give an illustration of this warfare in the latest account of the war:

MACEO'S ARMY.

Outside the city the presence of the army of Maceo is overshadowing in its immediate importance even the sensational events which have upset all Spain, and alarm has followed which has caused the American question to take a second place temporarily.

Gomez and Maceo no sooner completed their march eastward through Matanzas, putting an end to all possibility of grinding by the few planters who were inclined to obey General Weyler's order, than the former took a position near the border of Matanzas and Santa Clara, and Maceo returned to Habana province. Maceo has brought back 12,000 cavalry. He has left all the wounded in the east, where there are improvised hospitals strongly protected. These 12,000 men are all armed, the majority of them with Mausers; and they of course carry the machete. They have plenty of ammunition, and besides being hardened through the series of almost daily encounters, they are under the following leaders who have come back with Maceo: Pedro Diaz, Nunez, Delgado, Castillo, Rabi, Quintuc Bandera, Rodriguez, Alvarez, Mestre Torres, and Betancourt.

GREAT POWER OF GOMEZ.

With Gomez, who is in a position to assist Maceo if necessary, are Serafin Sanchez, Angel Gerra, Lacret, Perez, Antonio Nunez, Alemann, and others, whose combined forces number about 15,000 mounted men. They are scattered within a day or two days' march from Gomez's main body, which numbers about 7,000. Gomez also has a sufficient quantity of ammunition to last through any operations that may be necessary for carrying out the present plans. The expedition on the unknown steamer which escaped from the cruiser *Hernan Cortes* in Matanzas Harbor last week has doubtless landed its cargo. The freedom with which Gomez and Maceo pushed their way eastward, despite the combined operations of the four divisions under Generals Linares and Aldecoa and Colonel Tort and Colonel Hernandez (and also General Nevarro until he was deprived of his command and sent back to Spain last Saturday as a penalty for his reverses), and also the return of Maceo with so large a force, explain the alarm in Habana and make it easy to understand the strength of the rebel position outside the city.

FREQUENT FIGHTS.

Eight encounters occurred yesterday witnin 15 miles of the city limits, in a line which would extend from the coast near Guanabacos, on the east, around to the coast on the west at a point but a short distance from Marianao. One of these fights, at Las Guacimas, where Colonel Figaro's command was engaged, was so near the city that 40 of the Spanish wounded were carried into Jesus del Monte, which is the eastern part of the city of Habana; and aid was sent out from there to other wounded who had been too seriously hurt to be brought in without conveyances. This was a part of General Linares's command, and at the same moment the main force was engaged with Castillo at a point near Managua, 12 miles from the city.

General Aldeson was fighting with 1,500 rebels in the Nazarene Hills, and at Bayamas, near San Felipe. Colonel Tort was engaged with another rebel division of 2,000, under Maceo and Maestre, at San Jose Las Vegas, and other engagements were in progress at Wajai, 10 miles out, and at Batabano, on the south coast, all within a few hours.

REBELS EAGER FOR BATTLE.

The rebels are now inviting battles. Their policy of avoiding contests has necessarily been changed by the nature of their campaign around the city. Even the Spanish reports do not say now that after each meeting the enemy has been dispersed. This regular announcement has been changed to a statement that they have taken another position at some particular point.

Mr. President, that is the condition of Cuba, and I do not understand how anyone with the blood of the patriots of the American Revolution running in his veins can not sympathize with those people and declare his sympathy for them, whatever may be the cost. They may be poor and ignorant and weak, as I have no doubt they are, but, after all, they are seeking for freedom, the highest aim of manhood.

I wish to read a portion of a letter from a gentleman in Boston. I read simply a paragraph from it, and shall not give his name. He states that "nearly all the better class of the inhabitants support the Government, and that the rebels are composed of the low, the reckless, and ignorant element." He says that they are utterly incapable of self-government. That is the sum and substance of his letter, and I shall not attempt to read it in detail.

This gentleman in writing from Boston gives a quotation from the letter of a correspondent of his in Cuba. I do not like the patronizing tone of the letter, which commences with the statement that the better class of the inhabitants support the Government; that is, the people living in towns, those who have plantations, are called "the better class of inhabitants." Well, they are in better circumstances, and in that respect they are better—better off—but when you deal with the patriotism of a country you do not often look to those who have more regard to the defense of property than the defense of public right. In such cases you must take the mass of the people, and the kind of people denounced here as low—low in estate, I suppose the writer means—reckless and ignorant; because those people are engaged in war against the Spanish Government they are not to be considered, but only the better classes.

Mr. President, that was not the feeling in the American Revolution. It was the common people of the American Revolution who carried on and waged war, and they were aided and assisted by the most intellectual and able men of the country.

Why are those people ignorant? Why is it that the whole population is denounced? We know that nearly all—nine-tenths of the population—are in the army or are represented in the army. Why, I ask, are they ignorant? Because for ages they have been denied the opportunities of schools and institutions of learning. Their system produces ignorance. But they are not ignorant entirely of all things. They know enough to fight for liberty and for freedom, and they have carried on that cause, more or less, for fifty years. In ten years they compelled Spain to spend $400,000,000 in order to put down the rebellion, and that caused or tended to cause her bankruptcy. I say now, when this class of men—all of them practically, the great body of the people—are engaged in warfare, it is not wise for the higher classes to sneer at them and talk about their ignorance and their recklessness. It would be better a good deal if the better classes there—if there are any there—should join in as the better classes of our people joined in the revolution led by George Washington, the greatest of all men.

I wish to say another thing. When I read from the Journal, of New York, General Weyler was spoken of as being present when certain atrocious and outrageous wrongs were committed upon men, women, and children. As I said before, I do not complain that the Spanish minister wrote his letter. I think he had a right to defend his country and his countrymen whether here or anywhere, before the people or in the Department of State. I do not believe in the narrow idea that a man may not defend his Government and people anywhere wherever he goes and in any community. But the Spanish minister went on and quoted the book which I referred to in my former remarks, and then he said that Weyler's name appeared nowhere in the book. But, sir, Weyler did not deny his participation in those events, and the paper declared that Weyler was present. I have not the book yet, as I have not been able to find it, but the Spanish minister seems to have found it, a book of thirty or forty pages, which he says is the book to which I referred. Whether it is or not I do not know. I leave that for the Journal, of New York, a very intelligent and influential paper, to find out.

There is another matter. Spain has no right to complain of us for granting to her insurgents belligerent rights, because I believe by the law of nations Spain did right when she gave to the Confederates, although perhaps too hastily, the rights of belligerents. At that time, in June, 1861, no single battle had been fought between the Confederate and the Union forces. The battle of Bull Run did not come for a month after this recognition. But on account of the occupation by the Confederates of a great body of our territory, including military posts and military stations, the Spanish Government might fairly say that there was such a sense of strength in the Confederate forces that they ought to be regarded as belligerents even before a single battle had been fought in the war.

I do not complain of that. But here Spain complains when we propose to declare belligerency after tens of thousands of men have fallen on either side in bloody warfare. I do not see how it can complain in any way whatever, directly or indirectly, if we recognize the insurgents as belligerents—these ignorant, feeble men whom they talk about. If ever there was a case for declaring the fact of the existence of war and that there are two sides of that war, waging with infernal ardor in the work of human destruction, it exists there. If war in its worst form in the dark ages of the world ever exceeded in atrocity the war that is going on in Cuba, I should like to know where to find the book to read of it.

Therefore, it is idle for Spain to complain that we recognize these rebels as belligerents and that we declare then what, perhaps, we can not truly entirely declare, that we will have strict neutrality. In actual fact, in warfare, under the laws of the United States, no citizen of this country, even after this act of ours is completed, could go to Cuba to help the insurgents unless we repeal the law. By strict statute we forbid American people from going to participate in the wars of other countries. We, therefore, do not intend, by anything that is in the resolution, to participate in that war unless actual warfare is made upon us after the passage of the resolution—actual war, not the displacement of consuls and the small student war of rushing to break in a few windows with stones. That is not war. But will Spain commence war against us for doing what she did with us in our troublous times, for doing what every nation is justified by the law of nations in doing, recognize belligerents, and then treat them with a fair and impartial neutrality? That is the first resolution and the main and material resolution. How any man with a patriotic feeling and a knowledge of all the surroundings, the circumstances which we have before us, can refuse to support the Government in that declaration I can not imagine.

Now, in regard to the second declaration, let us look and see what it is:

Resolved, That Congress deplores the destruction of life and property caused by the war now waging in that island, and believing that the only permanent solution of the contest, equally in the interests of Spain, the people of Cuba, and other nations, would be in the establishment of a government by the choice of the people of Cuba, it is the sense of Congress that the Government of the United States should use its good offices and friendly influence to that end.

What objection can there be to that resolution? We say that we—

Deplore the destruction of life and property—

So we do—

caused by the war now waging in that island, and believing that the only permanent solution of the contest, equally in the interests of Spain, the people of Cuba, and other nations, would be in the establishment of a government by the choice of the people of Cuba.

What man is there, or woman either, in the broad extent of our country who would not indorse that declaration? Spain, in conducting her relations with her dependencies, has lost them one by one. She had at one time a greater possession of territory than even Russia, greater even than any other nation in the world. She had nearly all of South America, she had Mexico, and she had the islands; and she lost them one by one in pursuing the same line of policy that she has pursued in regard to the Cubans.

Sir, if Cuba did not lie in an isolated region, surrounded by water, only to be approached by a naval power and controlled by Spain mainly as a naval power, Cuba would have fallen like all the rest of the Spanish possessions; and I say in my place, I say as the general feeling of the American people, that this strange condition of a pretended possession or government so near our shores by which the rights of the poor and feeble and ignorant are totally disregarded, by which they are deprived of the right of suffrage, deprived of liberty, and even of the privilege of being taught in the common schools or anywhere else, can not stand much longer. Grant said so in his time, and so did Fish and others, and everyone who has been familiar with Spanish affairs has expected the good time to come when this state of affairs would cease. I say the time has come when the American people should openly and plainly declare their detestation of such horrors, their detestation of such tyranny, and, if necessary, I should be willing to go further and say that it shall end.

Mr. President, as to the third clause of the resolution, it has been the subject of construction by the honorable Senator from New York [Mr. HILL]. I am not here to discuss questions of grammar or of syntax or of parsing. I say that that resolution upon its face seems to me a fair resolution, and the only thing about it which I do not like is its reference to the interests of property. I wish the House of Representatives had left that out. That I disagreed to to some extent, but we thought on the whole, in order to close the matter up, we would accept it. I will read that clause:

Resolved, That the United States has not intervened in struggles between any European Governments and their colonies on this continent; but from the very close relations between the people of the United States and those of Cuba—

That is all right—

in consequence of its proximity—

That is all right—

and the extent of the commerce between the two peoples—

That ought not to be there—

the present war is entailing such losses upon the people of the United States that Congress is of opinion that the Government of the United States should be prepared to protect the legitimate interests of our citizens by intervention, if necessary.

Now, I do not like this resolution in that particular, but the general meaning and substance of it are true and correct. We have larger interests in Cuba than we have in all South America. Our importations from Cuba amount to nearly $100,000,000. Our exportations last year amounted to $28,000,000. Our people who are down there are the owners of land. They have sugar estates; they have large interests there. That island is close to us in our business relations, but these would not justify war. The fact is that the business done by our citizens in Cuba ought not to and have not led to this controversy, in my judgment. I really believe, and in this presence I can say, that if the Senate dislikes this particular language, which seems to point at a money consideration to us by the independence of Cuba, I have no doubt the other House would promptly respond to any change in that respect. But in substance it is true. The only trouble is it is better not always to say the truth. It is better not always to speak of money and property and property interests when the rights of millions of people are involved. They are the subjects to be considered, and the lesser subjects are to be departed from.

Mr. President, I think I have now said all I care to say in this rather informal way. There are many other things which I might have said, but I do not wish to trespass upon the time of my friend the Senator from North Carolina [Mr. PRITCHARD]. It is my firm conviction that it is the duty of Congress specifically and in language about which there can be no difference of construction, to declare that there is a war prevailing in Cuba, a terrible, desolating war, and that we will recognize the belligerents and deal with them impartially. We will not give a preference to the Spanish ship loaded with guns for Spanish soldiers. We will not give the Spaniards the great advantage of our commerce, or our ports, of our police, and deny those privileges to these men who are fighting for their liberty. That is what we will not do. That is what this declaration is. We say we will recognize them as belligerents, having an equal claim for our forbearance.

Now, sir, in conclusion I wish to state that I do not anticipate, and I do not believe, there will be war growing out of this matter. There is no occasion for war. We have done nothing that we ought not to have done, but we have been very slow in doing what we ought to have done. We might have brought to the relief of the Cubans without violating international law various forms of aid. We have refused to do it. We treat these poor people who are fighting for their liberty much less courteously than we do those who are fighting against them. We respect the Spaniards and the Spanish nation. They are a proud and noble people. Their history is worthy of consideration. Four centuries ago they were the most powerful nation in Europe. They commanded not only the old peninsula of Spain, but they commanded also a large portion of what is now Holland, the Netherlands, and Germany. But they in all their wars, in all their controversies, have exhibited a degree of violence that never was recognized as proper by the English-speaking people. They fought with a bitterness that never has been copied on almost any other than Spanish soil and in any other almost than a Spanish controversy. They therefore have lost their high station among the nations of Europe.

I trust, however, that the time is not far distant when the new blood in that great old country will be brought to the front and when Spain will become the second Republic of Europe. The tendency is that way, the feeling is that way, and there are signs which I see that a large body of the people of Spain hope that Cuba will be made free. If Spain should renew the treaty of Campos of 1878 and faithfully observe it, the people of Cuba would eagerly accept such terms. In my judgment this war ought not to end it; ought to continue until the Cubans attain their freedom against Spanish oppression, until they are armed with home rule and have a power to make law for themselves. If that be done, then all America is republic, for Canada to-day is as much a republic as is the United States of America. It is held to the mother country only by ties of friendship and auld lang syne. Every part of this great hemisphere discovered by Columbus is destined to be the place where free institutions will develop to the very uttermost, and from which they will be extended, I trust, to all the nations of the world. [Applause in the galleries.]

Mr. PRITCHARD. Mr. President——

Mr. MORGAN. Will the Senator from North Carolina indulge me for a moment?

Mr. PRITCHARD. Certainly.

Mr. MORGAN. I merely desire to take the floor on the resolution before it passes from the consideration of the Senate.

SENATOR FROM DELAWARE.

The Senate resumed the consideration of the resolution reported by Mr. MITCHELL of Oregon, from the Committee on Privileges and Elections, February 18, 1896, as follows:

Resolved, That Henry A. Du Pont is entitled to a seat in the Senate from the State of Delaware for the full term commencing March 4, 1895.

Mr. PRITCHARD. Mr. President, I fully appreciate the nature of my task in undertaking to reply to the very able and exhaustive speech delivered by the distinguished Senator from Indiana [Mr. TURPIE.]

The question presented to us is one which should command our earnest and impartial consideration. Each member of this body in dealing with this question occupies the position of a sworn juror whose duty it is to hear and determine the case upon its merits. In order to arrive at a correct conclusion of the whole matter it is necessary for us to acquaint ourselves with the facts in the case and apply the law in accordance with the constitution of the State of Delaware.

It appears from the pleadings in the case that at the organization of the senate of the State of Delaware William T. Watson was elected speaker of that body, and continued in the discharge of his official duties as speaker of the senate until the 9th day of April, 1895, the day following that on which Joshua H. Marvil, governor of the State, died. The general assembly, among other things, was charged with the duty of electing a Senator of the United States for the constitutional term of six years from the 4th day of March, 1895, and, having failed to elect a Senator on the second Tuesday after the meeting of the legislature, convened in joint assembly on the next day, being the 16th day of January, in accordance with the provisions of an act of Congress entitled "An act to regulate the times and manner of holding elections for Senators in Congress," approved on the 25th day of July, 1866, and proceeded to vote for a United States Senator. No one having been elected to the office of Senator that day, the general assembly, pursuant to the provision of said act, convened in joint assembly on the following and each succeeding day of the session until and including Thursday, the 9th day of May.

It is admitted that on the 9th day of April, as soon as the joint assembly of the two houses had separated, Mr. Watson, the speaker of the senate, took the official oaths prescribed for the governor of the State of Delaware; that he at once entered upon the discharge of his duties of office and assumed the functions of governor; that from the date that he qualified as governor until the final joint assembly of the two houses on the 9th day of May Governor Watson did not assume to act as senator, nor did he take any part in the deliberations of the senate nor of the joint assembly. It further appears that Governor Watson, on the 9th day of May, entered the final joint assembly and assumed the right to vote for a United States Senator. At the final joint assembly twenty-eight ballots were had for United States Senator, and the vote upon every ballot was as follows:

Henry A. Du Pont, 15 votes; Edward Ridgley, 10 votes; James E. Addicks, 4 votes; Ebe W. Tunnel, 1 vote.

It is contended that Governor Watson had no authority at that time to exercise the functions of a senator of the State of Delaware, and that his vote cast for Edward Ridgley was a nullity; and that only 29 votes were legally cast, of which Henry A. Du Pont received 15, being a clear majority of all legal votes cast; and that Mr. Du Pont was duly elected United States Senator and is entitled to a seat in this body.

Before entering upon a discussion of this case, I beg leave to say that I have read and carefully considered the very able arguments presented by both sides and that I have arrived at the conclusion that Mr. Du Pont did, on the 9th day of May, as aforesaid, receive a majority of the votes cast by those who legally constituted the joint assembly of the State of Delaware at that time. In forming this opinion, I have been guided by what I conceive to be a proper construction of the constitution of the State of Delaware. I find on examination of the constitution of that State that the second article of the constitution contains the following section:

SEC. 12. No person concerned in any army or navy contract, no member of Congress, nor any person holding any office under this State or of the United States, except the attorney-general, officers usually appointed by the courts of justice, respectively, attorneys at law, and officers in the militia holding no disqualifying office, shall, during his continuance in Congress or in office, be a senator or representative.

Here we have a positive declaration that no person during his continuance in the office of governor of Delaware shall be a senator. If this section means anything, it is that the person holding or exercising the office of governor of that State is absolutely disqualified from exercising the functions of senator. I take it that it will hardly be contended by those who claim that Mr. Du Pont was not legally elected that had Gov. Watson been elected to the position of governor and senator both at the same time, that in the face of this provision in the constitution he would have been permitted to hold the office of governor and at the same time be a senator or representative. I presume no one will contend that he could have qualified and exercised the functions of both offices at the same time. That being so, we should remember the well-settled principle of law that no one will be permitted to indirectly do that which he can not directly do. Those who take the position that Governor Watson on that occasion had the authority to vote as senator and exercise the functions of the office of senator are asking us to decide that the governor by indirection could do that which he could not directly do. This is such a flagrant and utter disregard of all the rules of construction with which I am acquainted that I am fully persuaded that such an argument will not influence members of this body in deciding a grave question like the one under consideration.

The third article of the Delaware constitution contains the following provision:

SEC. 5. No member of Congress nor person holding any office under the United States or this State shall exercise the office of governor.

It is plain to my mind that the effect of this section is to declare that no person shall exercise the office of governor while holding the office of senator or representative. There can be no conflict between this section of the Delaware constitution, which declares that—

No member of Congress or person holding any office under the United States or this State shall exercise the office of governor—

And the first clause of section 14 of the article, which declares that—

Upon any vacancy happening in the office of governor, by his death, removal, resignation, or inability, the speaker of the senate shall exercise the office until a governor elected by the people be duly qualified.

These two clauses, it may be claimed, are susceptible of such a construction as would make them positively repugnant; for instance, such a construction as will make one mean that the senator who happens to be speaker of the senate when the governor dies shall thereupon become governor, and the other an express declaration that no senator shall become governor. I take the position that these provisions of the constitution are susceptible of another construction, which completely reconciles them. When we consider them together and construe them as a whole, as it is our duty to do, the reasonable and proper construction of these provisions is that the speaker of the senate shall become governor upon the death of the governor chosen by the people, and in so doing he vacates the office of senator.

According to the well-settled rules of the common law, the valid acceptance of one office by the person already holding another and an incompatible office vacates the former as effectually as an actual surrender of it. In fact, it has always been regarded as an abdication, and therefore a quasi resignation. I find among the decisions of the supreme court of my State several cases which unquestionably recognize the principle of the common law which forbade the same person from holding incompatible offices.

I call attention to the case in the matter of J. G. Martin, decided in 62 North Carolina, page 153, which expressly decides that the acceptance of one office by a person already holding an incompatible office vacates the former. I quote the following portion of the case in point in order that this body may have the benefit of the views of our supreme court relative to this question.

This is a case which occurred during the late war, when my distinguished predecessor was governor of our State. The question arose as to whether or not General Martin, who was then holding the office of adjutant-general, could at the same time occupy the office of brigadier-general of the Confederate States.

An agreed case was submitted to the supreme court of North Carolina, and the supreme court of that State, presided over by Chief Justice Pearson, one among the most eminent common-law lawyers of this conntry, decided that in that case the very moment he accepted the office of brigadier-general in the Confederate States the office of adjutant-general became vacant, and that Governor Vance had the right to appoint a successor.

EXECUTIVE DEPARTMENT, NORTH CAROLINA,
Raleigh, March 2, 1863.

DEAR SIR: You are aware that the legislature, by a joint resolution, declared the office of adjutant-general vacant, by reason of the incumbent's having accepted an incompatible office under the Confederate States government, and that by a subsequent act the appointment was conferred upon the governor.

General Martin, the present incumbent, having declared his intention of testing the legality of this action of the legislature by an appeal to the courts, I am placed in a position rather embarrassing. To avoid the somewhat unpleasant spectacle of a lawsuit for the possession of an office, confidential in its relation to myself, and very important to the public at this time, I have concluded, with the consent of General Martin, to make a case and ask the opinion of the supreme court immediately thereon.

With this view I should be greatly obliged, and I have no doubt the public interest would also be subserved, if you would have the kindness to call the court together and give its opinion upon the question. As early a day as possible is respectfully requested.

Very respectfully, your obedient servant, Z. B. VANCE.

Hon. R. M. PEARSON,
Chief Justice of North Carolina.

OPINION OF THE JUDGES—IN THE MATTER OF THE ADJUTANT-GENERALSHIP.

At the request of his excellency Governor Vance and General Martin, the judges of the supreme court have heard a full argument on the questions of law presented by the facts set out in "the case agreed," and certify their opinion to be that the office of the brigadier-general under the Confederate States is incompatible with the office of adjutant-general under the State of North Carolina; and that on the facts stated "the office of adjutant-general is vacant, and the governor may lawfully proceed to appoint thereto."

It is proper to state that in giving this opinion we do not act as a court, but merely as judges of the court, and have treated the matter in the same light and with the same full consideration as if the case had been regularly before the court upon a proceeding appropriate to present the question.

We were induced to take this action, and felt not only at liberty to do so, but conceived it was in some measure our duty thus to aid a coordinate department of the Government, because we were informed by his excellency the governor that the subject would in that way be relieved from all further embarrassment; and that the public interest required that it should be adjusted sooner than it could be done by the regular mode of proceeding in court, particularly as the court now holds but one term during the year. (Berry *vs.* Waddell, 9 Iredell, 318, appendix.)

R. M. PEARSON, *C. J. S. C.*
WILL. H. BATTLE, *J. S. C.*
M. E. MANLY, *J. S. C.*

RALEIGH, *March 11, 1863.*

In this case it was contended by the counsel for General Martin that he only received a salary for the discharge of the duties of one of the offices and that therefore he could not be said to be holding two offices that were incompatible, but it seems that the court was of opinion that his refusal to receive the salary of one of two incompatible offices in law could not change the matter or diminish the duties of either office and that his obligation was as great to discharge the duties of the office for which pay was not received as the one for which a salary was accepted.

I am not informed as to whether Governor Watson drew the salary incident to both the offices of senator and governor, but I am inclined to the opinion that he did not, inasmuch as he rendered no service as senator after his qualification as governor save and except the pretended service on the day heretofore mentioned. Mechem's Treatise on the Law of Public Offices and Officers, section 420, in discussing the effect of accepting incompatible offices, says:

It is a well-settled rule of the common law that he who while occupying one office accepts another incompatible with the first, ipso facto absolutely vacates the first office and his title is thereby terminated without any other act or proceeding. (Millard *vs.* Thatcher, 2 T. R., 81; Rex *vs.* Patteson, 4 B. and Ad., 9; Rex *vs.* Hughes, 5 B. and C., 886.)

I understand the Senators on the other side to take the position that it must affirmatively appear to this body that there was an adjudication of the fact by the senate of the State of Delaware that the office was vacant before we can find that it was vacant. In this decision it is expressly decided to be to the contrary, that no further proceeding is necessary in order to vacate the first office held by the party who takes the second. I proceed with the opinion:

That the second office is inferior to the first does not affect the rule. (Millard *vs.* Thatcher, 2 T. R., 81.) And even though the title to the second office fail, as where the election was void, the rule is still the same, nor can the officer then regain possession of his former office to which another has been appointed or elected. (Rex *vs.* Hughes, 5 B. & C., 886.)

I cite along with these different propositions the decisions of the different States sustaining the view.

Mr. GRAY. You are reading from Mechem.

Mr. PRITCHARD. I am reading from Mechem, but at the same time I am citing as I go along, as will appear in my speech in the RECORD, the authorities which sustain each view that he entertains on that question.

In this connection I wish to call attention to the case of Bryan *vs.* Cattell (15 Iowa, 550), in which the court said:

Our opinion is that we are not confined to the statutory clauses or events in determining whether a vacancy exists. If a party accepts another office which, within the meaning of the law and cases, is incompatible with that which he holds, we have no doubt that the first one would become vacant. Thus, as is well said by the appellant, if the judge of a district court should accept a seat upon this bench, a vacancy would be created in the first office; and yet the statute certainly does not, in terms, cover such a case. So if the auditor of state should take the office of treasurer, and many other cases that might be named.

It seems to me that this opinion, together with the other opinions which I have quoted, is conclusive. The general trend of the decisions is to the effect that if a party accepts another office which, within the meaning of the law, is incompatible with that which he holds, the first one becomes vacant. And, as an additional reason why Governor Watson could not exercise the functions of the office of governor and senator at the same time, I submit that it is a direct violation of the fundamental principles of the constitutions of the several States to blend the functions of legislative and executive offices.

It would be as much a violation of the principles of the constitutions of the various States to blend the functions of the executive and the judiciary. In either instance it would be a clear, plain, unquestioned violation of the principles on which the constitutions of the various States of this Union are formed and based.

As an evidence of this fact, the constitution of almost every State in the Union contains an express provision that no member of Congress or other person holding any other office under the State or United States shall during his continuance in Congress or in office be a senator or representative, and the very fact that Governor Watson never at any other time during his incumbency as governor assumed to act as senator makes it clear to my mind that he so understood the constitution of his State.

Governor Watson lived in the State, he had taken the oath to execute the laws of his State, and if we take his conduct on that occasion as a criterion we are forced to the conclusion that the construction given by Governor Watson between the period of the 9th of April and the 9th of May was the correct construction of the constitution of that State. If we should decide that Governor Watson had the right under the constitution of Delaware to act as senator during his continuance in office as governor it would amount to the declaration on our part that the section of the constitution of Delaware which provides that—

No person concerned in any army or navy contract, or member of Congress, nor any person holding any office under this State, or of the United States, except the attorney-general, officers usually appointed by the courts of justice, respectively, attorneys at law, and officers in the militia, holding no disqualifying office, shall, during his continuance in Congress or in office, be a senator or representative—

is meaningless and can in no emergency be construed in such a manner as to prohibit one from holding both a legislative and executive office in that State at the same time. Why was it that the framers of the constitution inserted this provision as a part of the constitution? If it means anything, it certainly means that they were determined to forever keep separate and distinct the legislative, executive, and judicial branches of that State. This spirit is infused and ingrafted into almost every State constitution in the United States.

Mr. President, I wish to read from a case which is reported in 45 Missouri, The State, ex rel. James W. Owens, petitioner, *vs.* Dan M. Draper, State auditor, respondent, page 356. I will state before I read this opinion that they had a provision in their constitution in the State of Missouri that no one exercising or holding a State office shall at the same time hold an office in the general assembly. I am not going to read the opinion which relates to the construction of that section, but I am going to read the opinion bearing upon the construction of the common-law doctrine vacating an office where an incompatible office is accepted. Among other things, the court said:

The case is submitted on the pleadings, and they show that while Owens was a judge of the circuit court he was elected a representative to the legislature, qualified, took his seat, and performed the duties and functions of that office. There does not appear to have been any resignation of the judgeship, and the question is whether he could legally hold the two offices and receive the pay appertaining to both at the same time. There has never been any doubt about the principle—

Says Judge Wagner, who rendered the opinion—

so far as I am advised, that at common law, if a party accepts another office which is incompatible with the one he holds, the first one would become vacant.

Suppose Owens—

That is, the petitioner—

instead of being elected to the legislature had been elected to a seat on this bench, and had qualified and entered on the discharge of its duties. It is perfectly clear to my mind that his seat on the circuit bench would have been thereby vacated.

Or if the auditor should be elected treasurer, or the attorney-general secretary of state, their acceptance of the latter offices would necessarily vacate their former ones. Besides the common-law rule, the State government is divided into separate and distinct branches or departments, the officers of each having separate and independent functions to perform.

Just as they had in this case. There was the executive of the State of Delaware with his separate, distinct, and independent functions to perform; there was the State senate of Delaware with its separate, distinct, and independent functions to perform.

It was designed that they should be distinguished and divided by a line of demarkation, and that one should not trench upon the other.

This is a principle which our lawmakers have ever kept in view in the past and one which we as such are compelled, under our oaths, to preserve and enforce whenever and wherever we come in contact with it in the discharge of our official duties.

It is absurd to say that Governor Watson was able to discharge the duties at all times of governor and senator as well when each office was replete with pressing duties as when the duties were easy and infrequent, and this of itself brings the case within the rule established by the common law as a test when offices are incompatible. In reply to this argument, we are met with the statement from the other side that in all these cases there is no vacancy until there is an adjudication of the fact by some tribunal of competent jurisdiction. When a party holding an office accepts another which is incompatible, by operation of law the former office becomes vacant the moment he assumes and qualifies for the discharge of the duties of the second office. It is a right which determines upon the happening of a contingency, and any attempted adjudication on the part of any tribunal can in no wise affect the status of the case.

The distinguished Senator from Indiana in his very able and ingenuous argument contended that Governor Watson inherited the office and could not decline it, neither could he accept it. That was his exact language, as I remember it. "He was simply exercising it." This statement of itself shows the inconsistency of the position assumed by those who oppose Mr. Du Pont's claim. The Senator would have us believe that Governor Watson was foreordained from the beginning of the world to exercise the office of governor, and there was no means of escape left open to him in this case. That is the logic and outcome of his proposition. A Senator near me suggests that he is a Presbyterian.

Mr. THURSTON. And therefore in harmony with the Administration. [Laughter.]

Mr. PRITCHARD. Yes.

The more reasonable construction of the section in question is that the term "speaker of the senate" is used for the purpose of designation, and that only. If it is, as contended by the distinguished Senator, that the exercise of the office of governor by Senator Watson was "simply one of his duties as speaker of the senate," why was it necessary that he should take the pains to take the oath of office as prescribed by the constitution of Delaware to be taken by the governor who had been elected by the people before he could assume the duties of office? If his position is the correct position, he had nothing to do but to walk in and take up the reins of government of Delaware and exercise the duties of that office, because he was speaker of the senate. This man did not do that. This man took the identical oath that was taken by his predecessor.

Mr. MITCHELL of Oregon. He took three.

Mr. PRITCHARD. As is suggested by our honorable chairman, he not only took one, but he took three. He was well sworn in, if I may make the suggestion.

If the Senator's position is the correct one, the office came to him as an inheritance comes to an heir. He was unfortunate in his illustration, inasmuch as the cases are not analogous. The moment the ancestor dies the property instantly vests in the heir and he can do nothing to add to or change the title to the property he inherits, but with Governor Watson it was entirely different. On the death of the governor of Delaware he had the right to qualify as governor and exercise the functions of the executive of that

State, but it will not be seriously contended that he could have exercised the office of governor without taking the prescribed oaths and being inducted into office in like manner as his predecessor, who was elected, when elected, by the people. This theory of the Senator is a beautiful one and interesting to contemplate, but has no application whatever to the case under consideration.

The distinguished Senator also said: "We have never heard of any great calamity which has befallen the people of Delaware in consequence of the speaker of the senate exercising this right." I agree that prior to this unwarranted assumption on the part of Governor Watson it has never resulted in a "great calamity" to the people of that State. It must be said, greatly to the credit of his predecessors, who had theretofore exercised similar functions, that no one of them ever attempted to violate the plain provisions of the constitution which they had sworn to support. The distinguished Senator, in reply to a question from the Senator from Oregon, with much emphasis declared, "That Governor Watson's predecessors had acted as senator while exercising the office of governor," but when we refer to the record it appears that no such precedent is to be found in the legislative history of Delaware, and I challenge Senators who differ from me to show a single instance in the records of the legislature of Delaware wherein a speaker of the senate, while exercising the office of governor, ever attempted even to participate in the legislative proceedings.

While I contend that when Governor Watson qualified as governor he absolutely abdicated the office of senator and had no power, under the provisions of the constitution of Delaware, to take it up again at his will and resume the functions incident thereto, at the same time I am willing to admit for argument's sake that for the time being his functions as senator were temporarily suspended. Take it for granted that this is the correct position; I then insist that he had no right to assume or attempt to exercise his functions as senator during the time he exercised the office of governor. I have examined with great care the precedents in the several States where they have provisions in their constitutions similar to that of the State of Delaware, and in no instance have I found a case where a governor during his continuance in office as governor attempted to exercise his functions as senator. It is plain to my mind that in all the States where there are precedents it is the consensus of opinion of the judicial authorities as well as the legislative branches that it would be a violation of the fundamental principles underlying the constitutions of these several States to permit an individual while acting as governor to participate in the proceedings of the legislature.

Mr. GRAY. On what ground does the Senator base that opinion?

Mr. PRITCHARD. On the ground that in every constitution to be found in every State of the United States it is recognized in the bill of rights that the legislative, the executive, and the judicial departments ought to be kept forever separate and distinct. That is the ground I put it upon. That is the ground on which we rest our case. It is a violation of the fundamental principles of free government to blend the legislative and executive functions of a State.

It is also insisted by the Senator from Indiana that Governor Watson was never called "governor." I am not going to undertake to follow the distinguished Senator in all his meanderings, but I do want to follow a few propositions laid down by him. I was surprised at the statement that Governor Watson was never called "governor," inasmuch as the journals furnish an abundance of evidence to show that he was designated as governor of the State. This argument only illustrates the fact that my distinguished friend realizes the weakness of his cause. The very fact that the distinguished Senator from Indiana made this argument convinces me that it is his opinion that if it should appear to this body that Watson was recognized as governor of the State of Delaware that it would be an admission that would clearly make the two offices incompatible at common law.

He knew full well the force of that admission; he knew that once this body determined the fact to be that Watson was recognized as the governor of the State of Delaware, under the common-law doctrine, he vacated the office of senator. That very fact would settle the question.

The honorable Senator from Indiana as a distinguished lawyer has few superiors in this country, and no one appreciates more fully than he does the bearing it would have on this case in the event we should find he was governor, and especially that the legislature recognized him as governor of the State. The journal of the senate shows the fact to be that Governor Watson transmitted messages to that body as governor and performed other duties incident to the office of governor.

As has been suggested by the honorable chairman of the committee, the records and the journal of the senate of Delaware show that Senator Watson was sworn in as governor of the State of Delaware. How much more proof do you want that he was the governor of that State? How much more proof are we required to produce in the case to convince these Senators that he was actually governor? He did everything that his predecessor had done, he exercised every function that his predecessor had exercised. Now, wherein does he differ, and in what respect does he differ, in exercising those functions from his predecessor, who had died?

It is stated by those who contend that Mr. Du Pont is not entitled to a seat in this body that "the constitution of Delaware not only does not forbid, but it expressly authorizes the speaker of the senate, while holding that office, to exercise the office of governor."

As heretofore stated, this position can not be maintained in the light of the provision of the constitution of Delaware. I have already quoted the two provisions of the constitution of Delaware which in plain terms make the offices of senator and governor in all cases incompatible, and in addition thereto is the well-grounded principle of common law which obtains in this and similar cases. It is the duty of the executive of the State of Delaware to execute the law, and in order to faithfully discharge his duties as such he should be in constant attendance at the executive office, and it is absurd to say that he can at one and the same time be present in the governor's office, and faithfully discharge his duties as such, and participate in the proceedings of the legislature. Among other things, the constitution of Delaware requires that the governor—

> Shall, from time to time, give the general assembly information of affairs concerning the State, and recommend to their consideration such measures as he shall judge expedient.

That is the express language of the constitution of Delaware.

If we adopt the theory that while acting as governor he could legally act as senator, we are then placed in the attitude of admitting that he would have the right as governor to recommend the enactment of a certain law and then be permitted to enter the senate chamber, reenforced with the power of governor of the State, and then not only would he exert the influence of senator, but would bring the almost irresistible power of the executive to bear in securing the enactment of any pet measure that he might see fit to advocate.

This one statement of the case within itself clearly demonstrates to my mind that these two offices are incompatible under the common law. It would be giving him as senator such power and influence as was never intended to be exercised by one individual in the legislative halls of this country. This statement of the case within itself is a sufficient reason for the opinion that the framers of the constitution of the State of Delaware never intended to permit a person during the time he occupied the office of governor to participate in the proceedings of the legislature, and I find no instance in the State of Delaware, nor in any other State in this Union, where the governor of the State has acted in the dual capacity of a governor and a senator at the same time.

In order to maintain the position that Mr. Watson had the right to exercise the office of governor while holding the office of senator the distinguished Senators who are of that opinion are forced to take the position that the words "exercise the office of governor" do not mean that be shall be governor of the State for the time being, but that he is simply a figurehead without the functions of a real governor. They ask us to believe that he had full power to use the seal of office and sign official documents as governor without any qualification whatever, and in the next breath we are gravely informed that he was not governor of the State of Delaware within the meaning of the constitution of that State.

May I ask them in what sense he was not the governor of the State of Delaware at the time that he assumed to vote as senator? Was he not required to take the same oath when he entered upon the discharge of his duties as he would have been required to take had he been elected by the people? Was he not required to discharge each and every duty incident to the office of governor? It is clear to my mind that if the construction insisted upon by the Senators who oppose Mr. Du Pont's claim be a correct one, then the people of the district assumed to be represented by Governor Watson have been deprived of their rights under the constitution. His duties were so pressing that for a whole month he could not find time to repair to the senate chamber and look after the interests of his constituents. The constitution of that State expressly provides:

> There shall be three senators chosen in each county. Where a greater number of senators shall by the general assembly be adjudged necessary, two-thirds of each branch concurring, they may by law make provision for increasing their number; but the number of senators shall never be greater than one-half or less than one-third of the number of representatives.

In the face of this provision that each county shall have a certain number of representatives in the senate, it is unreasonable to say that in the event a senator should succeed to the office of governor that then the county which he happened to represent should not have an equal number of votes with the other counties in the legislature as contemplated by the constitution. The question of representation in a legislative body is one in which the public is interested, and one about which there should be no uncertainty. It is not a matter which should be determined by the officeholder, and should be one about which there could be no

cavil or misunderstanding. In the case of Stubbs *vs.* Lee, in 64 Me., page 195, Chief Justice Appleton said:

> Where one has two incompatible offices, both can not be retained. The public has a right to know which is held and which is surrendered. It should not be left to chance or to the uncertain and fluctuating whim of the office-holder to determine. The general rule, therefore, that the acceptance of and qualification for an office incompatible with the one then held is a resignation of the former is one certain and reliable, as well as one indispensable for the protection of the public.

This decision is based upon the principle that the rights of the public are not to be infringed upon by individuals who, like Governor Watson, in their greed would attempt to monopolize more than one office. Suppose that on the day that Governor Watson qualified as governor the people of his district had demanded the right to elect a senator to fill the vacancy in the senate occasioned by his absence.

It was well known then to the people of Delaware that there would be no vacancy so far as he was concerned; that the vacancy would not be filled until the next general election in that State. He had absented himself from that body. Now, suppose that they should have made application to fill the vacancy occasioned by his absence, will it be contended that such a right could have been successfully resisted by Governor Watson? I take it that as a matter of right they would have been entitled to elect a Senator to represent them, as contemplated by their constitution; hence the reason for the law which provides that on the acceptance of an incompatible office the public has the right to know which is held and which is surrendered, and that the determination of the question should not be left to the officeholder to determine.

Mr. PEFFER. If the Senator will allow me a question at that point, without interference, but to go right along in the line of his argument, suppose the disability of the governor had been simply a case of illness, rheumatism, paralysis, pneumonia, or anything of that kind, which would have incapacitated him from performing the duties of the office of governor, and that during his disability it had been necessary to bring the constitutional provision into play and for the speaker of the senate to exercise the office of governor, in that case would a vacancy have occurred?

Mr. PRITCHARD. There would have been no permanent vacancy in that instance as contemplated by the constitution of Delaware. The case now before us is entirely different from the one the Senator suggests to me. He suggests a question of sickness, which may last for a day or for a week; but the case we have before us is not that kind of a case. We have a case in which there is a vacancy which we know will exist until the next general election of the State of Delaware, and we know the further fact that the legislature will have adjourned before that election occurs.

Mr. GRAY. Will the Senator allow me?

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Delaware?

Mr. PRITCHARD. Yes, sir; with pleasure.

Mr. GRAY. Has the Senator noticed that in the clause which provides for the filling of the office of governor in case of a vacancy the language is something like this—I have not the provision before me—in case of the death or disability of the governor, the speaker of the senate shall exercise the office until a governor is elected by the people and duly qualified; thereby making no distinction between a vacancy happening by death and a temporary vacancy occasioned by disability. In each of these cases the same provision for filling the vacancy is made by the constitution.

Mr. PLATT. Is the word "disability" or "inability"?

Mr. PRITCHARD. "Inability."

Mr. GRAY. I was not quoting exactly, not having the constitution before me.

Mr. PLATT. There is a difference between the two words.

Mr. PRITCHARD. As I have observed, if that be the case, there can be no question whatever about Mr. Du Pont's right to a seat in this body, because, as I understand the distinguished Senator, he says that it means that there is an absolute vacancy running all the way up to an election of governor by the people of that State.

Mr. THURSTON. The constitution provides the manner in which the legislature itself shall ascertain and declare the inability, if it be a vacancy caused by inability. The constitution of Delaware provides that the senate of Delaware may declare, by a two-thirds vote, if I remember the provision rightly, or at least may declare, when the office is vacant by reason of inability.

Mr. MITCHELL of Oregon. I will read the provision. It is contained in section 14 of Article III, and is as follows:

> The governor shall not be removed from his office for inability but with the concurrence of two-thirds of all the members of each branch of the legislature.

That is the article to which the Senator referred.

Mr. GRAY. That does not modify the effect of the clause declaring the vacancy.

Mr. THURSTON. It simply emphasizes it and makes it more clear.

Mr. PRITCHARD. The Senator from Indiana pokes fun at the distinguished Senator from Oregon because he used the word "refrain" in connection with the conduct of Governor Watson, and spends considerable time in seriously contending before this body that the word "refrain," as used in this connection, absolutely settles this whole question; that it is an admission on the part of our distinguished chairman which sweeps away every vestige of hope that now lingers in the mind of Mr. Du Pont. Now, I do not think the Senator from Oregon has used such a bad word after all. The word "refrain," among other things, means "to keep from action or interference." That is to say that Governor Watson had no right to interfere with the action of the legislature while exercising the office of governor. I can not imagine a better word that the Senator from Oregon could have used in this connection.

I am surprised that the distinguished Senator from Indiana should use such an argument for the purpose of influencing votes on a grave question in the Senate of the United States. The Senator from Oregon has stated the position of the committee so plainly that "he who runs may read," and any attempt to befog the question will not avail Senators who happen to be at a loss for a satisfactory argument to sustain their views.

It is also contended that all who voted for United States Senator in joint assembly at Dover on the 9th day of May, 1895, had been adjudged by their respective houses entitled to their seats therein and that the judgment of the two houses of the legislature is conclusive on the Senate of the United States. This is an unwarranted conclusion, and one that is not sustained by the facts. There is no record which tends to establish the fact that after Governor Watson qualified as governor he was adjudged to be entitled to a seat in the Senate. I fail to find in any of the records in this case a single sentence which would indicate any action on the part of the senate of Delaware adjudging the fact to be that Governor Watson was entitled to a seat in that body.

The joint assembly did not have the right to pass upon the title of Governor Watson to a seat in the senate. The senate alone had the right to say who were entitled to membership in their body, and therefore the fact that he was permitted to participate in the proceedings of the joint assembly proves nothing, because the first essential element of a judgment is that the body rendering judgment should have jurisdiction of the subject-matter of the action. That is familiar law and can not be successfully controverted.

The senate of Delaware has neither actually nor constructively adjudged that Governor Watson had the power to exercise the office of senator since the date of his qualification as governor of that State. That the United States Senate has the power under the Constitution to judge of the qualification of its own members, as well as the manner of their election, no one will controvert. Therefore it is highly important that we should pass upon the question as to whether Mr. Du Pont was duly elected to a seat in this body, and in determining this question the inquiry naturally arises as to whether or not the legislature which elected him was constituted in accordance with the provision of the constitution of the State of Delaware. If it should appear to us that the legislature of Delaware had exceeded the limits prescribed by the constitution of that State, I had assumed that no one would seriously contend that we should be bound by its action.

That the legislature of that State had the power to judge of the election and qualifications of its members can not be denied, but it is equally true that in doing so due regard should be had for the provisions of the constitution of that State. The legislature of that State had full power to act so long as no principle of the constitution of the State was violated; but the moment the legislature exceeded the authority granted by the constitution in admitting the vote of an intruder to be counted, who was not in law a member of that body, then an issue was raised as to whether or not they were acting within the limit of their constitutional power and authority, and once such issue is raised there can be no doubt about the jurisdiction of this body to investigate their action in that particular.

The power thus conferred upon the senate of Delaware by the constitution of that State, like that conferred upon the Senate of the United States by the Federal Constitution, is the power to admit or reject the claimant who is or is not entitled to a seat, which is, under the State constitution, subject to occupation by somebody. It is not the power to admit a claimant to a seat which is subject to occupation by nobody. Upon the apportionment of that State in accordance with the provisions of the constitution, the senate is composed of 9 senators. This being the case, suppose that instead of the record disclosing the fact that 9 Senators were present and participating in the joint assembly it should appear that 12 senators participated in the proceedings of that body, will anyone contend that in that event this body would be precluded from investigating the matter and deciding in accordance with the provisions of the constitution of that State, that

only 9 were the properly constituted number of that body and entitled to vote for a United States Senator? Suppose that instead of Governor Watson appearing on the 9th day of May in the joint assembly that the secretary of state had appeared and participated in the proceedings of the joint assembly and cast a vote for United States Senator, are we to adopt the theory that in such a contingency this body would be bound by the action of the joint assembly of Delaware in permitting him to vote?

I was startled yesterday to hear the distinguished Senator from Indiana lay down the proposition, if it should appear to this body that Governor Watson had died, and that another individual, an interloper, should have appeared there, assuming to be Governor Watson, and they had admitted an interloper, who had never been elected, who had no right there, who was an intruder, that that judgment of the legislature would be conclusive upon this body. I submit that that one statement within itself shows the absurdity of the proposition attempted to be maintained by the distinguished Senators on the other side of this case.

If we are to be governed by such a rule as this, then the members of this body are powerless to pass upon the qualifications of its members. Suppose there had been two houses; suppose there had been two senates of the State of Delaware and two joint assemblies; if the proposition advocated by the distinguished Senator from Indiana is correct, then we would be powerless to investigate as to which house was the proper assembly to be represented here, and as to which house represented a republican form of government in the State of Delaware.

The case which we have before us is in all respects as strong as the cases I have supposed by way of illustration. The moment that Senator Watson qualified as governor of the State of Delaware the office of senator which he had theretofore held became vacant and no one could legally exercise the functions of the office which he had vacated until there had been an election held and the vacancy filled in accordance with the provisions of the constitution of the State of Delaware. Such being the case, we are forced to the inevitable conclusion that the legally constituted number of senators of the State of Delaware on the 9th day of May in consequence of this vacancy was only 8, and therefore the joint assembly was composed of 29 members instead of 30 had there been no such vacancy.

The action of Governor Watson on the 9th day of May when he pretended to participate as a member in the proceedings of the joint assembly of Delaware was simply that of an intruder, without the slightest semblance of authority for his conduct, and therefore his vote was a nullity. He was clothed with no more authority or power to act as senator on that occasion than that of any private citizen of the State of Delaware. We certainly have the right to say that a private citizen would have had no authority to act on that occasion.

In the light of the facts in this case, construed according to the constitution of the State of Delaware, we must conclude that Governor Watson had no right to participate in the proceedings of the joint assembly on the 9th day of May, and that being so, it is the duty of this body to say that Mr. Du Pont, having received 15 votes in said joint assembly, which number being a majority of the votes cast by that body as legally constituted, is therefore entitled to a seat in this Chamber. The record discloses the fact that Governor Watson deliberately entered the joint assembly on the day heretofore mentioned for the purpose of preventing an expression of the will of a majority of the duly accredited representatives of the State of Delaware in choosing a member of this Senate. It would be establishing a dangerous precedent to countenance such conduct on the part of those who are called upon to exercise the functions of office of the chief executive of a State. His conduct on that occasion can not be justified either from a moral or political standpoint. It was the act of one who sought by improper device to thwart the will of the majority as clearly expressed at the ballot box, and affords a good illustration of the evils which our forefathers had in view when they framed the constitutions of our various States in such a manner as to forever keep separate and distinct the legislative, executive, and judicial branches of our Government.

Under a representative form of government like ours, when each branch acts solely within its own sphere there can no harm be done to any citizen within our borders; but the moment you attempt to blend the functions of two or more of these branches a palpable violation of the rights of the individual is sure to follow. It is getting to be no unusual occurrence to have deadlocks in our State legislatures lasting, in many instances, during the entire session, to the exclusion of the consideration of all matters of public interest, and finally resulting in the election of no one. In some cases, owing to the fact that neither party has a decisive majority, this condition of affairs is unavoidable, but even then in a free government like ours it is a matter which is to be deplored; but in cases like the one under consideration it is the duty of this body to exercise its discretion under the Constitution of the United States, so that the will of the majority of the people of Delaware, as indicated at the ballot box, shall be carried into effect by adjudging that Henry A. Du Pont is entitled to a seat in this Chamber.

ART COMMISSION.

Mr. HANSBROUGH. I ask unanimous consent for the consideration of the bill (S. 1922) creating an art commission of the United States, and for other purposes.

Mr. CHILTON. I think that is a matter of too much importance to come up at this hour of the day. There has been quite a good deal of discussion about it.

The PRESIDING OFFICER (Mr. BURROWS in the chair). The Senator from Texas objects.

Mr. HANSBROUGH. I should like to say to the Senator from Texas that I have had this bill up before the Senate several times. It has been very thoroughly considered by the Senate and by individual members of the Senate. I am obliged to leave the city next week, to be away for some time, and I am very anxious to have the bill passed.

I do not believe it will lead to any discussion whatever, and I hope the Senator from Texas will withdraw his objection. It would be a great accommodation to me personally. I know if the Senator understood the difficulties that are met with by members of the Committee on the Library he would not object for one single moment to the passage of the bill. It meets with the unanimous indorsement of every member of that committee, and they are anxious to have it passed.

Mr. CHILTON. I believe I will withdraw the objection, although I do so with reluctance, I confess.

Mr. HANSBROUGH. I am very much obliged to the Senator from Texas.

The PRESIDING OFFICER. The objection is withdrawn.

The Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. HOAR. I should like to inquire of the Senator who has the bill in charge why artists and sculptors are excluded from the commission?

Mr. HANSBROUGH. It has been thought best not to have artists and sculptors on the commission because of the fact, as we all know, that artists and sculptors run in schools, and each school, of course, would be prejudiced in favor of such works of art as come from its particular school. The suggestion, therefore, is open to that objection.

Mr. HOAR. Some years ago I drew with great care a bill having the same object in view as the pending bill has, and it passed the Senate after a good deal of discussion. So far from excluding artists, either painters or sculptors, it expressly provided that on the commission, which was to consist of 15 persons, who were to serve gratuitously except having their expenses paid, there should be a certain number of sculptors, a certain number of painters, a certain number of architects, and certain other persons from other callings in life.

Mr. HANSBROUGH. I will say to the Senator from Massachusetts, if he will permit me, that the bill does not appertain to architecture at all. It has been deemed best to leave that branch out.

Mr. HOAR. I understand; but that does not affect the point I am going on to make.

I suppose it to be true (I do not speak with any claim of having personal knowledge on the subject, though I had the honor of corresponding with some very eminent persons in art at that time) that the great superiority of France in modern times in its modern monuments, public works of art and architecture both, public statues, memorial statues, and so on, grows out of the fact that they called into the service of the Government in making the selection of those works eminent artists. They always find that artists who, as they say, have won their spurs are impartial and admirable judges, and that they have at heart the best interests of art and of the country; and the criticism which the Senator from North Dakota suggested does not apply.

Now, once or twice within my knowledge there have been called in as advisers in such matters St. Gaudens and Mr. Richard Hunt, who recently died, both eminent artists of the city of New York. Their advice has been of the greatest value. I should be very seriously inclined to move an amendment striking out those words and leaving the appointments to the discretion of the appointing power.

Mr. HANSBROUGH. Will the Senator from Massachusetts permit me for just a moment? If the Senator will read section 2 of the bill he will find that it does not pertain in the least to statuary to be located in the various parts of Washington. It is confined exclusively to statuary and works of art which are to be placed in the Capitol building and the new Library building. It does not relate in the least to statues to be located about the city. That is to be done by another process altogether.

Mr. HOAR. I move to strike out the words "other than artists or sculptors." I think there are artists and sculptors in this

country whose judgment would be exceedingly valuable in this matter.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In section 1, line 5, after the word "persons," it is proposed to strike out "other than artists or sculptors"; so as to read:

The art commission of the United States, to consist of five persons, who shall be citizens of the United States, etc.

Mr. HANSBROUGH. Under the circumstances I accept the amendment.

The amendment was agreed to.

Mr. HOAR. Then, in line 7, I move to strike out "and eminently distinguished in literature and the fine arts." There may be the best man in the country for this purpose who is not eminently distinguished in literature. I think the fact that a person may be regarded by the Senate, or by the House, or by the President as a person of high qualifications is sufficient, and I hope the provision as to distinction in literature will not be adhered to.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In section 1, line 7, it is proposed to strike out "and eminently distinguished in literature and the fine arts."

Mr. HANSBROUGH. I accept the amendment.

The amendment was agreed to.

Mr. HANSBROUGH. In section 2, line 2, I move to strike out the word "semiannually" and insert "annually"; so that the commission shall convene annually.

The SECRETARY. In section 2, line 2, it is proposed to strike out "semiannually" and insert "annually"; so as to read:

That it shall be the duty of said commission to convene annually in the city of Washington.

The amendment was agreed to.

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

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

LAND FOR EDUCATIONAL PURPOSES IN ALABAMA.

Mr. MORGAN. I ask unanimous consent to call up and to have passed a bill that will not give rise to a moment of debate. It is the bill (S. 2461) to grant lands to the State of Alabama for the use of the Industrial School for Girls of Alabama and of the Tuskegee Normal and Industrial Institute.

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.

ARKANSAS NORTHWESTERN RAILWAY.

Mr. BATE. Mr. President——

Mr. PLATT. Does the Senator from Tennessee desire to have an executive session this afternoon? I am very anxious to have a bill passed which the Senator from Arkansas [Mr. BERRY] desires shall be disposed of.

Mr. BATE. We have a small number of Senators present now——

Mr. PLATT. It will take perhaps five minutes; only the time necessary to read the bill.

Mr. BERRY. I hope the Senator from Tennessee will allow the Senator from Connecticut to call up the bill.

Mr. BATE. That ends it.

Mr. PLATT. I ask unanimous consent to call up the bill (H. R. 5564) authorizing the Arkansas Northwestern Railway Company to construct and operate a railway through the Indian Territory, and for other purposes.

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

The bill was reported from the Committee on Indian Affairs with amendments. The first amendment was, in section 1, after the words "Indian Territory," to insert "by way of the town of Wyandotte, where said railroad company shall erect and maintain a depot within one-half mile of the business center of said town"; so as to make the section read:

That the Arkansas Northwestern Railway Company, a corporation created under and by virtue of the laws of the State of Arkansas, be, and the same is hereby, authorized and invested and empowered with the right of locating, constructing, owning, equipping, and operating, using, and maintaining a railway and telegraph and telephone lines through the Indian Territory upon a line beginning at a point to be selected by said railway company at or near the town of Southwest City, in the county of McDonald, State of Missouri, and running thence in a northwest direction over the most practicable route through the Indian Territory, by way of the town of Wyandotte, where said railway company shall erect and maintain a depot within one-half mile of the business center of said town, to a point between Chetopa and Baxter Springs, in the State of Kansas, with the right to construct, use, and maintain such tracks, turn-outs, sidings, and extensions through such Territory as said company may deem to their interests to construct along and upon the right of way and depot grounds herein provided for.

The amendment was agreed to.

The next amendment was, in section 2, line 20, after the word "taken," to insert:

And before said company shall enter the territory of any tribe of Indians within the Quapaw Agency for the purpose of constructing its line of railroad and telegraph it shall have the written consent of the general council of such tribe thereto, which shall be filed with the Secretary of the Interior.

The amendment was 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.

EQUITY COURT ROOMS.

Mr. MCMILLAN. I ask unanimous consent to call up the bill (S. 2307) to provide increased accommodations for the second division of the equity court of the District of Columbia, and for other purposes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to appropriate $2,700 to alter certain rooms in the second and in the third stories of the District of Columbia court-house building, which rooms are now occupied by the second division of the equity court and by the surveyor of the District of Columbia, the money to be expended under the direction of the Architect of the United States Capitol.

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

ST. LOUIS, OKLAHOMA AND SOUTHERN RAILWAY.

Mr. PEFFER. I ask unanimous consent to call up the bill (H. R. 67) authorizing the St. Louis, Oklahoma and Southern Railway Company to construct and operate a railway through the Indian Territory and Oklahoma Territory, and for other purposes. It is a bill that has been reported from the Committee on Indian Affairs without amendment.

Mr. WILSON. Pending that, I move that the Senate adjourn.

Mr. PEFFER. Let us dispose of this bill. It will take but a moment. There is no objection to it.

The PRESIDING OFFICER. The Senator from Washington moves that the Senate do now adjourn.

Mr. WOLCOTT. I hope before the motion is put I may express the hope that the Senator from Washington, unless there is great hurry, will give way. There are one or two bills here that I know there will be no objection to.

Mr. WILSON. I will state, if I may be permitted to do so, that I have waited all the afternoon and also for a number of days past for an executive session relative to certain appointments. It seems to be impossible to have them acted upon. I do not wish, however, to inconvenience any Senator, and I withdraw the motion to adjourn.

Mr. WOLCOTT. I am much obliged to the Senator from Washington.

The PRESIDING OFFICER. The motion to adjourn is withdrawn. Is there objection to the consideration of the bill indicated by the Senator from Kansas?

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 a third reading, read the third time, and passed.

LANDS AT COLORADO SPRINGS, COLO.

Mr. TELLER. I ask leave to call up the bill (S. 1317) to grant certain lands to the city of Colorado Springs, Colo.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Lands with amendments.

The first amendment was, in section 1, after the word "Colorado," in line 3, to insert:

Upon the payment of $1.25 per acre by said city to the United States—

So as to read:

be, and the same are hereby, granted and conveyed to the city of Colorado Springs, in the county of El Paso and State of Colorado, upon the payment of $1.25 per acre by said city to the United States, to have and to hold said lands to its use and behoof forever, for purposes of water storage and supply of its waterworks.

The amendment was agreed to.

The next amendment was to strike out section 2, in the following words:

SEC. 2. That if the city of Colorado Springs shall at any time after the construction of reservoirs on the lands described in section 1 of this act abandon the same or cease to use the same for water storage, the lands herein described shall revert to the Government of the United States. The survey of the lands so granted shall be made under the direction and approval of the War Department.

The amendment was agreed to.

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

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

STEAM REVENUE CUTTER.

Mr. CAFFERY. I ask unanimous consent to call up the bill (S. 1460) for the construction of a steam revenue cutter for service in the Gulf of Mexico and tributary waters.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the Secretary of the Treasury to have constructed a steam revenue cutter of the first class for service in the Gulf of Mexico and tributary waters, the cost of the construction not to exceed $150,000.

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

EXECUTOR OF C. M. SHAFFER.

Mr. FAULKNER. I ask the Senate to take up for consideration the bill (S. 460) for the relief of the executor of C. M. Shaffer, deceased.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Claims with amendments.

The first amendment was, in line 7, before the word "hundred," to strike out "five" and insert "four"; so as to read:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the executor of C. M. Shaffer, deceased, of Berkeley County, W. Va., out of any money in the Treasury not otherwise appropriated, the sum of $1,400, in full payment for rent and occupation of his warehouse, in the town of Martinsburg, in said county and State, as a commissary storehouse during the war of the rebellion.

The amendment was agreed to.

The next amendment was, in line 10, after the word "rebellion," at the end of the bill, to add the following proviso:

Provided, That he is satisfied, after examining the claim, that said warehouse was actually occupied by the United States for the purpose alleged; and the claim shall be allowed, at the rate of $50 a month, for such time as it was so occupied and not paid for.

The amendment was agreed to.

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

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

ASSISTANT ENGINEERS IN THE NAVY.

Mr. HILL. I ask unanimous consent for the present consideration of the joint resolution (H. Res. 105) for the relief of ex-Naval Cadets John P. J. Ryan, John R. Morris, and Chester Wells.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It authorizes the President of the United States to nominate and, by and with the advice and consent of the Senate, to appoint John P. J. Ryan, John R. Morris, and Chester Wells to be assistant engineers in the Navy. But they shall pass an examination in steam engineering which shall be satisfactory to the Secretary of the Navy, and take rank and receive pay only from the date of their appointments, and shall rank with each other in the order of merit as shown by the examination provided for.

Mr. PLATT. Was the joint resolution reported by a committee?

The PRESIDING OFFICER. The Chair understands that it was reported by the Committee on Naval Affairs.

Mr. HILL. And it is recommended by the Secretary of the Navy.

Mr. PLATT. All right.

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

ORDER OF BUSINESS.

Mr. MARTIN. I ask unanimous consent——

Mr. GALLINGER. I desire to make a request. Will the Senator from Virginia yield one moment?

Mr. MARTIN. Certainly.

Mr. GALLINGER. I understand that the Senator from Missouri [Mr. COCKRELL] is to address the Senate to-morrow on an important subject. I rise to ask unanimous consent that at the conclusion of his speech we shall go to the Calendar for the consideration of pension bills favorably reported by the Committee on Pensions.

Mr. HILL. I understood the Senator from Ohio [Mr. SHERMAN] wanted to go on with the Cuban resolutions to-morrow, did he not? He is not here. That is the only difficulty.

Mr. HOAR. I am quite sure the Senator from Ohio understands that the Senator from Missouri is to speak to-morrow, because——

Mr. HILL. That is all right; but the question is as to the order of procedure after the speech of the Senator from Missouri has been concluded.

Mr. PLATT. And I wish to call attention to the fact that the Senator from Tennessee has been for two or three days trying to get an executive session on some matters that ought to be disposed of.

Mr. BATE. I shall desire an executive session to-morrow some time, before it gets too late.

Mr. GALLINGER. Of course an executive session would be in order, or any other important business. I will not urge my request, but I should like consent. Of course the matter would be left in the control of the Senate.

Mr. BATE. It is with a degree of delicacy, however, that I would call for an executive session when some one was just going to speak—with a fine audience, and all that. One dislikes to do it. I would not do it to-day for that reason. Of course I could call for an executive session at any time, but I do not want to commit myself.

Mr. GRAY. In reference to the matter of disposing of the Cuban resolutions, I understood it to be the wish of the chairman of the Committee on Foreign Relations, and it is the wish of members of that committee, so far as I have spoken to them, that to-morrow the resolutions might be taken up at some early and convenient hour, and if possible disposed of.

Mr. PLATT. The Senator from Missouri [Mr. COCKRELL] is going to make a speech to-morrow.

Mr. GRAY. I understand.

Mr. PLATT. And it will not be a short speech. It will take quite a while.

Mr. MITCHELL of Oregon. There is an understanding as to that, but after the Senator from Missouri gets through for the rest of the morning hour or later——

Mr. PLATT. I do not believe the Cuban resolutions can be disposed of to-morrow, if an opportunity is given to those who desire to make some remarks.

Mr. GRAY. The sooner we get at them the sooner they will be disposed of, whether on to-morrow or some other day. I hope the Senate will consent to devote whatever time it can after the Senator from Missouri has closed his remarks to-morrow to the consideration of the Cuban resolutions.

Mr. BATE. I will not agree to it until after an executive session has been had.

Mr. FRYE. The chairman of the Committee on Foreign Relations told me that immediately on the conclusion of the speech of the Senator from Missouri he should bring forward the Cuban resolutions, and that he was so determined to press those resolutions that if any objection were made he should move to proceed to their consideration.

Mr. GALLINGER. I withdraw the request. That settles it.

FRANCES R. JACK AND OTHERS.

Mr. MARTIN. I ask unanimous consent for the present consideration of the bill (H. R. 573) for the relief of Frances R. Jack, Elizabeth J. Jack, and Matilda W. Jack.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to Frances R. Jack, Elizabeth J. Jack, and Matilda W. Jack $259.22 on account of rent of building in the city of Roanoke, Va., for use as post-office.

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

MISSISSIPPI RIVER BRIDGE.

Mr. NELSON. I ask leave to call up for consideration the bill (H. R. 6250) to authorize the construction of a bridge across the Mississippi River, in the county of Aitkin, State of Minnesota.

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

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

IRON AND COAL MINES ON FOREST RESERVATIONS.

Mr. BERRY. I ask unanimous consent to call up the bill (S. 1633) to permit owners of claims to iron and coal mines on forest reservations of the United States to perfect their title thereto, and to procure a patent therefor, and for other purposes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Lands with amendments.

The first amendment was, in section 1, line 3, before the word "coal," to strike out "and"; in line 4, before the word "mining," to insert "and other"; in line 8, after the word "to," to strike out "pay the price for the lands embraced in said claims now fixed by law to" and insert "perfect title thereto under the mining laws of"; in line 10, after the words "United States," to strike out "and to receive a patent therefor from the United States"; in line 11, after the word "of," to strike out "said" and insert "such"; in line 12, after the word "claims," to strike out "when so paid for, their associates, successors, and assigns"; in line 14, after the word "for," to strike out "a railroad" and insert "railroads or tramways"; in line 15, after the word "construct," to strike out "to be operated by steam or electricity" and insert

"and operate"; and in line 18, after the word "on," to strike out "said" and insert "such"; so as to make the section read:

That all persons who have heretofore located iron, coal, and other mining claims on the lands of the United States, which, subsequently to said location, have been incorporated into forest reservations by proclamation of the President of the United States or otherwise, are hereby granted the right to perfect title thereto under the mining laws of the United States. And the owners of such mining claims are hereby granted a right of way not to exceed 100 feet wide, with necessary depot grounds, for railroads or tramways which they may construct and operate through said reservation to the boundaries thereof, and are hereby granted the right to erect poles on such right of way and necessary electrical appliances for the transmission of electricity to and from said mines.

The amendment was agreed to.

The next amendment was to add to section 1 the following proviso:

Provided, That the rights and privileges hereby granted shall not apply to the Yellowstone National Park or the forest reservations attached thereto, nor to any other national park set apart by special act of Congress defining the boundaries thereof.

The amendment was agreed to.

The next amendment was, in section 2, line 5, after the word "same," to insert "under such rules and regulations as he may prescribe to preserve the timber growth and prevent forest fires"; so as to make the section read:

That said parties heretofore mentioned in section 1 are required, before building the railway the right of way for which is herein granted, to file a survey of the route and a map thereof with the Secretary of the Interior, who shall then and there approve the same, under such rules and regulations as he may prescribe to preserve the timber growth and prevent forest fires.

The amendment was agreed to.

The next amendment was to strike out section 3, in the following words:

SEC. 3. That this act shall take effect from and after its passage.

The amendment was agreed to.

Mr. PLATT. I do not know that I caught the meaning of the bill as it was read; but if I did, it obliges the Secretary of the Interior to approve any projected railroad the map of which may be filed in his office. I do not think that ought to be done.

Mr. BERRY. I think the Senator is mistaken.

Mr. PLATT. Let the section to which I refer be read—the second section.

Mr. BERRY. If the Senator will permit me, I will state what the provision is. However, I shall wait until the Senator examines the bill.

Mr. PLATT. This is the language to which I object:

That said parties heretofore mentioned in section 1 are required, before building the railway the right of way for which is herein granted, to file a survey of the route and a map thereof with the Secretary of the Interior, who shall then and there approve the same.

That language makes it mandatory on the Secretary of the Interior to approve.

Mr. CALL. Let that provision be stricken out.

Mr. HOAR. The provision ought to read "the right shall take effect on the approval," etc.

Mr. PLATT. As the bill now reads it leaves no discretion with the Secretary of the Interior.

Mr. BERRY. That is not the purpose of the bill. If the Senator will suggest a change the committee will adopt it with great pleasure.

Mr. HOAR. The same objection occurred to me when the bill was read. It occurs to me that it ought to read: "And the rights herein granted shall accrue when the same shall be approved by the Secretary of the Interior," or some phrase of that kind.

Mr. BERRY. The committee had no purpose in the matter except to grant the right of way on forest reservations, where mining claims had been filed before the reservation was made, and the parties had the right, under the law permitting them to run railroads there, to take out the minerals. The object was to require them to secure the approval of the Secretary of the Interior, so that they may not destroy the forest reservations. If the language of the bill does not do that, any amendment to accomplish that purpose will satisfy the committee. It was very carefully considered by the Senator from Montana [Mr. CARTER], who was formerly Commissioner of the General Land Office, and he thought the purpose was accomplished by the language used in the bill. The entire committee agreed to the bill; there is no objection to it, and the representatives of the Western section of the country were in favor of it.

Mr. PLATT. I move to amend section 2 by striking out all down to and including the word "same," in line 5, and inserting in lieu thereof what I send to the desk.

The PRESIDING OFFICER. The amendment proposed by the Senator from Connecticut will be stated.

The SECRETARY. It is proposed to strike out all of section 2 down to and including the word "same," in line 5, and to insert:

Before any such railway shall be constructed, a survey and map of the location of the same shall be approved by the Secretary of the Interior.

The amendment was agreed to.

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

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

On motion of Mr. BERRY, the title was amended so as to read:

A bill to permit owners of mining claims on forest reservations of the United States to perfect their title thereto, and to procure a patent therefor, and for other purposes.

LEGAL REPRESENTATIVES OF CHAUNCEY M. LOCKWOOD.

Mr. MITCHELL of Oregon. I ask unanimous consent of the Senate for the present consideration of the bill (S. 713) for the relief of the legal representatives of Chauncey M. Lockwood.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to authorize the legal representatives of Chauncey M. Lockwood to commence suit in the Court of Claims of the United States for extra mail service on route No. 16637, extending from Salt Lake City, Utah, to The Dalles, Oreg.; and gives the Court of Claims jurisdiction to adjudicate the same upon the basis of justice and equity, and to render a final judgment for the value of such extra mail service; and from any judgment that may be rendered in the cause either party thereto may appeal to the Supreme Court of the United States; and the bar of the statute of limitations shall not avail in such cases.

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

EDWARD H. MURRELL.

Mr. PASCO. I ask unanimous consent for the present consideration of the bill (S. 1590) for the relief of Edward H. Murrell.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to Edward H. Murrell $1,409.34, that amount having been collected by the Treasury agents of the United States from property in New Orleans, La., belonging to him, and by them turned over to the Treasury Department.

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

DISTRIBUTION OF COURT REPORTS.

Mr. HOAR. I ask unanimous consent for the present consideration of the bill (S. 2262) to provide for the further distribution of the reports of the Supreme Court and of the circuit courts of appeals.

The bill was reported from the Committee on the Judiciary with amendments.

The first amendment was, in section 1, line 20, before the word "reprint," to strike out "an exact" and insert "a"; so as to read:

That the Secretary of the Interior be, and he is hereby, authorized and directed to distribute to each of the following-named officers of the United States, additional to those named in section 683 of the Revised Statutes, namely, each Assistant Secretary of the several Executive Departments of the Government requiring them for official use; each Assistant Attorney-General; the Solicitor of the Department of State; the law clerk and examiner of titles, Department of Justice; the Comptroller of the Currency; the Solicitor of Internal Revenue; the Judge-Advocate-General, Navy Department; the Commissioner of Labor; the Civil Service Commission; the Interstate Commerce Commission; the clerk of the Supreme Court of the United States; the marshal of the Supreme Court of the United States; the attorney for the District of Columbia, one copy of each volume of the Official Reports of the Supreme Court of the United States, including those already published and those hereafter to be published, or a reprint of the same, etc.

The amendment was agreed to.

The next amendment was, in section 2, line 3, after the word "holden," to insert "including the Indian Territory"; so as to read:

That the Secretary of the Interior shall likewise distribute to each of the places where circuit and district courts of the United States are now holden, including the Indian Territory, to which they have not already been supplied under the provisions of the act of Congress approved February 12, 1889, one complete set of the Official Reports of the Supreme Court, including those already published, and those hereafter to be published, or an exact reprint of the same, or such volumes as with those already furnished will make one complete set, etc.

The amendment was agreed to.

The next amendment was, in section 6, line 3, after the words "United States," to insert "shall be plainly marked on the cover 'The property of the United States'"; so as to make the section read:

SEC. 6. That the volumes distributed under the provisions of this act shall remain the property of the United States, shall be plainly marked on the cover "The property of the United States," and shall be transmitted by the justices, judges, clerks, and other officers receiving the same to their successors in office.

The amendment was agreed to.

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

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

PAYMENT OF PENSIONS.

Mr. BAKER. I am requested by the Committee on Pensions to ask for the immediate consideration of House bill No. 2921, in relation to the manner of paying pensions.

There being no objection, the Senate, as in Committee of the

Whole, proceeded to consider the bill (H. R. 2921) to repeal section 6 of an act entitled "An act to define the duties of pension agents, to prescribe the manner of paying pensions, and for other purposes," approved July 8, 1870, and now being section 4784, Revised Statutes of the United States.

Mr. COCKRELL. What is the clause that is proposed to be repealed by the bill?

Mr. BAKER. Under the present system there has grown up a custom among the old pensioners of going to the pension agencies, sometimes from 150 to 200 miles distant from their homes, and receiving their money at the pension agency. When they get there they are sometimes imposed upon by sharpers and their money taken from them. Some 18 of the pension agencies have requested that the law be amended so that the checks can be forwarded directly to the pensioners, which will enable them to disburse their money at home, instead of their being put to the inconvenience and hardship in many cases of going to these distant points. This bill is simply intended to do away with that provision of the statute.

Mr. GALLINGER. It is proper to say, in this connection, that a very small portion of the pensioners are paid in this way. I think only some 20,000. Perhaps I have made the number too small.

Mr. COCKRELL. I know it is not a large number.

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

ADMINISTRATION OF OATHS TO PENSIONERS.

Mr. GALLINGER. I move that the bill (S. 2405) empowering fourth-class postmasters to administer oaths to pensioners, which is now upon the Calendar, may be indefinitely postponed, as a bill on that subject has become a law.

The motion was agreed to.

HENRY J. HEWITT.

Mr. COCKRELL. I ask unanimous consent for the consideration at this time of the bill for the relief of Henry J. Hewitt.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 94) for the relief of Henry J. Hewitt. It directs the Secretary of War to cause to be investigated by the Quartermaster's Department of the United States Army the claim of Henry J. Hewitt, of the State of Missouri, for corn, oats, hay, horses, and wagons taken from him for the use of the Army in northern Missouri in the years 1862, 1863, 1864, and 1865, and for the use and occupation of his hotel, storehouse, and barns by the military authorities of the United States, at Macon City, Macon County, Mo., and at Lancaster, Schuyler County, Mo., during the years 1862, 1863, 1864, and 1865, such investigation to extend to the status of the claimant, whether loyal or not, the value of the forage and other property taken, the actual rental value of the hotel, storehouse, and barns for the time they were occupied and used by the United States authorities, the purposes for which the hotel, storehouse, and barns were used, and by whose authority and direction, and whether the forage, horses, and wagons so taken were a part of the outfit employed by him as a contractor or subcontractor in carrying the United States mails to northern Missouri and southern Iowa during the years named; and when such investigation shall be completed the Secretary of War shall report the result thereof, with his recommendation thereon, to Congress for its action in the premises.

Mr. PLATT. My attention was diverted for a moment during the reading of the bill. May I inquire of the Senator from Missouri what the provision is for determining whether or not there is anything due to this man?

Mr. COCKRELL. The Secretary of War is to cause an investigation by the Quartermaster's Department and report the result to Congress.

Mr. PLATT. That is satisfactory.

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

THOMAS POLLOCK.

Mr. SHOUP. I ask unanimous consent for the present consideration of Senate bill No. 2176.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2176) granting a pension to Thomas Pollock.

The bill was reported from the Committee on Pensions with an amendment, in line 7, after the words "rate of," to strike out "twenty-five" and insert "twenty"; 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 Thomas Pollock, late artisan, ordnance department, Benicia Arsenal, Cal., at the rate of $20 per month.

Mr. PLATT. Was that person an enlisted man?

Mr. SHOUP. The report will show the fact to be that he was an enlisted man.

Mr. PLATT. I should like to hear the report read.

The Secretary read from the report submitted by Mr. SHOUP February 25, 1896, as follows:

The Committee on Pensions, to whom was referred the bill (S. 2176) granting a pension to Thomas Pollock, have examined the same and report:

It appears from the records of the War Department that the claimant enlisted on the 11th day of March, 1852, at Watervliet Arsenal, and was assigned to the ordnance department, Watervliet Arsenal, United States Army, and was discharged for disability incurred in the line of duty—incurable varicocele—at Bernicia Arsenal, Cal., April 8, 1853.

Mr. PLATT. That is sufficient.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee which has been read.

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.

Mr. HILL. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 30 minutes p. m.) the Senate adjourned until to-morrow, Friday, March 13, 1896, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

THURSDAY, *March 12, 1896.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY M. COUDEN.

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

GRAND ARMY POST, SEDAN, KANS.

The SPEAKER laid before the House the amendment of the Senate to the bill (H. R. 3265) donating one condemned cannon and four pyramids of condemned cannon balls to Stone River Post, No. 74, Grand Army of the Republic, Sedan, Kans.

The SPEAKER. The amendment of the Senate is simply to change the title by adding the words "and for other purposes."

Mr. CURTIS of Kansas. Mr. Speaker, I move to concur in the Senate amendment.

The motion was agreed to.

CHANGE OF REFERENCE.

The SPEAKER. At the request of the Committee on Military Affairs, the Chair desires to submit a change of reference to the House.

The letter from the Secretary of War relating to the purchase of land adjacent to the military reservation at Key West, Fla., should go to the Committee on Appropriations instead of the Committee on Military Affairs. In the absence of objection, the change of reference will be made.

There was no objection, and it was so ordered.

LIGHT-HOUSE AND FOG SIGNAL, BIG OYSTER BED SHOAL, NEW JERSEY.

Mr. LOUDENSLAGER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 55) for the establishment of a light-house and fog-signal station at or near Big Oyster Bed Shoal, New Jersey.

The bill was read, as follows:

Be it enacted, etc., That a light-house and fog-signal station be established at or near Big Oyster Bed Shoal, mouth of the Maurice River, Delaware Bay, New Jersey: *Provided*, That the same shall not cost more than $25,000.

Mr. LOUDENSLAGER. There is an amendment, Mr. Speaker, I desire to submit to this bill.

Mr. DINGLEY. Is unanimous consent asked?

The SPEAKER. The gentleman proposes to submit an amendment, coupled with the proposition for unanimous consent.

Mr. LOUDENSLAGER. I move to amend the bill in line 6 by striking out "twenty-five thousand" and inserting "four thousand five hundred," which is the amount of the estimate of the Department.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey to consider the bill at this time with the amendment proposed?

There was no objection.

The amendment was agreed to.

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

On motion of Mr. LOUDENSLAGER, a motion to reconsider the last vote was laid on the table.

THE FEDERAL CENSUS.

Mr. GARDNER. Mr. Speaker, I ask unanimous consent for the present consideration of Senate joint resolution 47, relating to the Federal census.

The SPEAKER. The resolution will be read, subject to the right of objection.

The joint resolution was read, as follows:

Whereas representatives of various Governments which make decennial enumerations of the people are making efforts to secure uniformity in the inquiries to be used in future censuses; and

Whereas also it is expedient to give early consideration to some comprehensive plan for the establishment of a permanent census service: Therefore,

Resolved, etc., That the Commissioner of Labor, now in charge of the Eleventh Census, is hereby authorized and directed to correspond and confer with the census officers of other Governments for the purpose of securing uniformity in the inquiries relating to the people to be used in future censuses; and that said Commissioner is also hereby directed to report to Congress for its consideration, as soon as practicable, a plan for a permanent census service.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. CRISP. Has this been reported by any committee?

The SPEAKER. The Chair understands, by the Committee on Labor.

There being no objection, the joint resolution was considered.

Mr. DINGLEY. Before action is taken upon that, Mr. Speaker, if I understand correctly, it proposes simply, first, a correspondence with other countries with reference to uniform data or methods of taking the census, so far as population and occupation are concerned; and then proposes that the Commissioner of Labor shall submit to Congress a plan for a permanent bureau. As I understand it, there is nothing committing Congress to the plan proposed, but only to obtain data on which to submit a plan for action.

Mr. GARDNER. That is all it contemplates.

Mr. DINGLEY. I have no objection to that.

The joint resolution was ordered to a third reading; and being read the third time, it was passed.

On motion of Mr. GARDNER, a motion to reconsider the last vote was laid on the table.

HALVOR K. OMLIE.

Mr. JOHNSON of North Dakota. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 818) for the relief of Halvor K. Omlie, of Homen, N. Dak.

The bill was read, as follows:

Be it enacted, etc., That Halvor K. Omlie, who, on May 12, 1893, made final proof on his preemption claim for the northwest quarter of section 8, township 163 north, of range 58 west, of the fifth principal meridian, in the State of North Dakota, be, and he is hereby, granted a period of one year from the passage of this act within which to make the necessary payment for said lands.

Mr. TURNER of Georgia. What is the report upon this bill?

Mr. DOCKERY. Let me ask if this has been reported by a committee?

Mr. JOHNSON of North Dakota. Yes; unanimously reported by the Committee on the Public Lands.

Mr. LACEY. In response to the gentleman from Georgia, I may say that this is the second request of the kind made in behalf of this man, whose sickness has prevented him from completing his preemption entry. It is an extreme case, in which relief was granted in the last Congress, but he requires some further time to enable him to pay for the land on which his home is situated. It is a very clear case and a very meritorious one.

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

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed with amendment the bill (H. R. 5382) to authorize the Kansas City, Fort Scott and Memphis Railroad Company to extend its line of railroad into the Indian Territory, and for other purposes; in which the concurrence of the House was requested.

The message also announced that the Senate had passed the bill (S. 666) to amend section 4829 of the United States Revised Statutes, concerning surgeons, assistant surgeons, and other medical officers of the National Home for Disabled Volunteer Soldiers; in which the concurrence of the House was requested.

The message also announced that the Senate had passed without amendment joint resolution (H. Res. 133) directing the Secretary of War to submit estimates for necessary repairs at Cleveland Harbor.

The message also announced that the Senate had passed without amendment the following resolution:

Resolved by the House of Representatives (the Senate concurring), That there be printed and bound into one convenient volume, at the Government Printing Office, all the various acts of Congress relating to street-railway franchises in the District of Columbia; and that 200 copies of the same shall be furnished for the use of the Senate, 400 copies for the use of the House of Representatives, and 2,500 copies for the use of and distribution by the Commissioners of the District of Columbia.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the concurrent resolution of the Senate "providing for the printing of 15,000 copies of the bulletin on apiculture."

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the title of joint resolution (S. R. 72) "directing the Public Printer to supply the Senate and House libraries each with 20 additional copies of the CONGRESSIONAL RECORD."

BRIDGE ACROSS THE MONONGAHELA RIVER.

Mr. DALZELL. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 4781) to amend an act entitled "An act to authorize the Union Railroad Company to construct and maintain a bridge across the Monongahela River," approved February 18, 1893.

The bill was read, as follows:

Be it enacted, etc., That an act entitled "An act to authorize the Union Railroad Company to construct and maintain a bridge across the Monongahela River," approved February 18, 1893, be, and the same is hereby, amended so as to extend the time for the commencement of the bridge in said act named to one year and the time for its completion to three years from and after February 18, 1893.

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

There was no objection.

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

On motion of Mr. DALZELL, a motion to reconsider the last vote was laid on the table.

CONTESTED-ELECTION CASE—COLEMAN VS. BUCK, SECOND DISTRICT, LOUISIANA.

Mr. MILLER of West Virginia. Mr. Speaker, I desire to present a report of the Committee on Elections No. 2 in the contested-election case of Coleman *vs.* Buck, from the Second district of the State of Louisiana.

The SPEAKER. The gentleman from West Virginia [Mr. MILLER] submits a report in a contested-election case. Does the gentleman desire immediate action?

Mr. MILLER of West Virginia. Yes.

The SPEAKER. The Clerk will read the report.

Mr. JOHNSON of Indiana. Mr. Speaker, I imagine it will not be necessary to read the entire report.

Mr. MILLER of West Virginia. The report is unanimous.

Mr. JOHNSON of Indiana. The report is unanimous. I imagine it will not be necessary to read the entire report.

The SPEAKER. The resolutions will be reported to the House.

The Clerk read as follows:

Resolved, That H. Dudley Coleman was not elected a Representative in the Fifty-fourth Congress from the Second Congressional district of the State of Louisiana, and is not entitled to a seat in the House.

Resolved, That Charles F. Buck was elected a Representative in the Fifty-fourth Congress from the Second district of the State of Louisiana, and is entitled to his seat in the House.

Mr. MILLER of West Virginia. Mr. Speaker, I move the adoption of the resolutions.

The resolutions were agreed to.

On motion of Mr. JOHNSON of Indiana, a motion to reconsider the last vote was laid on the table.

LOAN OF ORDNANCE TO HIGH SCHOOLS.

Mr. DANIELS. Mr. Speaker——

Mr. MERCER. Mr. Speaker, I have a joint resolution which will, I think, only take a moment.

The SPEAKER. The gentleman from New York [Mr. DANIELS] is entitled to the floor, if he insists upon it.

Mr. MERCER. I ask the gentleman to yield to me for a moment.

Mr. DANIELS. Very well.

The SPEAKER. The gentleman from Nebraska [Mr. MERCER] desires unanimous consent for the present consideration of a joint resolution which will be reported by the Clerk.

The Clerk read as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War is authorized to issue, at his discretion and under proper regulations to be prescribed by him, out of ordnance and ordnance stores belonging to the Government, and which can be spared for that purpose, such as may appear to be required for military instruction and practice by the students of high schools in the United States where an officer is detailed by the Secretary of War for the purpose of giving military instruction, and the Secretary of War shall require a bond in each case in double the value of the property for the care and safe-keeping thereof and for the return of the same when required.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. DOCKERY. I should be glad to have the report read, and before the report is read I will ask the gentleman from Nebraska whether this is a new departure?

Mr. McMILLIN. Let us have the report accompanying the bill read.

Mr. MERCER. I will ask that the report be read.

The report (by Mr. CURTIS of New York) was read, as follows:

The Committee on Military Affairs, to whom was referred the joint resolution (H. Res. 6) authorizing the Secretary of War to loan ordnance and ordnance stores for military instruction in high schools, beg leave to submit the following report and recommend that the resolution do pass:

This resolution authorizes the Secretary of War to issue, at his discretion and under proper regulations to be prescribed by him, out of ordnance and ordnance stores that can be spared, such as may appear to be required for military instruction and practice in high schools where an officer is detailed by the Secretary of War for the purpose of military instruction, the Secretary to require a bond in double the value for care, safe-keeping, and return of the property when required.

This provision seems necessary for proper instruction in such schools by the officer so detailed and appears to be carefully guarded.

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

Mr. DOCKERY. I hope the gentleman will explain the matter to the House.

Mr. DINGLEY. I desire to reserve the point of order. This seems to be starting out in a policy that will make a great deal of difficulty and expense. There are tens of thousands of high schools in this country.

Mr. MARSH. The gentleman will recollect that this is confined to high schools where an officer of the Army is detailed.

Mr. DINGLEY. I know, but there will be applications——

Mr. MARSH. And there are not 10,000 of them by a good deal.

Mr. DINGLEY. I know that.

Mr. MARSH. They are limited to 100 public schools and colleges. So the 10,000 do not cut much figure.

Mr. DINGLEY. I understand that all well enough, but applications will come from all of the schools, and we neither have ordnance nor supplies nor teachers for more than a very few schools. It seems to me when we start out in this policy of doing this for the public schools of the country we shall land in a great deal of expense before we get through.

Mr. MERCER. I will say in reply to the gentleman——

Mr. DINGLEY. Mr. Speaker, I simply object until I can see further about this.

The SPEAKER. Objection is made.

CONTESTED-ELECTION CASE, ALDRICH VS. ROBBINS—FOURTH DISTRICT, ALABAMA.

Mr. DANIELS. Mr. Speaker, I call up for consideration the contested-election case of William F. Aldrich against Gaston A. Robbins. It has been agreed by the members of the committee that the time for discussion shall be controlled by the gentleman from Arkansas [Mr. DINSMORE] on the part of the minority and myself on the part of the majority.

It is also agreed by the members of the committee that three hours and a half on each side shall be devoted to the discussion of the points presented in this contested-election case, and, as I have already observed, the time is to be apportioned by the gentleman from Arkansas [Mr. DINSMORE] on the part of the contestee and by myself on the part of the contestant.

The SPEAKER. Is there objection to the arrangement suggested by the gentleman from New York?

Mr. BARTLETT of Georgia. The gentleman from Arkansas has been called out and is not here, and I did not hear the statement of the chairman of the committee.

The SPEAKER. The gentleman from New York says that the understanding is that each side is to occupy three and a half hours, the time to be disposed of by the chairman of the committee and the gentleman from Arkansas [Mr. DINSMORE].

Mr. DANIELS. I will say to the gentleman that I saw Mr. DINSMORE this morning, and that it is satisfactory to him.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the resolutions.

The Clerk read as follows:

Resolved, That Gaston A. Robbins was not elected as a member of the Fifty-fourth Congress from the Fourth district of Alabama, and is not entitled to a seat therein.

Resolved, That William F. Aldrich was elected a member of the Fifty-fourth Congress from the Fourth district of Alabama, and is entitled to a seat therein.

Mr. DOCKERY. Mr. Speaker, I ask the gentleman to yield to me for a moment. I desire to introduce a bill to authorize the appointment of a register of copyrights, and to define his duties, and to ask that it be referred to the Committee on Appropriations.

The SPEAKER. The bill would be referred under the rules.

Mr. DOCKERY. I ask unanimous consent that it be referred to the Committee on Appropriations, as under the rules it would go to another committee.

The SPEAKER. That would not give the committee any jurisdiction.

Mr. DOCKERY. I withdraw the request.

Mr. DANIELS. I yield an hour to the gentleman from Massachusetts [Mr. MOODY], my colleague on the committee.

Mr. MOODY. Mr. Speaker——

Mr. DANIELS. I suggest that the gentleman come over here, nearer to the center of the Hall, so that we may be better able to hear him.

Mr. MOODY. Mr. Speaker, let me reply to the suggestion of the chairman of the committee that there is some remonstrance in this part of the Hall to my moving to the place he suggests. I will say to him that in case he fails to hear me, if he will make a further suggestion for removal, I shall feel obliged to yield to him, in deference to the right of the greater portion of this assembly.

It is my purpose, Mr. Speaker, to devote that portion of the time which is allotted to me to a plain statement of the outline of this case, leaving to my colleagues upon the committee the more important duty of arguing it in detail. This contest arises in the Fourth Congressional district of Alabama. In that district, in the election of 1894, Mr. Gaston A. Robbins received the nomination and support of the Democratic party, and Mr. William F. Aldrich received the nomination of the Republican party and the indorsement and support of the Populite party and that wing of the Democratic party in Alabama that is called by the name of Jeffersonian Democrats. On the face of the returns Mr. Robbins received a majority of 3,736. That majority was attacked before the committee on the ground that it was fraudulent; and the committee have presented the contest to this House in three reports, two reports from the Republican members of the committee and one report from the Democratic members of the committee.

The Democratic members of the committee agree that the returned plurality of 3,736 votes should be reduced, on the ground of fraud in the conduct of the election, to 559. The Republican members of the committee go further, and report—one wing of them—that not only the majority awarded to Mr. Robbins should be reduced, but that it should be extinguished altogether, and that the true majority was 601 for Mr. Aldrich, the Republican. Another wing of the Republican majority thinks that the plurality of Mr. Aldrich should be increased, and that the true plurality is 1,131 votes. It will be observed, Mr. Speaker, that there is no contest between the Republican members of this committee on the result. Every Republican on the committee agrees that there was sufficient fraud in the election to vitiate the returns and to seat the Republican contestant.

Now, Mr. Speaker, it becomes an important thing for us to consider the nature of the district in which this contest arises. The Fourth Alabama district is composed of six counties. Five of them are known as white counties—that is, counties where the white population and the white voters largely predominate—and one of them is known as a black county, a county in which the colored voters and the colored population largely predominate. In the counties in which the white voters predominate, on the face of the returns the Republican candidate, Mr. Aldrich, received a majority of 1,654 votes. He therefore reached the black county with that majority in his favor, but by the returned vote in the county of Dallas, which is the black county, not only that plurality was met and extinguished, but a plurality was counted for the sitting member. The county of Dallas showed upon the face of the returns 5,462 votes to the Democrat and 72 votes to the Republican.

Now, it is important to consider what sort of a county it was in which there should be a majority of 5,390 votes against the candidate representing the Republican party, the Populist party, and the Jeffersonian Democratic party. In the first place, it is a county in which the population—I eliminate now odd numbers—was 49,000. There are 8,000 white population in the county and 41,000 colored population. It may be said, Mr. Speaker, once for all, that members of this House may have it as a fact to carry with them all through the case, that in the Fourth Congressional district of Alabama, in the county of Dallas, at least, of the Fourth Congressional district of Alabama, the colored voters are Republican almost to a man; not only that, but that in that county the colored voters outnumber the white 5 to 1. But we have an estimate of the voters in that county upon which you may safely rely. At an outside estimate there are 7,500 colored voters and 2,500 white voters.

Those 7,500 voters were all, or substantially all, Republicans. The 2,500 voters were not all, or substantially all, Democratic voters in the year 1894. There were Populists and there was a faction of the Democratic party known as the Jeffersonian Democrats, whose differences with the Organized Democratic party of Alabama were that the one believed in an honest ballot and the other believed in the fraudulent methods that have prevailed there now for almost a generation. Now, let us see in outline—for I speak only in outline—what brought about this marvelous result in the black Republican county of Dallas. Since 1880—and I need only appeal to the memory of members who have served in this House for years and who have witnessed the con-

tests that time and time again have come up from the black belt of Alabama—since 1880 there has not been an honest election in the county of Dallas; there has not been a time when the Republican voters did not go to the polls and either have their votes thrown out and disregarded by fraudulent technicalities or have them counted Democratic. In the year 1894 they despaired of having Republican voters go to the ballot box and put in their votes and have them counted otherwise than as Democratic.

How much they despaired, Mr. Speaker, this House can best know and appreciate when I tell them that the Republican party in that county disfranchised themselves, choosing rather to lose their votes than to have them counted for the Democratic candidate. The Republican party authority in Alabama issued an order or a request to the Republican voters in the county of Dallas not to register in the spring and not to vote in the fall. The evidence in this record proves, and proves conclusively, that to a very great extent the Republicans of Dallas County complied with that request made by their leaders. I may say here, because it is a point of importance, that that request or direction did not apply to the Populists and did not apply to the Jeffersonian Democrats. But even the Republicans of Alabama did not know the depth of infamy to which their opponents would descend in order to destroy honest elections in that county, for it soon became obvious that even the deliberate self-disfranchisement of the Republican voters would not keep the Democratic managers from counting their votes for the Democratic candidate.

The chief of the conspiracy that was entered into to defraud the voters of Dallas County of their rights was the judge of probate of that county. Under the laws of Alabama no man (with some trifling exceptions) can vote in the fall election unless he has registered in the spring preceding the election. On the first Monday of May it is the duty of the registrars in the various counties and precincts to open the registration. It is continued for thirty days. At the end of thirty days the registration list upon which the vote is to be taken in the fall election is made up and is placed in the hands of the probate judge. He holds the registration list of the county. It is a public document. Every citizen has the right, under a rule of law that will not be challenged, to inspect that document and to have a copy of it.

Members will see how important that right was in this case. The Republicans had not registered, acting under the direction of their State central committee. It was important for them to know, therefore, whether there was a fraudulent registration list made up in time for the election. It was important for them to know, after the election was held, whether there was an honest registration and a fraudulent poll list. That registration list—I may as well trace it now to the end, because its history will be of consequence by and by—that registration list was placed in the hands of the judge of probate. It is his duty to give a copy of it to the inspectors at each precinct, and after the election is over it is their duty to return it to him by a circuitous route, and he keeps it, under a statutory provision that it "shall be open to the inspection of any elector in the county." That registry list of the spring of 1894 has never been seen by mortal eye to this day. I am told—this is outside the record, I know—I am told that even the grand jury of Dallas County have not been able to get the record of registration that was made in the spring.

Mr. BARTLETT of Georgia. Will the gentleman point out in the record where it is stated that the grand jury have been unable to get a copy? I have not seen the statement.

Mr. MOODY. Mr. Speaker, in reply to the gentleman from Georgia, I will say that I have already stated to the House that that fact is not set forth in the record.

Mr. BARTLETT of Georgia. I beg the gentleman's pardon. I did not hear him.

Mr. MOODY. Mr. Aldrich, the contestant, knowing the importance of having the registration list as a foundation for subsequent proceedings, wrote to the judge of probate on the 25th day of September, which was before the election, saying to him, "I desire to obtain from your office a certified copy of the registry of voters of Dallas County by beats"—the word "beat" being used as an equivalent for "precinct." He received no reply. Upon October 3, still before the election, the chairman of the Republican county committee wrote to the judge of probate and asked for the registry list or a copy thereof. He received no reply. Again, on October 11, he wrote for the same purpose and received no reply. After the election was over, when the evidence was being taken by the commissioner, he required of this judge of probate certified copies of the registration lists in certain important beats, and he received a reply from the counsel of the sitting member that it would be produced "as soon as it is possible for the same to be done." But it never has been produced, and no mortal man has yet seen that registry list which contained the list of men who alone were entitled to vote in that county at the election. Whether it is destroyed, whether it is honest or dishonest, no man except the judge of probate knows.

But that is not all. The law of Alabama provides that there shall be three inspectors at each election and that each party shall have at least one of those inspectors. The inspectors are appointed by three persons, one of whom is this judge of probate to whom I have already referred several times. Two clerks are elected, and they are elected by the inspectors. The only right of representation which a candidate has at the ballot box under the law of Alabama is his statutory right to be represented in the person of one of the inspectors. Knowing that the Democrats were withholding the registration list, which was the foundation of the right to vote, Mr. Aldrich, with the chairman of the Republican committee and the chairman of the Populist committee, applied to the judge of probate for what was his right under the law—the right to be represented at the polls by an inspector. He presented to the judge of probate a list of several names for each precinct. It was proved that those were the names of men of reputable and upright character, men of intelligence—all of them white men. In those precincts where the vote was meant to be fraudulent, not a single one of those whose appointment had been requested of him by the Republican candidate and the chairman of his committee was appointed.

In that part of the county where the vote was fraudulent, the judge of probate and his associates did not even appoint a single Republican, with three exceptions; and those exceptions show better than the rule the purpose of the man who was making the appointments. He appointed in one beat a man by the name of Bowie, an ignorant negro, who could not read or write. And who were the other two inspectors? One was the man who had been his master in the days of slavery, and the other was the man for whom he then worked and upon whose place he then lived. Thus the Republican representative was an illiterate, ignorant inspector under the power of his old master and his present employer.

In the city of Selma there was appointed as inspector a miserable, rascally, purchasable negro, apparently as big a villain as there is out of jail in Alabama; he was appointed to represent the Republican party at that precinct. In a third precinct a man crept in by accident as one of the inspectors, it not being known what his political belief was. Thus we have the entire election machinery of a part of Dallas County in the hands of the Democratic managers, without any control, without any check upon them by the registration list, without any check upon them by representation at the polls.

Now, what did the Republicans, who had disfranchised themselves for the sake of an honest victory—who knew that they could win even without the votes in the black county, if the ballots were counted honestly—what did they do? They appointed at each precinct one or two persons who should during the day watch the poll and report how many men could possibly have voted. In the county of Dallas there were 28 beats, and what I am about to state shows better than anything else in the case to what extent the fraud which had been made possible by the judge of probate existed in reality. In 13 of the 28 beats there was fraud; in the remainder there was an honest election. Where there was an honest election the Republican inspectors were at the polls. Where there was a dishonest election there was no Republican inspector at the polls. Where there was an honest election and a Republican inspector—through that part of the county which contains 40 per cent of its population—there were polled, according to the returns, 293 votes. In the rest of the county, where there was no Republican inspector at the polls and which contained 60 per cent of the population of the county, there were polled 5,241 votes, according to the returns.

Now, Mr. Speaker, I desire to go over, in outline, these precincts—13 in number—which have been found to be fraudulent. Let me, however, first recite—and when I have done this I might as well stop and leave the decision of this case with the House—let me first recite the facts upon which every member of this committee, whether Republican or Democrat, agrees. Here are 10 precincts, in the fraudulent part of Dallas County, where the Republican party had neither registration lists nor a representation at the polls. In the precinct of Summerfield, upon the returns, the vote stood 160 for Robbins and 2 for Aldrich. Every member of the committee, Republican and Democratic alike, says that of those 162 votes, 131, or more than 81 per cent, were fraudulent. In the precinct of Martins there were returned 503 for Robbins, none for Aldrich. Every member of the committee agrees that 443 of those 503 votes, more than 87 per cent, were fraudulent. In Lexington precinct the return was 250 for Robbins and 1 for Aldrich. Every member of the committee agrees that 214, or 85 per cent, of those votes were fraudulent. In River beat the return was 276 for Robbins, none for Aldrich; and every member of the committee agrees that 267 of those votes, more than 96 per cent, were fraudulent. In Union beat the return was 293 votes for Robbins, none for Aldrich; and the nine members of the committee, Democrats and Republicans alike, agree that 287 of those votes, more than 98 per cent, more than 9 out of every 10, were fraudulently put into the ballot box by the Democratic in-

spectors, whose conduct was not checked by the representation at the polls which Mr. Aldrich had the right to have under the law of Alabama.

At Elm Bluff beat there were returned 123 votes for Robbins and 12 for Aldrich; and of this vote every member of the committee agrees that 128, or 95 per cent, were fraudulent. At Carlowville beat the return was 127 votes for Robbins, none for Aldrich; and every member of the committee agrees that at least 74 per cent of those votes are fraudulent. At Boykins beat all the members of the committee agree 50 per cent of the votes returned were fraudulent. At Mitchells the return was 389 votes, all for Robbins; and we all agree that 373 of those votes (95 per cent) were fraudulent. In the city of Selma the return was 2,014 for Robbins, 5 for Aldrich; and every member of the committee agrees that 1,247 of those votes, or more than 60 per cent, were fraudulent.

That, Mr. Speaker, is what we all agree to. The Democratic members of the committee, however, stop there. They can not go any further without going over the brink and seating the Republican candidate.

But the Republicans go to certain other precincts—Woodlawn precinct, Orville and Oldtown precincts—and find precisely the same frauds we found committed in the other precincts, and so they must seat the Republican contestant by the majority I have already named.

Now, Mr. Speaker, I propose, without going over these beats in detail, to take up three, and only three, of them for the purpose of illustrating the evidence upon which the committee acted and the method which they adopted in treating that evidence. Take, for instance, Woodlawn precinct No. 2. That is a precinct on which the Republican members of the committee and our friends on the other side differ. They say the returns ought to stand as they appear in the report of the election officers. We think otherwise, and I take it—because it may be fairly presumed to be among the weakest cases in favor of the Republican contestant—I take it as an illustration of the rest. At Woodlawn precinct the testimony shows the number of votes cast to have been 14. The poll list, however, shows 130 votes for Robbins and 9 for Aldrich.

The testimony shows that there were 45 white men all told, of all shades of politics, in this precinct, and that every negro in it was a Republican. There were two men who were employed, or employed themselves rather, to go to the polls at this precinct and see how many men went there and how many voted. There was some attack upon them; but I can not say that it was successful. One was a school-teacher who had been in the Confederate service, had been in a "Yankee" prison, as he termed it, and never in any other, and the other was a farmer. They were Populists and went to watch the vote. They picked out from the poll list the 14 men who went to the precinct on that day and gave the names of them. They say that not another man could possibly have voted, for no other person alive and in bodily form went to the polls from the opening to the close; and, as I said, they give the name of every man who went there on that occasion. Further than that one of the witnesses, R. B. Cater, was one of the men who voted last, and his number was 14 on the poll list, thus confirming, by the act of the Democratic inspectors themselves, his own testimony. But the only thing to go on against these men is the testimony of a man, one St. John Lewis Tavel, who was one of the precinct officers at the election; a Democrat, he says. I desire to call the attention of the House to the testimony, or part of the testimony, that he gave.

Mr. CLARK of Iowa. What did you say was the vote at this precinct?

Mr. MOODY. The vote returned was 130 for Robbins, 9 for Aldrich. The testimony to which I have just been referring shows that only 14 voted, and no one knows how they voted.

This man Tavel, to whom I have been referring, was a Democratic inspector, and the Democratic minority of the committee rely largely on his testimony to meet the positive statements of the two men whose testimony I have outlined. Let us see now what kind of a man he was and how far his testimony is of any value. In the first place, he was for two or three years before this election a Populite and had been in the councils of the Populist party, and told them that the Democratic inspectors in this very beat would count a majority against them whether they voted or whether they did not vote. He was again converted, however, to Democracy, and became an inspector of elections at this election. How did he answer the first question submitted to him, which was:

Did more than 14 men vote at this election?

He says:

I refuse to answer that question. I recognize that I am under oath now.

The counsel next asked him, after taking up the poll list: "Can you pick out of the list any other names than the 14 who have been named as voting"?

Now, there was a test. They were men who knew he lived in that beat, and he had lived there all his life, and he was an inspector of the elections. If he swore falsely and named specific names there was a strong chance of indictment for perjury. He responds:

I can not.
Q. Will you try?
A. No.

And it is on this testimony that the Democratic members of this committee would overturn the finding of the Republican majority. I leave it with you gentlemen here to determine, without another word. [Applause.]

I take up next the River beat, because it is one of the worst. I want to give you samples of all these beats. In this beat the vote was 276 to nothing—in favor of the Democrat, of course. There were 15 or 20 white people at the outside in that beat.

Almost every man there was a negro, and every negro or almost every negro was a Republican. The evidence is clear. The poll list is taken up, and 19 names are selected in the first place who specifically swear that they did not vote; or some of them swore to that. Not all of them could swear; because of that 19, 5 were fictitious men who had no existence in the world, 7 were dead; 1 of them had been dead twelve years, and 1 of them was lynched about a year ago, almost within sight of the precinct where these Democrats voted him the year after. [Laughter.]

Now, it was in this precinct that they felt safe to trust the Republican negro inspector, because on the one side of him was his young master in the days of slavery, and upon the other side was his master in the days of his freedom. They felt safe to trust him therefore, but the old man was honest. He was illiterate. He could not meet the fraudulent conduct of his associates, but he was honest when the time came to take his oath and give his testimony.

He tells us in respect to this beat, where 276 votes were returned, that there was only 1 colored voter, and he was the man; that only 7 or 8 men came in that day, and there were only 7 or 8 ballots in the box at the close of the voting, but that during the day one of the inspectors, his present master, read over to the other inspector, his old master, between 200 and 300 names for some purpose, he did not know what, and that they were copied down on a piece of paper.

Now, Mr. Speaker, there is not one particle of contradiction to that testimony. There is not a particle of contradiction to any testimony in this case, because, conscious of the fraud of which he was reaping the benefit, the sitting member did not see fit to inform this House through its committee of any facts bearing upon the validity of his election.

Let me take one more precinct, and I am done with the precincts. I have a few words more to say upon another subject. Let me come to the City precinct. I take that because it is the most important in the amount. As you will remember, there were 2,014 votes returned for Robbins and 5 for Aldrich.

Let us see what sort of a city Selma was. By the census of 1890 it contained 7,622 population. The testimony of the president of the State senate of Alabama, a Democrat, whose testimony is found in the record, shows that 55 per cent of the population of Selma are colored.

Yet out of a little over 3,500 white population they were able to get 2,019 votes, and they must have voted, and it appears they did vote, the cradle and the grave in order to arrive at that result.

In 1893 the total registration in Selma was 623. The registration for this year was fraudulently withheld by the false probate judge, who disgraces any seat of justice, wherever he may occupy it.

We take the poll list, as it is called. Let me explain to you what the poll list is. The law of Alabama provides specifically that when a voter comes to the polls his name shall be called out, the name written down on what is called a poll list, and a number attached to it, so that an honest poll list would conform to the actual order of the voters who appear to vote.

Now, the first thing that we have to say about that poll list is that it is an afterthought. A man voted at 4 o'clock, according to the testimony; his number is 1502. Another one voted at 1.30; his number is 1445. Another voted at 4.40, just before the polls closed; his number is 221. Nobody voted afterwards. Another man voted ten minutes before him, or between 4 and 4.30, and his number is 1674. Another voted at 3, and his number on the list is 151.

These were, with one exception, Democrats, who did not know the meaning and purpose of the testimony they were giving. The moment they began to find out the purpose of it, there was not a Democrat in Selma who could tell whether he voted at 8 o'clock in the morning or 5 o'clock in the evening. [Laughter.] But they had told enough to show that the poll list which appears in this record was fraudulently made up as an afterthought; and that is the first step we take here, in addition to all the probabilities in the case.

But now we go further. There was one ballot box, an Australian ballot box. The polls opened at 8 o'clock and closed at 5. In order to have voted the 2,021 votes, they would have had to put 4

votes a minute into that ballot box, which everybody within the hearing of my voice knows to be an impossibility.

But we go further. We have the testimony of the watchers there. We have two men, one the clerk in the probate office, and another apparently responsible man, for all that I could see. They stood there by the court-house, and they watched its entrances all day long, from sunrise to sunset. One of them said there were 715 men who entered the court-house, and the other said there were 723.

They could not see the polling place; they could only see the inclosure of the court-house. They knew these men went in, but when they got inside of the court-house there was the office of the probate court and register corresponding to it; there was the tax collector's office, the sheriff's office. There was the city court of Selma, where people naturally would be going in from time to time; and although seven hundred and odd men went into that inclosure that day, no man can tell whether they voted, whether they went for the purpose of voting, or whether they did something else, and went in for the purpose of doing something else. Now, then, let us go still further than that. I take up this poll list [exhibiting]. There are the names. We can not get from the judge of probate the register list upon which this vote was founded. No man can get it. No man can get it, because if it is honest it would reveal the whole truth. This was put in the hands of a former member of Congress for this district, a man who knows almost every man, woman, and child in the city of Selma. He takes it up, and he can recognize out of these 2,000 names not over 696 as being genuine living persons. The contestant calls the register of vital statistics, a man who has held that office for a number of years, and the health officer of the county, a man who would know the population and know the names. He testifies: "I have examined that list carefully." Evidently he had examined it before, and what does he say? He says—I do not quote exactly: "The first 221 names on the list are names of genuine persons. The next 1,012 in a body are the names of persons who either never had any existence or have long ago passed out into the graveyards of Selma. The next 481 names appear to be names of genuine persons; the next 279 are fictitious, and the last 5 are genuine." Out of this poll list 1,309 names are proved by evidence which is not contradicted in the slightest degree to be the names of dead or fictitious or absent persons.

Now, then, let us see at what point we have arrived. We know that about 700 people went into the court-house inclosure. We know there were about 700 people who had an honest right to vote that day. We do not know whether the 700 who went into the court-house inclosure were the 700 who had an honest right to vote. We do not know that they did vote, or if they did for whom they voted. We have not anything except the lying statement of these inspectors which shows that any man who had an honest right to vote had actually availed himself of it. I may pause a moment there to state that here is the point of difference between the two wings of the Republicans upon the committee. The chairman of the committee, for whom we all justly feel the greatest deference, feels that honesty and justice require that every one of these 700 honest names upon the list should be deemed to have voted and his vote counted for the Democratic candidate.

Mr. CLARK of Iowa. And there is no proof that they did vote.

Mr. MOODY. There is no proof that any single man cast a vote. Of course, the probability is that they did; but there is no proof of it. The other members of the committee feel that we ought not to do this. The returns are so tainted with fraud that they have lost all credit. In that every member of the committee, Republican and Democrat, agrees. We feel it is our duty to entirely disregard the return. We agree with the decision of the supreme court of Illinois that it is proof merely that there was an election at that poll, and proof of no other fact whatever, and we count for either candidate only such votes as are proved to have been cast for him.

Again, we believe it would be a dangerous precedent in deciding controversies of this kind. We find that fraud in election is an old ulcer in this county; it is too old, it is too malignant, to warrant any generous surgery. We have got to cut it out if healthy flesh comes with it. If we do disfranchise now and then an honest elector, it is really for his own benefit and the benefit of his own State and county. [Applause.]

I do not charge Mr. Robbins with participation in these frauds. The evidence shows the contrary. But he has reaped the fruits of others' misconduct. It is only another application of the principle which we find so frequently in the administration of the law, that when one of two innocent persons must suffer he must suffer by whose conduct the wrong was made possible. The intelligent men of the city of Selma and of the county of Dallas are not innocent men before God. This is not a conspiracy such as that which we heard of here the other day in the State of Missouri, a conspiracy of the ward heelers and the plug uglies, who have no countenance from any respectable man of any party; this is a conspiracy of the most intelligent part of the population in the county of Dallas, led by the judge of probate. They have the remedy in their own hands. They can have honest elections there if they see fit, and I thank God that it has come to my ears since the conclusion of this case that 500 Democrats in the city of Selma have formed a club to promote honest elections. [Applause.] I say to this House that it is our duty to help those honest Democrats to secure the object which they seek, and, when the vote comes upon this case, to send down the message to the people of the county of Dallas and to the city of Selma that no man shall come here and sit to represent them in this or any other Congress whose garments are so reeking with fraud that he defiles the very atmosphere which we breathe. [Loud applause on the Republican side.]

Mr. DANIELS. Mr. Speaker, I had intended to yield half an hour at this time to the gentleman from North Carolina [Mr. LINNEY], but he is not present, and therefore I suppose it will be necessary for some gentleman on the other side to proceed now.

Mr. DINSMORE. Mr. Speaker, I wish to ask the gentleman whether he expects any gentleman to address the House on that side at this time?

Mr. DANIELS. I can not say. As I have just stated, I had expected that the gentleman from North Carolina [Mr. LINNEY] would occupy half an hour after the gentleman from Massachusetts, but he is not present and, as he has been absent so long this morning, I think it probable that he is detained from the House by illness or other disability.

Mr. DINSMORE. Mr. Speaker, inasmuch as there are to be four speakers on that side and only two on this, I think it very desirable, if it can be effected, that we should hear further from the other side at this time. Still, I do not want to be captious about it, and if no one upon that side is prepared to address the House, I suppose we shall have to go on.

Mr. DANIELS. Mr. Speaker, I should be glad to oblige the other side, and if the gentleman from North Carolina were present he would undoubtedly proceed at this time, but I can not account for his absence, and it seems now to be doubtful whether he will be here this morning.

Mr. DINSMORE. Then, Mr. Speaker, we will proceed, and I will yield such time as he desires to the gentleman from Georgia [Mr. BARTLETT].

Mr. BARTLETT of Georgia. Mr. Speaker, before I proceed, I desire to have read the resolutions proposed by the minority of the committee, which I shall advocate as a substitute for the resolutions proposed by the majority.

The Clerk read the resolutions, as follows:

Resolved, That William F. Aldrich was not elected a member of the House of Representatives from the Fourth district of Alabama for the Fifty-fourth Congress, and is not entitled to the seat.

Resolved by the House of Representatives, That Gaston A. Robbins was duly elected a member of the Fifty-fourth Congress from the Fourth district of Alabama, and is entitled to a seat therein.

HUGH A. DINSMORE.
CHARLES L. BARTLETT.
SMITH S. TURNER.

Mr. BARTLETT of Georgia. Mr. Speaker, and gentlemen of the House: Cæsar divided Gaul into three parts. Our Cæsar here divided the Committee on Elections of the House into three parts, and, keeping up this rule of three, it seems that the Elections Committee was compelled to divide itself up into three parts, for we have three reports in this contested-election case. Although there are six members of the majority—although, from the argument of my friend from Massachusetts, Mr. MOODY, this case on the part of the contestee so reeks with fraud that the gentleman can not but feel contaminated by association with the gentleman who now occupies the seat or by breathing the same atmosphere in this House—in spite of these facts, the Republican majority upon the committee could not come to any conclusion about this case except that they wanted Robbins's seat. They remind me of the little rhyme that we all heard in our childhood:

I do not love thee, Doctor Fell,
The reason why I can not tell;
But this alone I know full well,
I do not love thee, Doctor Fell.

So, Mr. Speaker, we come to the consideration of this case to determine who was elected; not whom this House shall elect, but whom the honest voters and electors of the Fourth Congressional district of Alabama cast their ballots for; not whom we shall cast our votes for to-day. We had hoped, those of us who heard the argument in the House when this division of the Elections Committee into three parts was made, that a new light had dawned upon this body. We were induced to hope and believe from the speeches of some of the distinguished gentlemen on the other side, who argued in support of the resolution to abandon the old line of procedure in contested-election cases, that when certain questions were to be decided, questions of law as well as questions of fact, we were not henceforth to be guided solely by that "will-o'-the-wisp" partisanship, which had oftentimes led and must lead into doubt and difficulty and wrong.

We all remember well the language of the distinguished gentleman from Vermont [Mr. POWERS], which I have before me, in

which he assured this House, because he said he knew it to be true, and had no hesitation in assuring the House that the sole purpose in trying these cases would be to try them as judges and to determine the issues, not as partisans, but as judicial officers, upon the law and facts as they appear. Even the distinguished gentleman from Indiana [Mr. JOHNSON], who is the chairman of one of these Elections Committees, assured us that such would be the method, that we might rest assured that these cases, when they came to be considered by the committee and to be determined by the House, would be determined, not by charges of fraud simply, not by charges of wrong, not by allegations, not by political necessity, because no such political necessity existed for the majority here, not by carrying out the doctrine of retaliation, but in that calm, judicial, unprejudiced manner in which judges clothed in the ermine of the law determine questions of law and of facts, and he rejoiced that the opportunity now offered itself when this Congress might and would establish a new precedent which will justly be followed by all future Congresses.

To such calm, judicial consideration and determination of contested-election cases in this House were we invited on December 17 last.

Remembering these matters, I am reminded to-day of a rule that a distinguished chancellor of England, Lord Hale, laid down for his own guidance, and I commend it to this House. He said that—

In determining questions judicially before him, he carefully laid aside his own passions and did not give way to them however much provoked.

He said, further, that—

He suffered not himself to be prepossessed with any judgment at all until the whole business and both parties were heard.

Audi alteram partem was the rule he always adopted.

Yet to-day, when this House is sitting in judicial judgment to render a solemn decision upon the right of a member to occupy his seat upon this floor, when the House is exercising the highest constitutional duty that it can ever be called upon to perform, the learned gentleman from Massachusetts [Mr. MOODY], my colleague on the committee, attempts to hurry and force it by an appeal to passion and prejudice. I shall not follow him in that line of discussion. If I did so, I might refer to other States and cities—not Southern States, but Northern Republican States, where they roll up Republican majorities mountain high, like Pelion on Ossa—where frauds are committed, and where not simply dead and absent people are voted and counted by the Republican election officers, but where cats and dogs have been voted and the registration, enrollment, and poll lists have been padded with thousands of fraudulent names. I will not indulge in any such line of remark now or call specific attention to them. It is not my purpose to do so, unless disputed.

Mr. Speaker, ever since elections were had there have been irregularities and even frauds; and in all sections the effort in recent years has been to cure the inefficiency of election laws, and to insure honest elections, and in this sentiment I heartily concur. We are told that this is the same old district which, from Congress to Congress, makes its appearance before this House. How does that affect the question whether Mr. Robbins or Mr. Aldrich was elected? How does that determine the question whether, as shown by this record, there were cast a sufficient number of honest votes for Gaston A. Robbins to elect him, or a sufficient number to elect William F. Aldrich?

I stand here, representing, as I believe, the sentiment of the minority of this committee, to make the statement, in which they will bear me out, that so far as we were concerned we met the majority of the committee more than half way in arriving at the truth and in purging all the fraud. We endeavored to do our duty and to find the truth from the facts and the law as established by the authorities and the precedents of this House in purging the polls of every fraudulent ballot that may have been cast, and I think we have done so. The gentlemen of the majority went with us a part of the way, but when the light broke on them, which, if they had followed it, would leave a Democrat in his seat, they dodged like a Texas mule at its own shadow.

I do not propose, and in this I voice again the view of the minority, to sanction or countenance a single fraudulent ballot that may be shown to have been cast, or to count a single ballot that was not cast; but we do insist that when we have cast aside every fraudulent vote, as we have done, the honest electors who did cast their votes shall have them counted for the man of their choice, and that this House shall not seat a man who was not elected.

The gentleman who has just spoken has told you of his anxiety about the people of Dallas County. He has told you that to seat this contestant is to declare to the people of that county and of the Fourth district of Alabama that honest elections are hereafter to be held; and in pursuing this line he does what he did in one or two other parts of his argument—he goes outside of the record. This able lawyer, this gentleman skilled in the argument of cases, familiar with the rules of evidence and with the rules of the House, and having on his side a large majority of this body, goes outside of the record.

Not satisfied with pouring into the ears of the House the tales of wrong and fraud which he says characterized that election, not satisfied with holding up before this House in holy horror these returns, not satisfied with demanding that this House purge itself of the breath of fraud by turning out the sitting member, knowing the judicial manner in which we should proceed in a case of this kind, the judicial gentleman from Massachusetts, in presenting a judicial question, appeals to the tribunal that is to determine the question by bringing here matters unauthorized by the record and not sanctioned, as I apprehend, by any sound practice. He goes out of the record to tell this House that 500 Democrats out of 800 in the city of Selma have met together and determined on fair elections.

Where does he get that information? What business has it here at such a time as this? I do not know how it came to his ears. I suppose that upon the return of the contestant from that very successful journey that he made to the Fourth district of Alabama, to secure Presidential delegates for a certain Republican Presidential aspirant, in which he failed, and after the very successful journey that he took in order to secure a renomination for himself for Congress from the Republicans of this district—which he did not obtain—I presume this contestant has brought here that information. It seems that this contestant has been repudiated by his own party in his own district, and the only solace he has in his defeat at their hands is that he has accomplished something for the Democrats in Selma. Truly, "a prophet is not without honor, save in his own country."

Sir, if the people of Alabama, if the Republicans of Alabama, if the dissatisfied Democrats of Alabama, if the negroes of Alabama, if any party in Alabama are so wrought up and delighted because the sun of pure elections is bursting through the clouds that heretofore have been so dark and lowering, and if we are now to have fair elections because Mr. Aldrich is to be seated here, then, in the name of heaven, what has come over that same gallant constituency of Populists and of negro Republicans and of white Republicans that they kicked him out of their convention and did not renominate him, the champion of honest elections in the Fourth Alabama district?

Ah, sir, I find I have gone out of the record; it might not have been proper for me to do so, but I have done so in reply to a statement made outside of the record. Sir, when the Republican destroying angel passed over this House and determined what Democratic contestee should be sacrificed and what one should be spared, it failed to leave any sign upon the lintels of the doorposts of my friend who sits behind me, the contestee in this case; but from the start he, I fear, has been marked for slaughter.

Sir, fraudulent registration lists, the voting of dead or absent people, and other proceedings of that kind are not confined to or peculiar to the Fourth district of Alabama. We have had such things in Republican States and cities North. I make this statement (and I have the proof of it at hand) not for the purpose of suggesting that it should be considered in connection with this case, nor to excuse or palliate in the least such methods, for I abhor and detest them, but for the purpose of showing how absolutely out of place such suggestions are when we are striving to find the truth in a judicial way.

Now, Mr. Speaker, coming down to this case, and discussing it somewhat in detail in the time I have and in the line of discussion I have marked out for myself, I desire to say that seven members of the committee agreed that no county outside of Dallas has been successfully attacked in this contest. The chairman of the committee, for whom personally I have the very greatest respect and esteem, whose opinions, coming as they do from a man who has occupied the positions that he has occupied, are obliged to carry not only to that side, but to myself and those on this side who agree with me, great weight, and the gentleman from Illinois [Mr. COOKE], my personal friend (I am glad to say), agrees with him and differs with the other seven members of the committee in this respect, and have thrown out 165 votes in two other counties.

The majority of the committee, seven out of nine, have found that in no precinct except in Dallas are the votes to be changed from the way they are returned. But these four gentlemen of the committee have, in a county where there were 3,000 white Democratic votes cast, only allowed 30 votes out of the contested precincts; yet they have, after searching the record, most diligently looking through it and scanning it in the closest possible manner, determined that there was only one county in the district, the county of Dallas, that could be successfully assailed in behalf of the contestant in this case; therefore I apprehend the House, however it may vote on this question, will determine that the contest should be confined to Dallas County.

Now, it may be asked, what difference is there in the various reports submitted by the committee? Judge DANIELS makes a report in which he gives 1,270 votes out of the total votes cast for the contestant in Dallas County. Judge DANIELS makes a report in which he deducts 165 votes in the counties of Calhoun and Shelby. These 165 deducted from the votes in Shelby and

Calhoun counties seven members of the committee say ought not to be deducted.

The proof is that in each precinct of that county was a Republican inspector, some of them prominent Republicans, men of character and standing. At one of these precincts attacked was one Mr. Noble, a member of that family of Northern men who have gone to Anniston with capital from the East and made it a great city; men from the North who carried money there, who put it into manufacturing and mining industries in the county, who carried with them as well their Republicanism—and this man Noble, a gentleman, a man of character, a man of means, and a man of standing in that community, was an inspector at one of the precincts where the minority faction of the majority propose to throw out 85 ballots. There was a Republican at the other precincts, and the election in that precinct is not attacked for fraud, the ballots have not been produced or called, and yet upon the loose statement of voters that they intended to vote or that they had voted for Aldrich, the loose statements of ignorant men who can not read, can not write, who could not even mark their ballots, some of whom swear so fast that they swear "out of sight," forswear themselves; for they swear that 30 or 40 ballots were marked in the shops where they worked, when, as a matter of fact, the law requires that the tickets shall not be given out at all until the voter is at the polling booth, and the ballot is marked in the polling place; and it is upon such evidence that it is proposed to reject ballots and count them for contestant.

Further, Mr. Speaker, the chairman of the Republican campaign committee in this district, W. J. Stevens, also a member of the Republican executive committee of that State, of whom doubtless some of you have heard, and from whom was printed in yesterday's Post a letter in reference to a statement made by contestant, testified in his behalf; and yet if all of the evidence is taken together and combined there is not enough in the record as to Calhoun and Shelby counties to permit the four members of the committee who belong to the majority to attempt to throw out any votes in those counties. They do not even hesitate, doubt, or waver as to the matter; yet two members of the committee refuse to permit even Calhoun and Shelby to stand. But Dallas County is the real place in dispute; and when we get there both wings of the majority unite, practically, and the gentleman from Massachusetts holds it up to the execration and damnation of the House. But still they can not agree as to what to do with Dallas County, except that both discard a sufficient number of votes to unseat the contestee.

There is no difference as to the result, but the fact remains, and it is an important fact here, that six members of that committee agree, after the most arduous and tedious investigation, we are told, to oust the contestee, yet they can not agree upon the methods by which it should be done. They may arrive at the same conclusions, but in doing so one branch discards rules of law that the other observes. The difference, permit me to say in the language of our distinguished chairman, between the two reports is that the report signed by the four members chisels Robbins out of more votes than the report signed by the chairman of the committee; the distinguished chairman and his one colleague chisel him out of less votes than the four. But the final result is that he is chiseled out of enough to unseat him. [Laughter.]

Now, to proceed, we will consider the evidence as to the votes in the various precincts about which there is a difference between the majority and the minority, and when considered in detail, and when we apply the rules of law to this evidence, it will be impossible to judicially or justly reach the conclusion that the contestee Robbins was not legally and honestly elected.

Mr. Speaker, I can not, of course, undertake to go through the record or do more than call attention to the facts presented by it. I desire to answer some suggestions made by the gentleman from Massachusetts who opened the discussion of this case. He has taken up the matter of the failure to procure the registration lists and based serious charges of fraud. You must remember that this case was tried exclusively on the evidence of the contestant; that not a witness has been offered by the contestee, for a reason I apprehend to be a sufficient reason, that he did not believe the evidence was sufficient, and because of a matter that I shall hereafter call your attention to, a matter of law, that he did not believe any legal evidence had been offered or taken in the case by the contestant.

Now, I ask the gentleman where it is in the record that there is any evidence that these registry lists have been demanded of the judge of probate except a letter-book copy of a letter; not an original letter, not authentic evidence, but a mere tissue paper copy taken from a letter-book—a letter-press copy—offered on page 162 by the contestant, which bears upon the question. The contestant, while he was on the stand, stated that this copy letter was in the letter-book of one J. D. Hardy, the chairman of the Republican Congressional committee in the contest of 1894; that this was all the correspondence he knew of on the subject, though this evidence, the registration lists, was in the court-house, within a few steps from where the commissioner was sitting and taking evidence, with the probate judge, the custodian of the lists, there all the time, day in and day out, the commissioner being possessed of all the powers of the law and having it at his back to compel the production of the original registry list; although he had the power and authority to use the mandate of the law and to call on the United States marshal to enforce it; although he could have commanded all the powers of the Government to bring before him the original record, they satisfy themselves with a press copy of a letter, and we do not know where it comes from, for Hardy was not, for some good reason, offered as a witness, and we are left uninformed whether this letter was ever mailed, received, or answered. Was ever a serious charge made upon so insufficient testimony? Contestant did not want them. He found out he did not want them, I apprehend. I judge so. They were left out doubtless for a purpose, for if these registration lists are in the custody of the probate court, and this contestant desired them, or the committee desires to have them before it, it being documentary evidence, they could send and have them produced.

Such is the law, and it has been often so held by this House, and if necessary to ascertain the truth the committee should have procured it. These gentlemen, who are seeking the truth and finding false registration lists, who want to find out who is elected, should want to find nothing but the truth. The power of this House was at their beck and call to send for that registration list. The House has done it in other instances. The House has sent for witnesses in other cases. The House has even sent its committee to the contested district to procure testimony in order to properly decide a case. We want the truth, whether it unseats a Democrat or seats a Republican. We want the truth judicially ascertained and judicially adjudicated. Yet with this power at their call, they wrapped themselves in stolid indifference to the truth, which can be easily found, and they content themselves with the recommendation that the Democrat give place to the Republican.

Take the testimony of Mr. Aldrich upon that point, which is to be found on page 194. Here is the letter. Here is the evidence. He is asked:

> Do you know of any other correspondence on the subject?
> A. I do not know.
> Q. Do you know whether the letter was answered or not?
> A. I do not know.

That letter is written by J. D. Hardy, chairman, October 11, 1894. J. D. Hardy, the chairman of this executive district committee, was not put on the stand, and it was well he was not; for the record discloses that he had the purse of that district, contributed by Mr. Aldrich and his associates, not only to use for legitimate campaign purposes, but to buy, to purchase signatures of election officers to returns. And I apprehend that if the records of the court in the community where J. D. Hardy lives were examined, we might find that a grand jury had already indicted him, and that he is soon to be put upon trial for the attempted bribery of men who were to hold this election.

Yet a respectable citizen, a judge of probate, a man who is sworn by the witnesses for the contestant to be above reproach, whom white Republicans like Judge Craig and Dr. McKinnon say is a man above reproach—that man is said to be unworthy of respect, entitled to no consideration, but a disgrace to the office that he holds, because of the testimony of the letter book of J. D. Hardy, the corrupt agent of the contestant, the man commissioned to go forth in this district and purchase votes and purchase election officers; this reputable officer is to be denounced as unfit to occupy this office of probate judge upon the testimony of a corrupt purchasing agent of the contestant.

That is the record. Let the gentlemen on the other side escape it if they can. Before a man whom his people have honored as they have this Alabama judge of probate, who is known by his neighbors to be a Christian man, a man of age both in years and in service, is thus denounced, the gentleman should bring somebody else here to question his integrity besides these corrupt purchasing agents of the contestant, as shown by the record.

Why, to give you an instance, W. J. Stephens testifies that Hardy, this leader of the Republicans in that district, was authorized to offer and did offer to J. H. Crocheron, the Republican inspector at Selma, $50 not to sign the election returns, and Crocheron swears to it himself. Stephens also swears that 75 per cent of the negroes of that Fourth district are purchasable, and that he belongs to the 75 per cent. Yet this is the character of witnesses, Stephens and others of like character, that we have heard to discredit the character of honorable men. I am not speaking about some of the witnesses in this record, but the record discloses that these are the witnesses, these purchasable witnesses, these witnesses who tell you that they came to testify because they have been told they will be paid; these, gentlemen of the House, are the witnesses upon whose testimony a member of this House is to lose his seat—not only that, but is to be used to destroy the good name of the people of the Fourth district of Alabama. When the gentleman brings his witnesses up before this House to attack

decent people in that community, let him label them and let the House know who and what they are. Let us know who they are.

Ah, if I could transport the members on that side of the House to that Congressional district in Alabama, if I could show them this election as it was held, and could show them these witnesses as they testified, I have no doubt what they would do with the evidence. These witnesses are ignorant, all of them unlettered, except those who are sharp enough to be rascals, as the record discloses. If the House could see those witnesses, it would not accept their testimony.

Now, Mr. Speaker, it is true that the minority of this committee do agree with the majority that certain precincts ought not to be counted. It is true we agree that the return of the city beat ought not to be counted as returned. It is true we agree that Summerfield and Martins and Mitchells and Carlowville and Union and those mentioned in our report should not be counted, for the reason that there were men—in one case an election officer, and no evidence is offered by the contestee to rebut it—there were men there who testified that only so many votes were cast; but these gentlemen, whom I will call faction of the majority No. 1, say that these returns ought not to be counted at all, in spite of the evidence that nobody but Democrats voted or were asked or expected to vote, and in spite of the fact that the evidence in the record shows conclusively how many votes were cast at each precinct attacked, the exact number cast at each precinct being admitted and stated by contestant in his notice of contest.

Now, I do not make that statement recklessly. I do not make it without regard to the record, but the gentlemen who compose the majority—the four members of the majority—had to discard all the votes in these precincts, to shut their eyes to all the evidence on that subject, and refuse to believe the witnesses of the contestant, for there are no other, and finally refused to believe the contestant himself. The contestant in this record states it and signs his name to it, in which he declares that at each and every one of these precincts which these gentlemen have thrown out so many votes were cast, giving the exact number at each. Not simply that people went to the polls; not people surrounding the polls, but that so many went and cast their votes. You will find upon the report of the minority, pages 3, 4, and 5, that statement set out in full, taken from the notice of the contest. Take, for instance, one of these precincts that were thrown out, called Martin, where they discarded all the votes, and the contestant in his notice of contest admits that there were 60 votes cast in that precinct.

The gentleman from New York [Mr. DANIELS], the honorable chairman of this committee, and the gentleman from Illinois [Mr. COOKE] thought proper, under the evidence in the case and the admission of this contestant, to count these 60 votes that he had admitted had been cast, and count them for the contestee; but if that rule is followed out, and the other rule adopted by the four gentlemen is followed out, and Liberty Hill is counted, and Calhoun and Shelby precincts are counted, why then these gentlemen find themselves narrowing down to a narrow majority of only 170 for Aldrich, and they know full well that when this House comes to consider the evidence as to Orrville and Liberty Hill that it should not and ought not to discard them, and this would lead to the inevitable result to keep the contestee in his seat.

We have set out the evidence in this record as to these precincts. I appeal to the gentleman on that side; I appeal to the distinguished gentleman from Vermont [Mr. POWERS], who so eloquently, so plausibly, and so convincingly appealed to this House to submit to this fair division of the committee that we might have a judicial judgment on our reports. I appeal to him to turn to the record in the case before he turns this man out. I ask him to read the report as to Orrville, Liberty Hill, Oldtown, and Woodlawn, containing the evidence from the record; and if he were a judge and I appeared before him, or any other member of this House who is a lawyer, upon this case in a court instead of in the Halls of Congress, there would be no doubt about a decision as to those precincts. Let the House, if justice is what it is after, if this partisan rule is not to govern, if this new sun in the heavens of election contest is to shine in on us and guide us in our way to the truth, let them read this report.

I challenge any man on that side of the House who desires to do justice and who desires to find a true verdict in this case to read the evidence with reference to Woodlawn, to Orrville, and Liberty Hill. I will stake this case of the contestee upon their determination, and if judicially determined it must follow that the minority have made a correct determination as to them. To give them to the contestee means his retention. You have to throw them out in order to defeat him.

Now, will you gentlemen who have thrown off partisanship, you gentlemen who come proclaiming your majority already too large, you gentlemen who on the 17th of December invoked us to follow this new rule that justice might speedily be done, you gentlemen who do not desire or intend to oust any man simply because he is a Democrat, read that evidence as set out in the report? I challenge you to read. When you have read it, if you can satisfy your conscience that this contestee is not entitled to have them counted for him, unseat him, turn him out, but when it is done then indeed will the seat of every man in a close district hang by a slender thread; then, indeed, might we as well destroy the precedents that have accumulated in this House and in the courts upon this subject of contested-election cases; then, indeed, might we as well shut our eyes and follow only again that uncertain, misguiding, and deceptive rule of partisanship which you said you sought to depart from at the beginning of this session.

Mr. Speaker, I have no time to read these authorities; I have them at hand. We have taken the trouble to cite them in the minority report. They have been copied verbatim from the decisions of the court and from the decisions of this House and from learned writers upon the subject. Let us take a cursory glance at the testimony as to Woodlawn precinct, No. 3. Woodlawn gives 130 votes for Robbins, and I think 9 for Aldrich. Mark you, gentlemen, the only witnesses offered in this record, I again beg you to bear in mind, are the witnesses offered by the contestant, subpœnaed by him, and for whose credibility under the law he vouches.

Yet we are told that this witness, the inspector, Tavel, contestant's witness, is not worthy of belief, and that he is impeached by other witnesses offered by contestant.

Here, then, the majority must disregard the primary rules of the law of evidence; the hornbook rules of law as applied to every case in court must be set aside in order to disregard this evidence. Did any lawyer ever hear in the court-house of a man when he produced a witness to prove a fact impeaching that witness unless he had been entrapped? Is there a lawyer on this floor who has a right to wear worthily the title of attorney or solicitor or counsel, is there a man here who is entitled to a license to practice law, much less a judge, who can dispute a proposition that is as old as any rule of evidence ever was? Yet, gentlemen, that is what you must do in order to destroy the testimony of St. John Lewis Tavel, the inspector whom Mr. Aldrich put upon the stand to discredit the return at Woodlawn.

The contestant does not say that he was entrapped, he does not say that he was deceived, but he comes with the next witness and endeavors to impeach that man, and the gentleman from Massachusetts [Mr. MOODY], who has argued this case on the part of the majority, discards Woodlawn because he does not believe the evidence of the contestant's own witness. That is a fine position to put this House in. You are asked, gentlemen, to unseat a man because you do not believe the testimony which his opponent offers to prove that he should be unseated. That is some of the new light on the rules of law that comes out of this new judicial way of trying contested-election cases. That is one of the fruits of the new departure. Lord Bacon said, speaking of the law, "Do not remove the old landmarks."

I tell you, my friends on the other side, you gentlemen who speak about judicial decisions, you have here one of the first principles of the law of evidence disregarded and set at naught and overridden by the majority of this committee in order to unseat Robbins. It reminds me of a story in a book written by a gentleman of my own State, where Uncle Remus tells a little boy about the rabbit climbing a tree. The little boy, with his mouth open and his eyes staring, asks Uncle Remus, "How is it possible for a rabbit to climb a tree?" "W'y," said Uncle Remus, "he jes 'bleeged to clim' a tree." So these gentlemen were just obliged to set at naught this rule of the law of evidence in order to unseat Robbins! [Laughter.]

They have done it so far as they can do it, but the question is, whether this House is ready to unseat him and to overturn that old rule of law. You have the power to do it, gentlemen. You can do it because there is no power to call your action in question; but when you do it, remember that it is useless to again assure us of your purpose to judicially determine election cases. That witness appears to be a decent man by the evidence. He once belonged to the Populists, but he quit them. He came back and voted the Democratic ticket at this election, for the first time in four years, I believe. He was thought to be a Populist when he was appointed; he was thought to be a Populist when he was put on the stand; but the truth did not suit our friends on the other side; so this old man, 64 years of age, is to be discredited and denounced because he does not come up to the requirements of the contestant's lawyer and swear up to the mark.

J. C. Compton, president of the senate of Alabama, was a witness for the contestant in this case, and each one of these inspectors, including St. J. Lewis Tavel, was sworn at these precincts and declared by Mr. Compton to be of the highest character and worthy of credit. Not only were they sustained by Compton, but by a number of others, among whom were Judge Craig, a Republican and former member of this House. Yet the gentleman from Massachusetts denounces that man as unworthy of credit, although every respectable witness, Democrat and Republican, swears that he is a worthy gentleman and entitled to credit. And

he is impeached by whom? Oh, he is contradicted and impeached by a man who is shown to be a constitutional, strolling, Keeley-cured drunkard, a man who himself declares that he did not have anything to do, a man who had run away from home and left his wife and his children to work the farm and had hung around cross-roads stores and the country grogshops.

This man's testimony, the testimony of a strolling vagabond, an admitted idler, a drunkard, rambling from place to place, not yet over the effects of the Keeley cure—the testimony of that man is to be taken to break down the testimony of the respectable gentleman who had been appointed inspector at Woodlawn. But they say R. B. Cater is to be believed. Who is R. B. Cater? A man who, the records show, is so unworthy as a citizen that his own wife and his own children will not live with him. He is a brother-in-law of St. John Lewis Tavel and they had had a family row, and the statement of this unworthy man is to be taken to discredit a gentleman who is shown by the best testimony in the case to be worthy of credit. St. John Lewis Tavel swears that every vote put into that box at Woodlawn was put in and counted by him and the others as it went in, and he says further that if Cater and Seay, to whom I have called attention, swear that only 14 votes were cast there, "they lie."

That, gentlemen of the House, is the evidence as to Woodlawn, the precinct that you are asked to throw out. Now, with the committee divided, with one branch of it saying that we ought to count 14 votes at Woodlawn and the other that we ought not to count any, I ask the members on that side of the House if it is not right to go by the testimony as it stands in the record; and if I have misstated or changed a word or a line of it I appeal to gentlemen on the other side to correct me. And I pause for that purpose. The truth is as I have stated it to you. Then, are you to accept as true the evidence in this case of the sworn inspector, of the man of credit and reliability, that 130 votes were cast for Robbins, or are you to discard it?

Now let us consider the Orrville precinct. I thought at one time we had all agreed upon that. Of 370 votes the chairman of the committee throws out all but 14.

Now, gentlemen, I submit the evidence with reference to Orrville precinct. It will be found on pages 48 and 49 and on pages 53, 54, and 55. There are only two witnesses. I will give a copy of this record to any gentleman who desires it, and while we are in search of justice and right in this case, I ask that this evidence be closely examined. It is very short.

Gentlemen of this House, I assert without fear of successful refutation that no court worthy of that appellation, from a justice of the peace up to the highest tribunal known in this country, would throw out a precinct on evidence like that; it would either refuse to count the votes that the contestant admitted were cast or throw out the whole precinct. The plurality of the majority of the committee I believe refuses to count any votes for the sitting member. The gentleman from New York [Mr. DANIELS] counts 14. There are but two witnesses, and their evidence will be found on pages 48 and 49.

Both of these witnesses were farmers. One of them says that he went to the voting place at 10 or 11 or 12 o'clock—probably between 10 and 2. He went to the precinct, and being in a hurry remained only about half an hour, and then having voted he went away. All the farmers in that precinct vote usually after 12 o'clock. This man testifies that he voted between 11 and 2, as he thought, though he did not undertake to be exact. As all lawyers know who have tried cases in court, there is nothing on earth so unreliable and uncertain as testimony in regard to the time when a particular thing happened, when the witness has nothing to call his attention to the time. This witness says he went there and stayed about half an hour, and he left, he thinks, about 2 o'clock; it might have been 3; he is not certain.

The SPEAKER pro tempore (Mr. GROUT). The gentleman's time has expired.

Mr. DINSMORE. I do not understand that the gentleman's time is limited.

Mr. BARTLETT of Georgia. There are only two speeches to be made on this side.

The SPEAKER pro tempore. Then the Chair was misinformed.

Mr. DINSMORE. I hope that my colleague on the committee will proceed.

Mr. BARTLETT of Georgia. Now, the other man (as I have said, both of these men were farmers) testifies that he went to the precinct between 2 and 3 o'clock. The first man was No. 7 on the poll list; the other, I think, was No. 264. Those are the only two witnesses present at the polls whose evidence is brought here to discredit those returns. Do not mistake what I say. Those are the only two witnesses who went to the polls who are offered in this case to testify with reference to anything which occurred at the polls. They went there and spent a few minutes. They went there about the time when it is usual to stop business for that purpose—about 12 o'clock. That is the usual time in a country precinct for the farmers and their hands to vote.

These witnesses testify that there was a large crowd of negroes around the polls. The voters in that precinct stop work about 12 o'clock and vote after that time. The negroes generally vote with their employers—the white farmers—and these white men in that precinct are all Democrats. The testimony is that there were a number of negroes around the polls who appeared to be voting, who were there for that purpose. Both these witnesses testify to that. This is the evidence upon which both wings of the majority of the committee act, and which they declare is sufficient to discredit the returns; one branch of the majority counts 14 votes of the 370 for Mr. Robbins, and the other counts nothing. That is a judicial decision which this side of the House is treated to in a judicial matter!

That is not all. On pages 53 and 54 is the testimony of J. Gilbert Johnson, a hired spy of the contestant, an informer. This House yesterday dealt very severely with hired spies even in Government service; and to-day in the trial of this case 370 honest votes in Orrville township in the Fourth district of Alabama are to be destroyed and discarded at the instance and upon the purchased evidence of a hired and discredited spy. What does this witness say? He says he was not there that day, that he was 8 miles away. He does not know a man who voted at Orrville precinct. He did not see a man who voted there. He does not know how many voted. But he takes up a poll list and he says (mark his testimony, gentlemen) as to 25 names, that there are men of similar names living in Lexington precinct, 8 miles away. One of these men is dead. He say there were men of similar names who used to live in Lexington precinct.

Mr. PITNEY. Let me ask the gentleman if there is evidence that men of that name lived in the precinct in question?

Mr. BARTLETT of Georgia. I do not know whether there is or not.

Mr. PITNEY. It was very easy evidence to get, if the fact were so.

Mr. BARTLETT of Georgia. I will find it for you; but you must remember that the contestant has the burden of the case. He is attacking the polls, and it is his duty when these men lived within 6 or 7 miles of the voting place, and where the evidence was taken, to get them and secure their testimony.

Mr. PITNEY. But it is claimed that there were no such men living in the precinct, although their names appear on the polling list in question. If such were the case, it would be easy to produce the men if they existed or to produce testimony to substantiate the fact, if it were a fact.

Mr. BARTLETT of Georgia. Permit me to read the rule of law applicable to the case.

Mr. PITNEY. I want the facts, not the law.

Mr. BARTLETT of Georgia. Let me show you the rule of law bearing on the subject; and there is not a court, there is not a tribunal in this land that ever tried an election case that ever justly threw out a precinct because on the poll list were the names of voters similar to others who live in an adjoining county or precinct. Here it is:

> Witnesses are often called to testify that persons whose names appear on the poll list as having voted are not known to be residents of the county or precincts, as the case may be.
>
> This kind of evidence, while admissible for what it is worth, is manifestly of little value, and must depend upon circumstances.

Again:

> Something further must be shown, direct or substantial, than that the names of persons similar to those names that appear on the poll list did not reside in the precinct or did not vote.

Now, listen to this:

> No name should be stricken from the poll list as unknown from the testimony of one witness only that no such person is known in the county or precinct; and when a man of like name is known as residing in another precinct or county, some proof direct or substantial other than the presence of such a name on the poll book will be required.

In other words, a name will not be stricken from the poll book simply because a man of the same name resides in another precinct. I refer the gentleman in this case to these citations taken from McCrary on Elections, and to the case of Letcher against Moore, page 745 of Clark and Hall's cases. That is the rule of law. The majority not only strike these names from the poll list, but discard the entire poll of the precinct.

Mr. PITNEY. But the gentleman did not answer the question I asked him.

Mr. BARTLETT of Georgia. Will the gentleman repeat his question?

Mr. PITNEY. Is there evidence that the eight men whose names are on this poll list do not live or did not live in that precinct?

Mr. BARTLETT of Georgia. Not one syllable of evidence of that kind.

Mr. PITNEY. Now, there is evidence that such men lived in another precinct; and the presumption is that they did not live in the precinct in question. Is that the point? Is that what is claimed?

Mr. BARTLETT of Georgia. I do not know what was claimed. The committee did not so say. They simply say, because the

names of the witnesses appear on the list, and a man swears that other names, similar names, were in other precincts in the district, therefore they will discredit the whole return; while the other branch of the committee counts 14 votes. I do not know the reason. I have not been able to understand the reason, and nobody else has been able to do so clearly, and I apprehend no valid reason can be given for it.

Mr. DINSMORE. Will my colleague permit a single interruption?

Mr. BARTLETT of Georgia. Certainly.

Mr. DINSMORE. If, as suggested by the gentleman from New Jersey, that was true that there was a number of names on the poll list, and evidence was offered to show that there were no such persons represented by either of the names in that beat, and that there was evidence of persons of that name living outside of the beat; if the evidence went further and showed conclusively that there were eight persons on the list who did not vote, doesn't the gentleman from New Jersey recognize it to be the duty of the House now, if possible, to eliminate the fraudulent votes, and count those that are shown not to be fraudulent? That is the recognized principle of law, and is it not the duty of the House now, as it was the duty of the committee, to make the necessary corrections?

Mr. PITNEY. Well, that might depend to some extent on the question presented, the exact question before the committee, and also upon the extent of the alleged fraud.

Mr. DINSMORE. I speak with reference to the abstract proposition in regard to which the gentleman made his inquiry.

Mr. PITNEY. I made the inquiry with the view of ascertaining the fact.

Mr. BARTLETT of Georgia. Any question that I can answer the gentleman I am very glad to answer, because if the House could get the exact facts before them in regard to the precincts in question as they existed they would not permit this judicial—no, not judicial, but legislative—outrage to destroy that precinct as it was returned and do an act of justice to a member of this body.

Now, they pick up the list and they hand it to J. Gilbert Johnson, and he goes over it. He swears he is not familiar with the names in Orrville precinct, and yet he undertakes to say that these 26 names on that list at Orrville that he says live in Lexington, did not live at Orrville, simply because of the fact that he did not know them. Now, I submit, under the rule of this House—which has been unvarying since the case of Letcher *vs.* Moore, and which is unvarying in the authorities that have been cited upon this subject—that there is no right to cast out that precinct.

The majority of the Committee on Elections were not fair when they reported that there were "26 names of dead or absent people on this poll list." There is but one man who testified about it, and that is J. Gilbert Johnson. He testified as to Charles West, whom he says is dead, but he also testified there is another Charles West now living in the same community. Yet, because one Charles West had died two years before, the committee report that 26 dead or absent voters appear on the poll list. I ask gentlemen upon the opposite side where is there another suggestion in this record that more than one man of the same name appeared upon that poll list? Where does it appear that there were two Charles Wests on that list? Gentlemen, under the rules that have been laid down it will not do to discard the return from this precinct.

Mr. PITNEY. Was there any attempt made by cross-examination to show that this witness was mistaken in the identity of the persons and that there were such persons living in the precinct, on whose poll book they appeared?

Mr. BARTLETT of Georgia. I will show you, sir. Of course, in the heat of the argument, I can not turn to it at once. There was cross-examination about these men.

Mr. PITNEY. Mr. Johnson intended to testify that the men of these names in question did not live in that precinct, I suppose?

Mr. BARTLETT of Georgia. No; he did not testify to that. He testified that men of that name lived in Lexington precinct, 8 miles away. He says:

I am very well acquainted with Lexington beat, and only tolerably so with Orrville beat.

I say the evidence there does not show that he is acquainted with the people in Orrville beat, although he says he was acquainted with the people in Lexington beat.

Mr. PITNEY. I suppose identity of name raises a presumption of identity of person, at least until the presumption is overcome?

Mr. BARTLETT of Georgia. No; it does not do that. The gentleman is mistaken as to the rule. The rule of law is that it does not raise any presumption of identity. The case of Letcher against Moore, to which I called attention, decides the contrary; and if you were ever down in that country and undertook to be guided by similarity of names of negroes, you would soon learn that identity of name is far from being identity of person. Why, no less than 16 Andrew Jacksons have been convicted in the city court of my city, and no less than 15 George Washingtons, and so on down the list of illustrious names.

Mr. PITNEY. Is the name of Green Hitt a common name?

Mr. BARTLETT of Georgia. Any sort of a name is a common name down there with the negroes.

Mr. PITNEY. Is Bing Allen a common name?

Mr. BARTLETT of Georgia. Yes; that is an ordinary name—Bing Allen or Bing anything—it is but an abbreviation of "Bingham," I suppose. We have two men in our town called Dollar Bill. They are known everywhere, by the police and everybody else, as Dollar Bill; and one Dollar Bill has been indicted and convicted no less than three times in the criminal court there as Dollar Bill.

Mr. CONNOLLY. A bad Dollar Bill.

Mr. BARTLETT of Georgia. Yes, a bad Dollar Bill.

Mr. PITNEY. I think the gentleman will find some pretty peculiar names in this record.

Mr. BARTLETT of Georgia. Yes, and you will find some very peculiar names in every negro community that you go into. I ask the gentleman if he would destroy a whole precinct return, because 25 men with peculiar names voted at it? Is that any evidence that the election officers committed fraud?

Mr. PITNEY. I think there is evidence of the grossest fraud, and evidence of a conspiracy to commit it.

Mr. BARTLETT of Georgia. Where is it in that precinct? Point it out, and I will give you all the time you want to point it out. I ask you or the majority to point out the gross fraud in that precinct, because that is the one I am discussing. Examine the record, and then make up your mind from the evidence.

Mr. PITNEY. Excuse me. I do not say that I have made up my mind, understand. On the contrary, I have not.

Mr. BARTLETT of Georgia. The gentleman misunderstood me. I did not say that. I said you could not point it out in the record; and if I said anything else, I withdraw it.

Mr. PITNEY. I should not be listening to the gentleman, if I had made up my mind in advance.

Mr. BARTLETT of Georgia. I know that, and I assure you, if you understood me to say that, I was not intending to say it; but I meant to say that the record in that particular district does not show that there was any fraud or conspiracy there.

Mr. PITNEY. You do not deny that there were gross frauds in other districts?

Mr. BARTLETT of Georgia. I do not, and have not done it, and if the gentleman reads the report he will find that we do not deny it, and I stated so. Wherever the fraud has been shown, in every single precinct where it was shown, we have done what it was our duty to do and what every other man should have done—discarded the returns. It can not be shown that in this report of the minority a single precinct has been counted as returned when fraud was shown, nor that a fraudulent vote has been counted by us for contestee.

It may be well to call attention here to the rule of law that, no matter how gross the fraud, if we can find from the evidence the number of voters and how they voted and who they voted for, we ought to count them. Now, I ask this House if it was not the duty of this election committee when they said there were 26 dead and absent votes cast at Orrville, as shown by Johnson, because it was shown that there were men of similar names in another part of the county or adjoining precinct, that they ought not to have been satisfied to deduct that 26 from that poll?

Enough about that. I come now to Liberty Hill, and the record as to that precinct is printed in full in the report. At Liberty Hill there are only two witnesses, Kline and Rothschilds.

Mr. MOODY. Will the gentleman permit me to ask him a question?

Mr. BARTLETT of Georgia. Certainly.

Mr. MOODY. Will the gentleman state that the majority of the Republicans do not reject the return in Liberty Hill?

Mr. BARTLETT of Georgia. I have so stated.

Mr. MOODY. I beg pardon.

Mr. BARTLETT of Georgia. Four of the Republicans on the committee agreed that this precinct ought to stay in. The gentleman from New York [Mr. DANIELS] and the gentleman from Illinois [Mr. COOKE] think it ought to go out, and deduct from Robbins 244 votes from that precinct. Now, let us see what the evidence as to that precinct is in this report. This has been copied verbatim from the report, and I will submit that to the House. Here is the testimony of Kline, a Republican, a man who went down to Alabama from Pennsylvania. He was not a manager here; he was a hundred yards away. He was the depot agent, and he could not see what was going on at the polls, because there were cotton houses between him and the election precinct, and he did not know how many people voted there. There may have been 50, or 100, or 274; and that is all.

Rothschilds, who lived in Selma, testifies that he is acquainted with the 30 whites and the 300 negroes living in the beat. He also testifies that the Republican party had not organized in that county or beat. They had less organization now than when he lived there—at Liberty Hill—some five years before; and the evidence in that record from black and white, especially from some of the

executive committeemen, one executive committeeman, John H. Crocheron, is that the negroes of Dallas County were offended with Mr. Aldrich, because he had two headquarters down there, one for the negroes and the other for the Populists and Republicans. They did not like it. He was a man of means. He had been put up as a candidate to carry that district, and instead of going down into that district and appealing to the voters to vote for him in Dallas, they issued a circular requesting the colored people and the Republicans not to vote. Even such stanch Republicans as Craig did not vote. The idea was that the negroes were not to vote, and nobody was to vote but Democrats.

That was the condition of affairs that we had, not only in Liberty Hill, but in every precinct in that county. Gentlemen who are familiar with the character of the colored voters know very well that the man who turns his back on them will not receive their votes and the man who seeks them will secure their votes. Aldrich surrendered in Dallas County. He abandoned his organization. He did not endeavor to get a single vote from the Republican side. He advised them to stay away and issued a circular in which he said: "You don't vote; the Republicans are going to carry Congress and we are going to contest. Stay away and don't vote." These people down there did not like it, according to the testimony. They went out and voted for Robbins, the man who was kind to their race.

Carmichael, an intelligent colored school-teacher, says he and others voted for Robbins, a number of them did, because Robbins had been kind to his race. Here was a man, a candidate, their neighbor, their friend, who had been kind to their race. He was seeking their votes; he was appealing to them as his neighbors, and was asking them to vote for him. Here was another who simply held his head high, put the negro headquarters off in a back room and the mixed Republican and Populist headquarters in a well-furnished apartment. They told the negroes they did not need their votes. That was the spectacle; that was the policy adopted by this contestant and his friends in Dallas County.

Gentlemen, any man can see at once that when the forces were deserted by its leaders, when they were left to drift where they pleased, ignorant and unlearned as most of them were, it was but natural for them to support that candidate who was their neighbor, whom they knew, and who had been the generous friend of their race. And yet, the only reason that they throw out Liberty Hill, so far as the minority of the majority are concerned, is because there were only 30 white votes there, the balance being negroes.

I might go on through this list of precincts, but time will not permit. You will find upon investigation of the report that wherever it has been shown by witnesses who were present at a precinct that more votes were returned than were cast, the minority have disregarded those returns and counted only the votes proven to have been cast. Take Oldtown; the evidence is about the same—but I will not rehearse that case, because it is set out in the report, and I will leave it for my colleague on the committee. So that you find on investigation that we do what the law says we shall do, namely, purge this ballot of every vote that ought to be thrown out. The rule of law is laid down in the case of Washburn against Voorhees, and elsewhere in the books, that no pains are to be spared, no examinations are to be avoided, nothing is to be neglected that will discover what the vote was, and we have complied with that rule, and have counted for the contestee only the number of votes that the contestant himself admits in his notice of contest were cast at the several precincts.

Now, gentlemen, when you take that fact, in connection with the theory of this case that the Republicans were not asked or expected to vote, and when you take into account also the political complexion of the people who did vote, you certainly ought to give to Robbins as many votes as the contestant himself admits were cast at those precincts.

I come now, finally, to the Selma precinct; but before taking that up I desire to say a few words in reply to the argument of the gentleman from Massachusetts [Mr. MOODY] with reference to the appointment of inspectors. On pages 229, 230, and 231 you will find a list of the names of men whose appointment as inspectors was requested and a list of those that were appointed. The trouble about those that were not appointed, as requested, was that the law of Alabama required that one of the inspectors at each poll should be of the opposite political party to the dominant party. Mr. Aldrich furnished a list of those that he desired appointed, but in that list he did not say whether they were Democrats, Republicans, or Populists, and in a number of cases they were appointed as requested; but in all those cases the same man was appointed, either as a Populist or a Republican, as the list shows. Mr. Aldrich himself testifies as to the men he requested to have appointed that he did not know what their political faith was, and therefore, if the list that he furnished the probate judge did not comply with the law, the judge was under no obligation to appoint those men. Furthermore, there is no law which requires the probate judge to appoint men who are nominated by the candidates.

I pass now to the Selma precinct for a few minutes.

Mr. MOODY. May I ask the gentleman a question?

Mr. BARTLETT of Georgia. Certainly.

Mr. MOODY. Is it not a fact that the law of Alabama requires that each contesting party shall be represented at the polls by at least one inspector?

Mr. BARTLETT of Georgia. Yes, sir; I have so stated.

Mr. MOODY. Is it not a further fact that by the action of the probate judge and his associates that right was not granted to the Republican candidate?

Mr. BARTLETT of Georgia. I understand that it was granted in every precinct where there was a Republican or a Populist.

Mr. MOODY. I do not understand it so, and if the gentleman will point out any fact in the record which controls the evidence to the contrary, I shall be obliged to him.

Mr. BARTLETT of Georgia. Take the city of Selma——

Mr. MOODY. In my remarks I made three exceptions, among which was Selma.

Mr. BARTLETT of Georgia. Well, I can not go through with all these now. I only know this, that the record discloses, where evidence was taken on the subject, and any question was asked about it, that there was either a Populist or a Republican inspector. That is the case, I think, wherever that point was inquired about. The evidence on the part of the contestant is silent as to what were the politics of the men that he asked to have appointed. He says that he did not even know what their politics were himself, and how could he expect the judge of probate to appoint men, under the law, which required that they should be of certain political parties, when he did not know their politics.

Mr. MOODY. I have examined the evidence with respect to each of the precincts other than those I expressly excepted, and I find that there is positive evidence that the inspectors in all those precincts were of the Democratic party.

Mr. BARTLETT of Georgia. That is true; and you will find also that in those precincts there was not a single solitary white Republican. Mr. Aldrich was the Republican nominee, and the proof is that there were so many white people, 30, 40, or 50, and not a single white Republican among them.

Mr. MOODY. One more question: Does not the gentleman remember that the Republican candidate found for each precinct in Dallas County three men whom he suggested for appointment, and that the judge did not appoint any of the three?

Mr. BARTLETT of Georgia. Yes; but those men were not Republicans. Mr. Aldrich himself, on page 192 of the record, swears that he did not know what was their politics. Now, the law required the judge to appoint a Republican and a Democrat at each precinct, but Mr. Aldrich himself did not know whether these men were Republicans or not.

Mr. MOODY. They were supporters of Mr. Aldrich, and good enough Republicans for him.

Mr. BARTLETT of Georgia. But he does not swear himself that they were Republicans. He was the Republican candidate, and he had no right to say that the judge should appoint a Democrat or a Populist. Mr. Crocheron, who was appointed at one precinct, was a delegate for Mr. Aldrich at the Calera convention, which nominated Aldrich.

The probate judge at Selma appointed two Democrats, and he also appointed James H. Crocheron, the Republican member of the executive committee of Dallas County, who nominated Aldrich and voted for him on the 6th day of November, 1894. He had been chairman of the committee. That is the wrong the probate judge did—he appointed Crocheron. And it turns out that they denounce Crocheron because he would not agree, at the instigation of Bill Stevens and J. D. Hardy, to refuse to sign the returns from Selma precinct.

Here is the evidence on page 182: Crocheron swears that he was there; he swears that as to those 2,002 votes he helped to count every one of them and that they went into the box. What more does he swear? He swears on page 185 that after he had refused to sign the return, Mr. Bowman, the attorney for the contestant, in the presence of H. G. Kornegae and George R. Mason and Bob Mason, offered him $100 to swear that there were only 762 ballots cast at Selma precinct. Bill Stevens swears that the party was authorized to pay $50 to Crocheron to keep him from signing those returns. And now, because this matter is disclosed, because Crocheron did sign the returns, because he comes up and says they were correct, the gentleman from Massachusetts [Mr. MOODY] mildly characterizes him as a commercial and purchasable personage. Well, if a man who did not take a bribe which was offered him is a commercial character, what is the character of those gentlemen who offered the bribe to him? Is the bribe taker or the bribe refuser any worse when it comes to credibility than the bribe giver or the bribe offerer?

Mr. MOODY. Will the gentleman allow me one more question?

Mr. BARTLETT of Georgia. Certainly.

Mr. MOODY. I wish to ask the gentleman whether he believes that Crocheron told the truth?

Mr. BARTLETT of Georgia. He is your witness, is he not?

Mr. MOODY. I ask the gentleman whether he believes that Crocheron told the truth?

Mr. BARTLETT of Georgia. No; and I do not believe that a great many more of these witnesses told the truth. [Laughter.]

Mr. MOODY. Take one at a time.

Mr. BARTLETT of Georgia. Now, I want to ask the gentleman whether he believes that Bill Stevens, the chairman of that Republican executive committee, told the truth?

Mr. MOODY. I do not; and for that reason I did not disturb the precinct as to which Stevens testified. [Applause on the Republican side.]

Mr. BARTLETT of Georgia. Yes; but he testified about Selma also. I guess the gentleman and I are about even on the question of beliefs.

Gentlemen of this House, J. H. Crocheron is an educated, smart, active member of the Republican party, one of its accredited agents in Alabama and one of its leaders. W. J. Stevens is chairman of one of its chief committees. He has been elected a delegate to the St. Louis convention. And gentlemen on the other side will not believe these accredited and intelligent officials of the Republican party—men of high standing in that party—and yet they strike down the returns made by honest men on the testimony of ignorant negroes, led by Stevens and Crocheron.

But as to Selma precinct. The proof is that there are from 1,250 to 1,400 white Democratic votes in Selma. Judge Craig, the leader of the Republican party there, says so. It is in proof that 1,100 white men voted in a Democratic primary there in August, 1894. It is proved by Judge Craig and all these other witnesses that there was an active canvass there; that Mr. Robbins's friends had hacks and other conveyances carrying the voters to the polls. The voting continued nine hours. And we allow Mr. Robbins 767 votes upon the evidence. So does the gentleman from New York, Judge DANIELS. The gentlemen with whom the gentleman from Massachusetts [Mr. MOODY] raises his hands against fraud, the gentlemen who are in favor of fair elections and honest counts, what do they do? With an admitted voting population of 1,500 white citizens of Selma, all Democrats with but very rare exceptions, the gentleman from Massachusetts counts three votes for Robbins. We have an admission on the part of the contestant that 767 votes were cast at that precinct. Now, gentlemen of the House, are you prepared to treat in that way the ballots of the citizens of that precinct? You have the power to do it; but the dictates of right and justice and judicial impartiality forbid you to do it.

Before leaving Selma I wish to say, what I was about to say when the gentleman from Massachusetts interrupted me, that when Crocheron swore that he was offered $100 by Mr. Bowman, a statement which will be found on page 185 of the record—he testifies that this offer was made in the presence of three men named G. H. Kornegae, George R. Mason, and Bob Mason—Crocheron swears that Bowman offered him $100 to swear that there were only 742 votes cast—Mr. Bowman, the lawyer, gets up and says that the fact as stated did not occur; that some conversation occurred about paying a debt that Hardy owed Crocheron. But I ask this House whether when Crocheron stated that George R. Mason and Bob Mason and Kornegae were present at the time when this offer was made by Mr. Bowman, Aldrich's attorney—this offer of a bribe not only to certify falsely to returns or not to certify at all, but to swear to what was not true—I ask this House whether it was not the duty of Mr. Aldrich under such circumstances to show by those three other witnesses who are stated to have been present that no such thing occurred? There are their names—the two Masons and Kornegae are named on page 182. We hear on this floor about a record being full of corruption, about pollution. Gentlemen of the House, you will find upon examination that this record, if the witnesses are to be believed, teems and rots with corruption and attempted corruption in order to induce witnesses to give false testimony in this case for the contestant.

But, Mr. Speaker, to proceed to the discussion of the question I left off a moment ago. All the evidence in the case taken in Dallas County was taken before a notary public who was appointed for the county of Shelby. The witnesses were sworn by him, and the evidence was taken in Dallas County, and the contestee makes the objection that that is not evidence, because a notary public under the laws of Alabama does not have any jurisdictional power to swear a witness or take testimony outside of the county for which he was appointed. The minority of the committee have reported that that point was well taken. The minority of the committee think that the notary of public, who under the laws of Alabama is a local officer merely, whose jurisdiction to administer oaths or take the testimony of a witness is circumscribed and limited to the confines of the county to which he was appointed, that the notary public, under such circumstances, has no right to go outside of the jurisdiction of his own county into a neighboring county and pretend to swear the people whom he undertakes to swear any more than any private individual might have done.

Mr. NORTHWAY. Will the gentleman allow me an interruption just there?

Mr. BARTLETT of Georgia. Certainly.

Mr. NORTHWAY. Was that objection taken at the time that these witnesses were being sworn?

Mr. BARTLETT of Georgia. Yes, sir.

Mr. NORTHWAY. Does that appear in the record?

Mr. BARTLETT of Georgia. Not only that, but the objection was taken before the notary himself, and the motion was also made before the Committee on Elections to suppress all of this testimony so taken before the notary.

Mr. LACEY. I would like to ask the gentleman a question in that same connection. I notice in the report of the majority of the committee a reference is made to a case reported in 2 Bartlett, where it was held that it was competent to take such testimony, and that there was, therefore, a precedent established by the House. I have not examined the case myself. Does it bear out the committee in their citation—the reference made to the case quoted in 2 Bartlett's Report?

Mr. BARTLETT of Georgia. Yes, sir; I have so stated, I think, before. That was the case of Voorhees *vs.* Washburn.

Mr. LACEY. I only wanted your view as to whether it bore out the statement made by the majority of the committee in their report.

Mr. BARTLETT of Georgia. Yes, sir. In the Voorhees and Washburn contest, 2 Bartlett, 54, I think it is; I can give the gentleman the citation exactly in a few moments if he desires it—a case arising in Illinois I believe——

Mr. ROYSE. No; it was an Indiana case, and came up to Congress on a contest from the Terre Haute district.

Mr. BARTLETT of Georgia. Yes; an Indiana case, and it was held that a mayor of an Indiana town could take depositions in the contested-election case outside of the city. But there are certain considerations that we must take into view in connection with this case. The Voorhees and Washburn contested-election case arose out of an election held in November, 1864. As all know, there were peculiar conditions existing in this country at that time. The condition of affairs existing at that time in this country was one of armed conflict. There was an excited country, a country amid the clash of arms. We were in the midst of internecine strife.

A Democrat in the House of Representatives was rare, and the election in Indiana was held during the war, and the contest was decided in 1865, I believe, at the end of the civil war. Men's passions had not at that time cooled. The reverberation of the guns at Appomattox had not died away, and the Republican party was in control of the House of Representatives, not only as a victorious party at the polls, but as a victorious party in the accomplishment of its views with regard to putting an end to slavery and in crushing the Confederacy. It was a bad time for the judicial determination of any question. Men, in order to carry out their political views, were in no condition to decide judicial questions, and I do not attach blame to them for it, for we are all human at last, whether we sit on that side of the House or this; and when the case of Washburn against Voorhees was decided the war and civil strife had hardly been ended. We know that at that time the antagonisms against Mr. Voorhees were still in existence, and even outlasted the war twenty years at least; and it is not strange, then, that a Republican majority—there was a divison of opinion on the committee in reference to the question—that a Republican majority should determine, when necessary to seat Mr. Washburn and unseat Mr. Voorhees, that a mayor had such power under the statute, and that decision was rendered under the circumstances to which I have called attention.

Mr. NORTHWAY. If the gentleman will permit a further inquiry, is it not a fact that the statutes of the United States provide that any notary public living in the Congressional district may take the testimony in a contested-election case?

Mr. BARTLETT of Georgia. I do not so understand the law.

Mr. NORTHWAY. If the gentleman will permit me, section 110 provides:

When any contestant or returned member is desirous of obtaining testimony respecting a contested election, he may apply for a subpœna to either of the following officers who may reside within the Congressional district in which the election to be contested is held: First, any judge of any court of the United States; second, any chancellor judge or justice of a court of record of any State; third, any mayor, recorder, or intendant of any town or city; fourth, any register in bankruptcy or notary public.

Mr. BOATNER. That does not confer authority on a notary public outside of the county where he assumes to act——

Mr. NORTHWAY. But it says in the Congressional district.

Mr. BOATNER. Because it has been held by the courts that Congress can not confer authority on a State officer which is not conferred by the laws of the State.

Mr. NORTHWAY. But if the Federal statutes provide that any man may take the testimony or administer the oath?

Mr. BOATNER. But, if the gentleman will permit an interruption, suppose that the statutes provided that any notary public or clerk of a court could administer the oath and take the testimony? The gentleman would not maintain that the clerk of the court of County A could go and administer oaths and take testimony within the jurisdiction of the clerk of the court of County B.

Mr. NORTHWAY. While it does not enlarge the right of the individual as a notary public, it designates such individuals as have the powers to administer oaths.

Mr. BOATNER. But when the notary public passes beyond the line of the county for which he is appointed he ceases to be a notary public and is no longer a notary public.

Mr. NORTHWAY. There can be no doubt about the statute.

Mr. BARTLETT of Georgia. Is the gentleman through?

Mr. NORTHWAY. I am through.

Mr. BARTLETT of Georgia. I am glad to answer the gentleman's question. Mr. Speaker, upon this point there is very considerable doubt. There was enough doubt about it to create a division of opinion in the Washburn-Voorhees case at the time and under the circumstances that I relate.

Mr. BOATNER. Will the gentleman from Georgia allow me a question there?

Mr. BARTLETT of Georgia. Yes.

Mr. BOATNER. Does the gentleman from Georgia know of any authority or any law under which witnesses could be convicted of perjury for false swearing upon an affidavit taken before an officer out of the jurisdiction or territory where he has jurisdiction to administer an oath?

Mr. BARTLETT of Georgia. I was coming to that. Mr. Speaker, in 131 United States and in 107 United States will be found two cases, and in 138 United States another case, which will answer the question of the gentleman upon this point. It is there decided that an affidavit made before a notary public who had no authority to administer an oath at the time and place where he administered it could not be used to convict of perjury the person who made the affidavit. The cases were identical, and it is for that reason that no witness who was sworn here before this notary public could be convicted, if he had sworn to a falsehood, in any court, that we object to permitting a man who was not an officer to administer the oath.

Mr. BRUMM. Nobody denies that proposition. The only proposition is, had he jurisdiction here?

Mr. BARTLETT of Georgia. We say he had not, and I propose to show it. I say the law of Alabama under which these notaries public are appointed is that their jurisdiction to swear witnesses is confined to the county in which they are appointed, and the supreme court of Alabama, in 102 Alabama Reports, has so decided. The Supreme Court of the United States, in the cases which I have cited, have also decided that.

Mr. BRUMM. Suppose the statute had designated a private person? Does the gentlemen still contend that that private person would be limited by anything except the limits of the Congressional district for which the national statute provided he should be competent to administer oaths?

Mr. BARTLETT of Georgia. The gentleman is supposing that the Congress of the United States would do a thing so foolish as to appoint a man to swear the witnesses who had no authority to administer an oath. The only way in which gentlemen can uphold this proposition is by putting an extreme supposititious case. I do not think Congress would ever say that a man who was not clothed with any authority to administer oaths could administer an oath. Such a proposition would be ridiculous, and if it is not unparliamentary I will say to my friend that his question is absurd.

Mr. LACEY. Right in that connection, this contestant having followed the decisions of the court in which his case is to be tried in his selection of an officer, the question is whether his evidence should now be thrown out. That is the point I want to hear you upon, in connection with this decision to which you have referred.

Mr. BARTLETT of Georgia. Why, sir, I do not know whether they knew about that or not. I think they found out about it after they came up here. Be that as it may, the point was made to the first witness that was offered that this officer was a notary public for Shelby County, and that he had no authority to take evidence in Dallas County. That objection was made to the swearing of the very first witness. The United States statute does not appoint any notary public. It simply recognizes the officer that the State appoints as an officer to administer oaths. Suppose the notary public did not have authority to administer oaths in Alabama, could he administer an oath in a Congressional election case? Why, certainly not.

But I can not detain the House, except to refer members to these decisions in 107, 131, and 138 United States Supreme Court Reports. They are cited in the report of the minority.

Now, Mr. Speaker, that being so, believing that this evidence was not worth the paper on which it was written, believing that under the law of Alabama, as lawyers there understood it, and as the contestee understood it, as the supreme court of that State had declared it, that this evidence was just as if it had been taken before a private person—no other evidence was offered except the evidence of the contestant—we felt it to be our duty to discard that evidence. The contestee, believing and feeling convinced that that evidence was not proper evidence, but simply the statement of private persons before another private person, offered no evidence, and doubtless followed the opinion of his counsel and the decision of his supreme court in concluding that it was not necessary to offer evidence when no legal evidence had been submitted by the contestant.

But we can not decide this case on the neglect of contestee to take testimony. The case of Follett *vs.* Delano, reported in 1 Bartlett, decides that although the contestee may by silence or acquiescence do that which may estop him, the House will not apply the rule of estoppel when the interests of the people of the district are involved. This House decided unanimously that back of the contestee and back of the contestant are the rights of the people of the district to have the question settled, not by the conduct simply of the contestant or the contestee, but by the evidence, and this House is trying the right of the people to have the right man and the man of their selection represent them in the Halls of Congress.

In the case just referred to the committee reported and the House decided:

No confession of the sitting member, however it might bind him personally, can place the contestant in the seat, unless he is the choice of eth majority, nor deprive that majority of its rightful representation.

The House should require proof that the sitting member has not and that the contestant has a majority of legal votes before unseating the one or admitting the other, however the sitting member may have seen fit to conduct his own case in a contest.

Now, that being so, it is the duty of this House so to speak, if it can do so, to undertake to arrive at the truth in this case and the right of men to occupy seats upon this floor independent of the parties to the contest. So I appeal to this House to take this rule laid down, as I say, in the Follett and Delano case, and determine it in order that the people of the Fourth Congressional district of Alabama may be entitled to its Representative as they voted.

Now, Mr. Speaker, I beg the pardon of the House for undertaking as I have, in the earnest and imperfect way that I must necessarily have done, to present this report of the minority. The minority have endeavored to find the truth. We have not counted a vote that ought not to be counted. They have, however, set their faces firmly against an effort to disfranchise the voters in these precincts, and say that, as they have not been successfully attacked, they ought to be counted. I appeal to this House again, and at last, before it shall determine to throw out the white Democratic vote of Dallas County, with its 3,000 white Democratic votes, that they will weigh well this evidence before they give this seat to the contestant.

Mr. Speaker, we have been charged with all sorts of wrongs in Alabama. It is said that frauds and outrages have been committed. In some cases that is true, but in my judgment that time has passed except in sporadic cases. You find them in the North and South. Old things have passed away, and whatever may have been the wrongs that have been committed, if any were committed, in elections, my judgment is they are a thing of the past. However perfectly you may make the law, however strongly you may denounce fraud, you will never be able, North or East, West or South, to have absolute freedom from some wrong in elections. The old order of things has passed away, and I never have nor do I expect to stand upon the floor of any legislative body or upon the stump or anywhere else and uphold fraudulent votes in an election, but with that conviction and a stern determination and unalterable purpose to find out the truth in this case from the record I have pursued that course, and I stand here to close this opening on the part of the minority, and tell you that this record discloses the fact that the man who is returned is entitled to the seat upon the votes that actually were cast.

Further, Mr. Speaker and gentlemen, if you are to adopt the majority report and turn the contestee from the Halls of this House, you will but add another vote to that already overwhelming majority, but you add to the partisan record another wrong in turning out a man who was elected and in placing in his seat a man who could not show the honest votes that elected him. [Loud applause on the Democratic side.]

Mr. DANIELS. I yield forty minutes to the gentleman from North Carolina [Mr. LINNEY].

Mr. LINNEY Mr. Speaker, it has been said that this Congress is to be a do-nothing Congress. My humble judgment is, that if this House shall investigate carefully and determine correctly and accurately the numerous contested-election cases before it, it will

have performed a duty to the country of greater importance than the settlement of any question that has ever claimed the attention of a deliberative legislative body in this Republic for the last half century.

Everything, Mr. Speaker, pales into utter insignificance in comparison with the purity of the ballot box. There is, sir, a very close resemblance between the highest crime known to criminal law and this crime of placing impure hands upon the ballot box.

Justice Blackstone tells us, in treating of the crime of high treason, that the distinction between petty treason and high treason is this: "When a wife, for instance, or any party to certain domestic relations, commits a crime against her lord the husband, that is petty treason, because it involves treachery; but," says the author, "when disloyalty raises its crest and strikes at the law itself, or at majesty itself, then it is designated high treason, by way of distinction. Therefore," says this author, "whoever compasses the death of the king in possession of the throne is visited with the death penalty, and the blood of the culprit is so tainted that it loses its quality of inheritance."

Why is it, Mr. Speaker? It is because the king, in possession of the throne, was the sole representative of sovereignty, the sole representative of power. Not so in a Republic, Mr. Speaker. Here we have no sole representative of power. The ballot box is the instrumentality through which the sovereign power is exercised. When President Garfield fell at the hands of the assassin no blood was tainted on the part of the culprit. The blood of Guiteau did not lose its inheritable quality. Why? Because even the President of the United States in this Republic was not the sole representative of power, and the culprit, the felon, was only guilty of murder, and forfeited his life. Every assault upon the ballot box, therefore, is closely akin to high treason. It is, in my humble opinion, the red-eyed daughter of high treason, because it is an assault upon the life of the Republic.

Mr. Speaker, this country has been warned by the best thought in it on two different occasions against the disposition in certain sections of the Republic, or the disposition generally, to lay corrupt hands upon the ballot box, and these warnings, coming from two great leaders of the two great parties of the country, to wit, President Harrison on the one hand and Henry Watterson on the other, ought to teach this American Congress that the ballot box should be deemed as sacred as the Ark of the Covenant, and that the hand that touches it profanely should wither and perish as certainly as the hand of Uzza withered and fell by the edict of the Almighty when it touched the ark when the oxen stumbled. [Applause.] President Harrison, in his message of December 6, 1892, propounded the following interrogatory to the American Congress:

> Is it not time that we should come together upon the high plane of patriotism while we devise methods that shall secure the right of every man qualified by law to cast a free ballot and give to every such ballot an equal vote in choosing our public officers and in directing the policy of the Government?

No less patriotic were the utterances of Henry Watterson at the World's Fair at Chicago. Standing, as he did, before the greatest assemblage of people that ever gave an American orator audience, that representative of democratic thought in this country raised himself to the highest point of unselfish patriotism and there proclaimed to the representatives of the various nationalities of the world the only infirmity that threatened the peace, the stability, and the integrity of the Republic. Said the great orator on that memorable occasion:

> Slavery has perished amid the war flames, and the mirage of the Confederacy has vanished, never again to return. But there is one crime, there is one infirmity, in our system which threatens the peace and integrity of the Republic. That infirmity is a peculiar form of corruption touching the purity of the ballot box. That infirmity has already pressed the danger line.

This is given from memory, not having the speech before me.

But he expressed the hope that with expanding intelligence and quickened patriotism that peculiar and most dangerous form of corruption would be pressed below the danger line and the Republic saved.

Mr. Speaker, when these great leaders of the best thought of the Republic, President Harrison being a splendid representative of the Republican idea and Henry Watterson a splendid representative of the Democratic idea—I say when those two great representative men thus promulgated this lofty sentiment of patriotism, little did they think that right here in these United States, in the State of Alabama, in ten "beats," there would be 3,177 fraudulent votes cast in one election. [Applause.] This is a piece of experience hitherto unknown in the history of the Republic. From the time that the organized American patriots at the close of the Revolution ceased belching forth the missiles that destroyed the enemy down to the present time our history has not presented anything at all like it. I said, Mr. Speaker, that there were 3,177 fraudulent votes cast in ten beats. Three thousand Krupp guns were those, manned and turned against the nation's life; three thousand efforts to commit treason, or to commit a crime that is closely akin to it. And the evidence in this case not only discloses that fact, but the admissions of the minority of the committee disclose it and make it a fact established by the admission of every single member of the committee, and, if not established in that way, proven to a mathematical certainty by mere calculation.

Now, let us see if I can not show this. On page 7 of the report of the minority I find this most remarkable statement:

> We come now to consider the vote in Dallas County. We are convinced that in the precincts of Summerfield, Martins, Lexington, River, Union, Elm Bluff, Carlowville, Boykins, Mitchells, and Selma or City beat the official returns are unreliable, and therefore agree with the majority of the committee that the result in these beats must be arrived at from the evidence.

Why arrived at from the evidence? Why these official returns unreliable? Because they had been assailed by the proof offered by the contestant in this case, unanswered by the contestee, upon allegations straight, clear, and to the point, of fraudulent practices and fraudulent methods in the election in those 10 beats, and the minority of the committee, after careful investigation, making their report, represented by the learned gentleman from Georgia [Mr. BARTLETT] and the distinguished gentleman from Arkansas [Mr. DINSMORE], than whom there are not two greater or purer or better men in this House, were forced by the weight of the testimony to pen this remarkable piece of evidence admitting fraud to the extent of three thousand and some odd votes.

How do I reach that conclusion? By taking the number that you found that he actually got—five hundred and some odd votes—from the majority returned by the election officers, and it leaves three thousand and some odd votes, thereby establishing to a mathematical certainty that in 10 beats in Dallas County there were fraudulent votes to the number of over 3,000.

What, then, is the result? Here are three reports. No. 1 says that there are 3,000 fraudulent votes; No. 2 says there are something over 2,000; No. 3, 4,000. So the question to be determined is merely the quantum of fraud. The three reports, taken in their regular order, only establish the degrees of fraud—fraud, more fraud, most fraud.

Mr. BARTLETT of Georgia. I know that the gentleman from North Carolina does not wish to misrepresent the views of the minority of the committee; and he will allow me to deny that we have contended or conceded that there were 4,000 fraudulent votes.

Mr. LINNEY. Three thousand, I said.

Mr. BARTLETT of Georgia. I understood the gentleman to say 4,000.

Mr. LINNEY. Oh, no; my friend did not hear me aright.

Mr. DINSMORE. Allow me to make this suggestion. I am sure my friend from North Carolina does not want to misrepresent the minority of the committee.

Mr. LINNEY. Certainly not, my friend.

Mr. DINSMORE. The report of the minority does not admit that there were 3,000 fraudulent votes. It admits that the returns from the precincts named must be thrown out because they were unreliable; but if the gentleman would read further from our report he would find we have stated that while we only claim seven hundred and seventy-odd votes as cast for the contestee in the City beat, there were many more votes cast for him, but we could not ascertain how many. We never made any admission anywhere as to the number of fraudulent votes, and our report does not show that any number of votes were admitted to have been fraudulent. We admit, however, that the returns were unreliable, and therefore the contestee had to be deprived of a great number of votes that were actually cast for him.

Mr. LINNEY. I thank my friend for that statement. Now, let me see whether I can not refute the gentleman by his own figures. According to the reports of the election officers, the contestee was elected by a majority of 3,736 votes. Is not that so? Now, according to the report of the minority, signed by HUGH A. DINSMORE, CHARLES L. BARTLETT, and SMITH S. TURNER, the contestee is elected by 559 majority. Now, subtracting 559 from 3,736—the number reported by the election officers—and it leaves 3,177 fraudulent votes—more than I said. [Laughter and applause.] I was in error, Mr. Speaker; but the error was against myself. I do not say that you gentlemen of the minority come in and say, "We admit that much fraud," but you adopt certain figures. And, my friends, figures never lie when in the hands of honest gentlemen like those on this committee; and when the figures establish a fact, it is established so that there can be no further controversy about it. As to moral reasoning, a different view prevails, because in moral reasoning much depends upon the processes of the intellect by which you reach a certain conclusion; but in the employment of figures you proceed upon mathematical premises, and when you reach a conclusion it is absolutely certain.

So, sir, we have here this astonishing piece of testimony. I would to God that I could take my hand and wipe it out, and that it could never appear in American politics to be used in foreign nations, in civilized countries, in Christian lands against this glorious system of ours—that here where the Bible is read, here where the Christian religion is believed in, here where patriotism is thought to grow deeper and stronger than in any other section of the world, we have to admit, and that admission, too, comes

from the greatest men of the North or the South—such men as my friend from Arkansas [Mr. DINSMORE] and my friend from Georgia [Mr. BARTLETT]—that there are over 3,000 fraudulent votes in 10 beats in 1 county! [Applause.] Why, sir, the like of that can not be found on earth or in the heavens or on the north side of the east corner of hell. [Laughter.] I do not believe any such thing ever before happened or was known to President Harrison or Henry Watterson when they sounded the note of warning to the American people.

Yet it is argued here by my friend the gentleman from Georgia that we are put in an awkward position—as awkward as the position of the man who tried to prove that a rabbit climbed because he must. He must prove it, says the gentleman. By similar reasoning the gentleman descends a muddy slope and drifts along with 3,000 fraudulent votes. There is no escape from the statement that he has taken that position. I say this without meaning any disrespect to anybody.

There is one matter which, although not exactly in my line of argument, I must refer to before it escapes my mind. I believe upon reflection that the majority of this committee did not do exactly right; they have not found enough fraudulent votes. If we had stuck rigidly to the law and to what I believe to be justice in this matter we would have thrown out Pences township. Why, sir, here is the oath which the officers in that township took. I want gentlemen to listen to it:

You do solemnly swear that you will hold this election according to law to the best of your knowledge, so help us over the fence.

[Laughter.]

That is there; you can see it for yourself. I wish every member of this House before he gives his vote on this question would take a look at it. If he can not see it he ought to have a good, strong pair of glasses, because the most of men would be almost unwilling to believe it. "So help us over the fence!" [Laughter and applause.] What does it mean? Will you gentlemen tell me?

Mr. BARTLETT of Georgia. Will the gentleman allow a further interruption?

Mr. LINNEY. Why, certainly.

Mr. BARTLETT of Georgia. Did not every member of the committee, including yourself, say that these votes ought to be counted, because the witnesses that you put upon the stand testified that the votes returned by them were actually cast and that they were counted as cast?

Mr. LINNEY. Why, certainly; I admit that we counted them. I have just said so, and I have just said, too, that on reflection we ought not to have done so. We gave you a great deal more than you are entitled to.

Mr. BARTLETT of Georgia. Well, will the gentleman allow another question?

Mr. LINNEY. Well, I did not interrupt you, I believe.

Mr. BARTLETT of Georgia. I do not wish, of course, to interrupt the gentleman without his consent, but I will not do so again.

Mr. LINNEY. I will hear the gentleman.

Mr. BARTLETT of Georgia. Does not the gentleman, who is a lawyer, know that it is a rule of law that, whether the election officers are sworn or not sworn, and it does not matter what sort of oath is administered to them, if they honestly conduct the election, the votes honestly cast can and ought to be counted?

Mr. LINNEY. Well, I see you do not know all the law. [Laughter.]

Mr. BARTLETT of Georgia. Well, that may be, but I will never learn anything from you, anyhow. [Laughter.]

Mr. LINNEY. No, sir; I am satisfied that you will not. You will never learn from anybody. [Great laughter and applause.]

I do not know whether the gentleman has overlooked that portion of the report or not. I do not know whether he has looked into the case very thoroughly in one regard, but it is clearly enunciated in Twyne's case, which has no doubt been quoted before you as a judge—the case is reported in Smith's Leading Cases—a case that has been followed and respected and uniformly held to be law, and good law, by the leading judges of the land; a case which dealt with a question of fraud, the very matter of this case. It was held in that case that unusual covenants or statements of the deed may become a badge of fraud, as in Twyne's case, where the deed recited that it was made for "good consideration and is without taint of fraud." The courts held that that language was such an unusual declaration on the face of the paper itself that it was a badge of fraud and shifted the laboring oar on the party holding the deed to show that it was not tainted with fraud. Now, that very same principle applies to this case, and if the judge had read that case I have no doubt he would just at that point have suggested that Pence precinct ought to be thrown out.

Now, if the officer of election did not take the customary oath, I do not claim that that vitiates the box. I do not say that it does. But, Mr. Speaker, it does have something to do with the matter in hand. We have all concluded that these votes should stand against the contestant. Now, recognizing the principle established in Twyne's case, the recitals in the oath are a badge of fraud. What but fraud was in the mind of these gentlemen when they added the words "so help us over the fence" to that oath? [Laughter.] Will some gentleman explain it on any other theory? It can not be explained. It never will be explained. It stands as a mark of villainy on that paper for all time to come. But we respected as mean a paper as that, trying to support the view of the contestee in the case and trying to keep in harmony with the distinguished gentleman from Georgia and his associates who filed the minority report in the case. Still, the majority of the committee did not give to that particular fact the force to which I believe it to be entitled. Besides, there were other infirmities in that precinct, if you will allow me.

But that is not all. Why, Mr. Speaker, if I were to wade through this case in all of its filth, I would want a pair of rubber boots to come up to my shoulders. [Laughter.] Let us see what such an authority as Paine, in reference to elections, says—I read section 499:

Honest voters may lose their votes through the criminal misconduct of dishonest officers of election. While it is well settled that the mere neglect to comply with directory requirements of law, or the performance of duty in a mistaken manner, without bad faith or injurious results, will not justify the rejection of the entire poll, it is equally well settled that when the proceedings are so tarnished with fraudulent, negligent, or improper conduct on the part of the officers that the result of the election is rendered unreliable, the entire returns will be rejected, and the parties left to make such proof as they may of the votes legally cast for them.

That is the A B C of the election law, recognized by every intelligent man who has ever investigated an election case, and yet in every one of the 10 precincts in question—yes, all of the Dallas precincts that were assailed for irregularities of a gross character, such as voting dead negroes and dead white men, voting a hundred or a thousand where only 40, 20, or 30 had voted or gone to the polls, or something of that character—the contestee stood there like an ass in a hailstorm and never opened his mouth [laughter and applause]—never offered any evidence to protect even the election officers from these charges of fraud.

Yes, Mr. Speaker, these people of Alabama who had stood up there through storm after storm, honestly believing that corrupt hands had been placed upon the ballot box, the men who in many instances have been ostracised because of their political opinion, the men who, if any people in this country, are to be looked upon as heroes, possessing the grit of which martyrs are made—I say that when these men rose up finally in their might and hurled thunderbolt after thunderbolt against these people, sledge-hammer blow after sledge-hammer blow against them, they stood there in perfect silence and never opened their mouths, but they come before this House relying upon technical objections such as no lawyer that had had a license for two days ought to think of insisting upon. [Laughter.]

Why, my friend has raised the point in his report, and it is the first objection made, that the notice of contest was defective, that it was not stated with sufficient accuracy, with sufficient technical certainty. They wanted more certainty than is required in the pleadings in any court. They wanted more certainty than has ever been known in any tribunal that I ever heard of. They say the notice will not do, when it is a straight-out allegation of rascality and fraud at that election, and when it gives notice of what they were going to do. The second technical objection is that the notary public before whom the testimony was taken had no authority. Why, it must be clear, as my friend from Ohio [Mr. NORTHWAY] put it, that when the Federal Government, when the Congress of the United States, having charge of these Federal elections, confers upon any person, no matter who, the right to take depositions, that he exercises that right, not by virtue of a State law, but by virtue of the power given him by the Federal statute.

Suppose, as my friend suggested, the statute had said that any justice of the peace should have this power. Does anybody deny it? Suppose it had said any minister of the gospel should have this power. Does anybody deny it? In my State it is the law, and I believe I can safely say it is the law in the State in question here that in taking depositions all you have to do is to put in your notice the name of the party before whom the deposition is to be taken, and it does not matter who he is; if your State statute authorizes it, he is properly authorized to take the depositions. So here the Federal jurisdiction over Federal officers is absolute and complete; and when they designate the person before whom the deposition is to be taken, or the agency before whom the deposition is to be taken, I do not care what it is, that agency exercises the power conferred, not by reason of the existence of the State statute, but by reason of the Federal statute creating the agency and designating it. And yet my friend ridicules the idea and says it will not stand the test of reason, as I understand it, or the application to it of numerous decisions; but I believe I am safe in saying that not one of the cases cited by the gentleman was a case where the Federal Government had exercised its power or conferred any such authority.

Now, gentlemen, a good deal has been said here about the testimony. I have not time to run over it all, but there are some

things which I want to bring out. There are some things about this matter that a man will not believe unless he is forced to do it. There is hardly a man in this House who would have believed, if it had not been sworn to, that any such oath as that was ever administered in any Christian country in holding an election, and yet it is here.

Let me call your attention to another thing. It has been alleged that dead negroes voted in this election. Well, gentlemen, that is hard for us to believe. When President Harrison propounded that interrogatory to the Congress of the United States, and when Henry Watterson promulgated the patriotic sentiment that he did at Chicago, when he was addressing foreign representatives of the world, many good men thought at that time that that was an unnecessary sounding of the note of alarm.

We should have heard it just as we hear this, as we hear the ringing of the fire bell at night. I refer to this placing in the ballot box of three thousand and more fraudulent votes, and in addition to that, in many instances, hyena-like, robbing the grave, making the tombs perform the dastardly office of an appearance at the polls, to be counted as one Democratic vote. [Laughter.] I will not try to read all this testimony, for it would take me too long, but I will read some of it. I do not want to disturb the slumbers of anybody, but if my friend from Georgia [Mr. BARTLETT] can sleep well to-night after that, he is proof against all sorts of devilment in this world. [Laughter.] Let me turn to page 17. I want to show you just a little of this. Here is a witness by the name of Mat Givhan. Listen to his testimony:

Q. Do you know Allen Du Bose?
A. I used to know him. He used to live in Summerfield precinct. He is dead.
Q. How long has he been dead?
A. About eighteen months.
Q. Is there any other man living in that precinct by the name of Allen Du Bose?
A. No, sir; not that I know of.
Q. Is there any other man living there by the name of Silas Molett?
A. Not that I know of.
Q. Are Silas Molett and Allen Du Bose both colored men?
A. Yes, sir.
Q. Do you know Bill Martin?
A. Yes, sir; I know one Bill Martin.
Q. Does he live in Summerfield?
A. No, sir; he used to live in Summerfield.
Q. Was Bill Martin a colored man?
A. Yes, sir.
Q. How long since he left there?
A. One year ago.
Q. Is there any other Bill Martin living in that precinct, or living there on the 6th day of November last?
A. No, sir.

But the gentleman from Georgia [Mr. BARTLETT] answers that by saying there was a man named Dollar Bill in his town once. What has that got to do with the matter?

Q. Do you know Frank Norwood?
A. Yes, sir.
Q. Is he a white or colored man?
A. He is a colored man.
Q. Does he live in Summerfield precinct?
A. He used to live there. He lives in Birmingham now.
Q. How long has he been in Birmingham?
A. He has been there one year, sir.
Q. What does he do there, do you know?
A. He waits on Dr. Jackson.
Q. Is there a colored man or white man by the name of Frank Norwood now living in Summerfield precinct, or was living there on the 6th day of November, 1894?
A. No, sir; not that I know of.
Q. Do you know William W. Callen?
A. Yes, sir; I used to know him. He is dead.
Q. How long has he been dead?
A. Seben or eight months.

They put it down "seben," just as the poor negro stated it.

Q. Was he a colored man?
A. Yes, sir.
Q. He died before the last November election?
A. Yes, sir.
Q. Do you know any other man by the name of William W. Callen living in your precinct now or at the time of the last November election?
A. Not that I know of.
Q. Do you know Robert Boyd?
A. Yes, sir.
Q. Does he live in Summerfield precinct?
A. No, sir; he used to live there.
Q. Is he a colored or white man?
A. Colored man.
Q. Was he living there on the 6th day of last November?
A. No, sir.

Now, take page 65. Indulge me; this is right interesting reading to me; I do not know how it is to you. [Great laughter.]

Q. Does J. H. Burns live in River beat?
A. No, sir; I do not know of any such man.
Q. Does Joe Green live there?
A. He used to live there, but he is dead.

[Laughter.]

Q. Was he a colored man?
A. Yes, sir.
Q. How long has he been dead?
A. About seven years.

[Laughter.]

That is the young man; and his father, who is also named Joe Green, has been dead about ten years. They were both colored men.

That is the case of "Dollar Bill"; but he got both Greens in this case. So he could not lose by it.

Q. Do you know Prince Hatcher?
A. Yes, sir; he is a colored man and lives about 1 mile from me.
Q. Did he vote on the 6th day of November last?
A. I do not know positively, but I heard him say he did not register, and that he did not intend to vote.
Q. Do you know Robert Huckabee?
A. I did know him.
Q. What has become of him?
A. He is dead.

[Laughter.]

Q. How long has he been dead?
A. I think he died about the 1st of last September.
Q. Do you know Starke Hunter?
A. I used to know him.
Q. How long ago?
A. It has been about twelve years ago, I think.
Q. Has he moved out of the country.
A. He was moved to the cemetery?

[Great laughter.]

Q. How long is it since he took up his abode in that place?
A. I think it has been about twelve years.

[Laughter.]

Well, now, he must have been a faithful Democrat, because he stuck to the party not only as long as he lived, but voted for the party twelve years after he died. [Great laughter.] I take it that he is not a Jeffersonian Democrat, but an "Organized Democrat." [Renewed laughter.]

Q. Do you know Silas Jackson?
A. I did know him once.
Q. Well, what is the matter with him?
A. He was moved to the cemetery four years ago.

[Laughter.]

Q. Do you know a man living in River precinct by the name of Rufus Riggs?
A. I used to know a man living there by that name, but he is dead.

[Laughter.]

He was a colored man and died last year, in January, I think, in the early part of the year.
Q. Do you know James Wilkins, in that precinct?
A. Yes, sir; there used to live a man there by that name.
Q. What became of him?
A. The last time that I saw him he was swinging to a limb of a tree.

[Great laughter.]

He was lynched. That was some time in 1893.

Yet we find him set down as an "Organized Democrat" at the last election [laughter], and I have no doubt he voted for my good friend over there, Major Robbins. Now, I do not intend to say anything against Mr. Robbins, because I do not make war on men, but I war on vicious methods. It is the duty of Congress to war upon vicious methods such as this and to wither the hand that pulls down the ballot box, to wither it with death just as God, in his wrath, withered the hand that touched the Ark of the Covenant without authority. [Applause.]

Q. Did you look over that poll list to-night and examine it?
A. Yes, sir.
Q. That is a certified poll list from River precinct, is it not?
A. Yes, sir.
Q. State whether or not you noticed a great many names on there of colored men whom you know did not vote at River precinct on the 6th day of November, 1894.
A. I did; many others besides those I have mentioned.

Well, good gracious, you see how I have spotted the book in trying to pick out those that are dead, and there are a great many others.

Now, Mr. Speaker, according to Mr. Paine, according to common reason, and according to the dictates of every enlightened conscience in this body, when the returns are so tainted with irregularities or with crimes that it is impossible to separate the good from the vicious, what else is there left to do except, in the language of Mr. Paine, to disregard the election returns altogether. They have been assailed successfully. Their integrity has been assailed. They have presented no evidence in this case to overturn this, and then what is left? Why, nothing at all is left except that you shall count the voters shown to have voted, and how they voted, by competent evidence. But here in this case, Mr. Speaker, there is no evidence, only these election frauds. It is shown that it was done in the way I have suggested, rendering, in my opinion, utterly invalid the returns, assailing the integrity of the returns, and destroying their force. Then, the contestee in this case remained perfectly silent, and offered no evidence, but relied on the presumption that might arise, to wit, that these returns make out a prima facie case, and that he would ask the House, on the election returns, to determine this case, and not to touch this work which they suppose they had made perfect. I submit that, with all the evidence of fraud, it is impossible for this House to respect these returns and determine this case safely upon them.

Now, let me call attention to another circumstance tending to

show fraud at these beats in Dallas County, for, mark you, that is the only place where the election is assailed. In all the other counties, white counties, strange to say, the Republicans carried the election by some 1,652 votes. Those 5 white counties, possessing a population of 111,000, gave Mr. Aldrich a majority of 1,662, but when you come to the negro county, where there are only 40,000 people altogether, and only 2,500 white men, you find that that county gives Robbins more votes than he got in all the other 5 counties. [Laughter.]

[Here the hammer fell.]

Mr. PEARSON. Mr. Speaker, I ask unanimous consent that the time of my colleague be extended.

Mr. DANIELS. We shall have no objection to having the gentleman's time extended, Mr. Speaker, provided the extension does not trench upon the time assigned to other gentlemen.

By unanimous consent, the time on each side was extended thirty minutes.

Mr. LINNEY. Mr. Speaker, another circumstance that I want to call attention to is this, but first I will read a brief extract from a North Carolina decision. I love to read North Carolina decisions, because every man has an idea, of course, that the State from which he comes possesses peculiar merit, especially in the legal department, and I think I can claim that for North Carolina, because it is the State of Settle and Pearson—Pearson, C. J., being to North Carolina what Jere Black was to the State in which he lived, the grandest State in the Union in many respects, especially in the department of legal learning. I read now from this decision in the case of Boyer *vs.* Teague. (106 N. C. Reports.)

Where it does not appear from direct testimony for what candidate a voter voted, circumstantial evidence tending to establish the fact is admissible. The fact that a certain person engaged in handing out tickets for a certain candidate, and for no other person, and that he gave tickets to one W. and "voted him," is admissible in evidence and tends to show for whom W. voted.

It is unnecessary for me to read further. I refer to this decision only to show that in contested election cases circumstantial evidence is as much in order and has as much force and effect as in any other kind of case.

Now, bearing that decision in mind, I want to direct your attention to a circumstance arising out of these reports and out of the evidence in this case, which tends, in my opinion, to strengthen the contention of the majority report. Take the other townships in the county where the Republicans had representatives—for, mark you, it is a peculiar device of men who want to steal votes in the South, and in the North, too, I take it, either to give the party that they want to cheat no representation, or to take care that the representation they have shall be so infirm and of such insufficient intelligence as to be unable to perform the duties of the occasion. Take these townships that are not contested—I will ask the gentleman from New York how many of them there are?

Mr. DANIELS. There are 28 in all.

Mr. DINSMORE. And 13 not contested.

Mr. LINNEY. Take those 13 townships not contested in Dallas County; they give the Democratic candidate 221 votes, about 16 votes to a precinct. Why so? Why, because the Republican leaders requested the Republicans not to go to the polls. Now, why did they tell them not to go to the polls? What was the reason? I have been a candidate for office several times in my life, but, before God, I declare if there was anything that I always desired more than another, except the salvation of my own soul, it was that every man who was willing to vote for me should go to the polls. [Laughter.] That, I think, has been the feeling of every man who has been a candidate; but here, for one time in the history of the world—only one time, I believe—the representative of the Republican party in that district, or at all events a man who had a right to be a candidate, Mr. Aldrich, went around to his supporters and said to them, "Don't go to the polls." Why did he do that? What motive inspired him? There must have been a motive. Men do not act without a motive. You find men who do act without a motive in the insane asylum or ready to go there. [Laughter.]

Whenever there is intelligent action there is a motive behind that intelligent action. These men viewed the entire situation and they decided upon this course. They alleged, and they still allege, that for years this county, with a Republican majority of five or six thousand, had been fraudulently made to return a Democratic majority of four or five thousand. That was their contention, and in order to establish it they told their supporters to keep away from the polls. That command was obeyed with a unanimity scarcely seen in the history of political contests elsewhere. The result was that where the Republicans had proper representatives, in these townships not contested, the vote only averaged about 16 to the precinct, because there were not many Democrats in those townships and the Republicans stayed away; but when you come to these 10 beats that gave the fraudulent vote, what did they do? It is alleged by the contestant that they gave his party no representatives at all at those beats.

Here is Mr. Wallace's testimony, in which he swears that he furnished a list, but they were not appointed. Running over this list appointed, I find a number of men who can not read—men who have made their mark. Now, what is the difference between an inspector of elections who can not read and a calf? I believe I would rather risk an election upon the calf than upon such a man. What would you think of appointing a blind and deaf man to such a position? Why, sir, an inspector of elections who can not read is as blind as a stump and as deaf as a stone so far as the matters in hands are concerned. That is the character of the men who were appointed in response to the just and honorable demands of the contestant in this case. He asked for justice. He made a patriotic appeal to the law and under the law to the heart, the brain, the conscience of those officers, who were bound to observe the law, but when he asked for bread they gave him a stone; when he asked for fish, they thrust upon him a slimy serpent. They gave him as inspectors these men who could not read and write. Some of these men swear that there were not as many votes given as the polls show. When asked, "Did you not sign the poll list?" one of these men would reply, "Yes; I made my mark to something; I don't know what." Do you not think, gentlemen, that a calf could have done just as well as a man like that? The only difference is that the calf has four legs and the man two; one stands in the image of a brute, and the other in the image of his God.

Wherever there was a fair showing, the result was according to the claim of the contestant in this case; but wherever agencies of the sort described were resorted to, the result was what? An abnormal swelling of the votes—5,000 votes cast in those 10 or 11 contested beats, and 221 in the other noncontested beats where the contestee had a fair showing.

Something has been said about the negro always voting for the man who favors him. In this matter gentlemen on the other side blow both hot and cold. They say that Aldrich is a millionaire. I do not know that anybody has sworn to this; but it may be that he is, for I take it that gentlemen who have made this remark would not do so without knowing something about the facts. But suppose he is a man of wealth. Why, sir, what is to become of the boasted intelligence of the Democratic party? The truth is, gentlemen, that for years the Republicans in the South were under the ban of social ostracism; it was a hard matter to be a Republican in the South; but now, thank God, the weight of social position and excellence is on our side. [Laughter.]

So, sir, this idea that the Democracy of Alabama has been subdued, has been overreached, is something like the pretense that a mouse has overreached a lion. The thing exists only in the excited imagination of the friends of the contestee. No, I will not say the friends of the contestee; for I observe a remarkable conservatism on the part of the gentlemen on the other side in many cases of this kind. Sir, I have seen political fights in North Carolina where the political lines were closely drawn. In one case two days after an election a suit was brought upon a matter growing out entirely of the heat of the election contest. The jury was composed of six Democrats and six Republicans; they were out four days and each man voted according to the political faith that was in him; at the end of four days they stood six for the plaintiff and six for the defendant. That illustrates what has been the general character of contested-election cases.

But more recently in cases of this kind in this House, be it said to the glory of this House and the members connected with it, I have seen a more conservative disposition—a disposition to examine questions of this kind as any other judicial question would be examined. For instance, my friends over there admit—a thing the like of which has never been done before—that the vote in 10 beats of this district was fraudulent; and they admit that a great many of these votes ought to be thrown out. The vice of their argument is that after making this admission they assume that where a number of votes were given without any information as to whom they were cast for, these votes must be counted for their side. That reasoning will not do. If the returns show that a thousand votes were cast, but do not show for whom they were cast, and there is fraud enough to destroy the returns, then the whole thing is at an end. So says Mr. Paine in his work on elections, and so say all the authorities.

In accordance with these authorities the committee thought that in a case of this kind the real state of the vote, so far as possible, must be ascertained by such parol evidence as might be accessible. Of course they need not go so far as to hunt one grain of wheat in a stack of straw (using the illustration of a great author); but when the mass of the vote has been fraudulently returned, parol evidence as to the way particular votes were cast may be admitted. The theory on which the majority of the committee acted was that wherever in these returns it appeared that there had been fraudulent practices, such as the voting of dead men or the voting of many hundreds of ballots when only 34 or 35 persons attended at the polls and voted, we should throw aside the returns and only take account of such votes as were shown by

the evidence in chief or brought out on cross-examination—there being none for the contestee—to have been actually cast, with the information for whom those votes were cast.

I maintain that it is a sound legal principle. It can not be controverted, and never has been successfully denied. There is no argument worth a cent against it. Then, if it be a sound legal proposition, our conclusion was on that basis, that applying the principle of law to the fact here, where a return was made of, say, 2,000 votes, and the evidence shows no more than 200 or 500, we set aside that return and then examine the testimony to determine how many voted, for whom they voted, and how they should be counted, and if we found 5 votes or 100 votes and could not find for whom they voted, then we set them aside, and if we found any number voting and for whom they voted we put it down as a proper vote to be received and counted. That is a regular legal proposition on which, at any rate, I, as a member of the committee, acted; it is a sound proposition, and can not be assailed by any painstaking lawyer. It is on that principle exclusively that I made up my count, and I have accepted it as a correct one.

Now, Mr. Speaker, I will take up but very little more time of the House. I am grateful for the attention given me.

It has probably never happened before in the history of this country that such glaring frauds have been perpetrated as were perpetrated at this election, and it is a high compliment to the farseeing statesmanship of Harrison and Henry Watterson that they should have sounded the alarm several years ago on this matter.

What is our duty as the representatives of the great American people on this floor? It is to stand up for the purity of the ballot box. [Applause.] It is our duty to do all that we can to suppress these peculiar forms of corruption, and the prostitution of the ballot, which Henry Watterson said had reached the high-water mark years ago. We must do it. We have promised to do it; we have proposed to do it. Let us keep our word. We can not now listen to the appeals of sympathy that come to us in behalf of a contestee upon this floor. We have a higher duty to perform, and one that we can not disregard. If we do, we put ourselves in the same shape that was represented by Lord Macaulay in one of his treatises some years ago where he spoke of one party in England representing truth and patriotism and another party representing fraud. In the course of time they changed faith and stood one of them in the form of a god, speaking like a man, and another like a serpent, and that in the course of time the tail of the serpent split in two and made two legs, while the legs of the man twisted around and made a tail; that arms rose from the body of the serpent, making the arms of a man, and the head of the man sent forth the hissing tones of the serpent. At length the man glided away a hissing viper, while the serpent stood up the stalwart representative of fraud, having taken on the garb of a god.

We can not place ourselves in that position. We must do our duty to our fellow-citizens and to the country, and stamp out, under the inspiring words of Harrison and Watterson, the villainy that has been perpetrated. We must wither the hands of the 2,000, 3,000, aye, near 5,000 men who in this election put their impious hands on the Ark of the Covenant. We must destroy them forever. We must sustain the foundation on which the Republic rests, and generations to come will rise up and call us blessed. [Prolonged applause.]

Mr. DANIELS. Mr. Speaker, I yield now one hour to my colleague from Indiana [Mr. ROYSE].

Mr. ROYSE. Mr. Speaker, I see that the hour is growing late, and I very much dislike to be compelled to break my speech in two, and shall therefore, if the members of the House will be somewhat patient, endeavor to close what I have to say on this case this afternoon.

Allow me to say at the very beginning that this case can not be settled by crimination or recrimination. After it is all through with and the discussion ended, we must settle which one of these two men was elected to the seat in this House. It seems to me that this case can be compressed into a very small compass, after all.

While it is stated in the report of the minority that there are two legal questions presented for your consideration, but one of them has been discussed. You will observe by their report that they say the notice of contest is not sufficient, although in the debate which has followed not a word has been said on that part of the subject, and therefore I pass it.

The next question raised is simply one of law, a principle with which you are all no doubt familiar, and it is not necessary that I should dwell upon it at any great length.

It is a question whether or not a notary public residing in one county is authorized to take depositions outside of the borders of that county. It has already been stated here that the authority which the notary has is given him solely and exclusively by the United States statute. He does not derive it from any State law. It comes to him by virtue of the fact that the statutes of the United States clothe him with the authority to take this testimony. The statute provides that the contestant may apply to any one of the officers designated in that statute. Among these is the notary public; and all the statute requires is that that officer shall reside within the Congressional district. It further provides that if none of these officers designated are found to reside within the Congressional district, the contestant may apply then to two justices of the peace. Now, suppose it should happen that there was no notary public living in any of the counties but one, and that the contestant was going into the other counties for the purpose of taking his deposition, in which counties no notary public resided. Before whom would he take that deposition? Why, you might say before a justice of the peace. But you can not say that, for the statute says that if there is a notary public residing anywhere in the Congressional district the testimony must be taken before him before you can resort to the two justices of the peace. Hence it is perfectly evident that what the statute means is simply that the notary public should be one residing somewhere in the Congressional district.

But we pass that now, and I leave it to be discussed by my friend the chairman of the committee [Mr. DANIELS] when he closes this debate.

The important inquiry here after all is whether the contestant has received a majority of the votes in this Congressional district. It has already been shown to you that in five of these counties he received a majority of over 1,600. He comes down to Dallas County with over 1,600 majority, and the proof in the record shows that Dallas County is the strongest Republican county in the whole Congressional district. It appears in the evidence that Dallas County at one time before this machinery got into operation gave the Republican ticket usually from five to six thousand majority; but as soon as this machinery was in operation that majority was swept aside, and one witness, who appears to be an exceedingly reputable citizen of Dallas County, who is president of the senate and a Democrat, by the way, says that after that time the Democrats usually rolled up a majority in that county of from four to nine thousand. There are only about 10,000 votes in the entire county. It is admitted upon all hands that there are not more than 2,200 or 2,400 white men living within the borders of that county; that the balance of the voters are negroes, every one of whom is a stalwart Republican and is as true to his faith as the compass is to the north star.

Now, when we come into Dallas County, and the returns are made up, this 1,600 majority that the contestant has is swept entirely away, and in its place is substituted a majority of 3,700 for the Democratic candidate. And that is not all of it. This great majority is piled up in about one-half of that county. It already appears that there are 28 precincts in that county of Dallas. The notice of contest attacks each one of those precincts; but when the contestant took his evidence, it only applied to 15 of them. As to these 15 precincts, four of the majority of the committee have concluded to count 2, and two of the majority have concluded to count only 1 as it was returned.

Now, in the 13 precincts upon which there was no evidence offered Mr. Robbins received only 221 votes; and yet when the returns come in from the county, he has in that county of Dallas 5,460 votes. All but 221 of them are received in 15 precincts of that county! That is the situation of things. And it furthermore appears in evidence here—and that is a significant fact and one that ought to be borne in mind—these frauds upon the ballot box had continued so long and to such an extent that the Republicans had utterly despaired of having their votes counted in that county as they were cast.

When they went to the polls and voted their votes were counted for the Democratic ticket in each instance, and of this the evidence and the record are full. There is not a single whisper anywhere in that evidence which denies it.

In the campaign of 1894 an instruction was issued to the Republican voters of that county to stay away from the polls; to refrain from voting; for if they did vote their votes would be counted for the other man. Now, I ask you, what condition of things is that; and how does it reflect upon the men who have had control of the election machinery of that county to say that elections have been conducted in such a manner that over four-fifths of the county dare not go to the ballot box and cast their votes? And yet we are appealed to upon this floor not to disfranchise some honest voter down there in Dallas County; to be extremely cautious lest we unseat the man who now holds that place in this House.

It seems that this sort of instruction coming to the negro voters of that county was not very acceptable to our Democratic friends, or at least to those that were managing the election. This man Compton, of whom I have spoken, who is president of the senate of Alabama, makes a statement here which reveals just the tendency of these men and what they were anxious to do. Some question was put to this man while he was upon the witness stand, asking him if he had heard of the fact that the Republicans were instructed to stay away from the election, and he said he had heard

of it, but he did not believe they did stay away, but that they did register. Here is what he says:

I have seen such a circular—

Meaning a circular instructing the Republicans to stay away from the election.

A. I have seen such a circular as is asked about purporting to have been issued by the Republican leaders, advising the negroes to refrain from registering for the August election of 1894. I have heard the effect of that circular discussed among Democrats in Selma, and as to whether the negroes would refrain from registering.

Why were they debating the effect of that circular anyhow?

While the registration was in progress I made inquiry of several well-known Democrats in the country precincts of this county as to whether the negroes were obeying the orders of that circular—

He was anxious to know something about it—

and I was informed in answer to my questions on that subject that the negroes were registering in the country precincts largely.

Q. Did you not state a moment ago that in hearing that matter discussed here in Selma the consensus of opinion was that the negroes were not registering as well as the Democrats would like?

A. I said that the Democrats had expressed themselves as having some fears that the negroes would refrain from registering, consequently I made inquiries of registrars as to that fact.

This shows that there was an anxiety upon their part for fear the negroes would not register and would not go to the polling place on election day, because the opportunity for counting their votes would be swept away from them. But when election day came, some of the negroes did register and some of them did vote. But whether they registered or voted or not, notwithstanding all that, their votes were counted just the same, and in each instance were counted for the Democratic candidate, as had been done on former occasions. Now, then, we may simply go to these precincts which are in dispute; and remember one thing—that in these 13 precincts upon which no evidence has been brought and upon which there is no controversy, where it seems there was an honest vote and an honest counting, Aldrich received, the contestant received, 42 votes, 16 per cent of the votes cast in these 13 precincts. If the same proportion should have voted throughout the entire county, according to the vote as returned by these election officers, Aldrich would have had a vote of 363 in the county of Dallas; but when the returns came in he had a vote of 72 as counted by these election officers, and only 72.

Now, then, I have stated to you that of these 15 precincts part of us have agreed to count 2 of them, but the rest of us have agreed to count but 1. The minority agree with us as to all of these with the exception of 2 others. They insist on counting Orville beat and Oldtown beat.

Mr. DINSMORE. And Woodlawn.

Mr. ROYSE. Excuse me. Woodlawn, Orville, and Oldtown, which is 3. It will only take me a moment to go through these precincts. Now, they propose to count Woodlawn. Yet it is in evidence here by two witnesses, uncontradicted except by one, that they went to the polling place in the morning, before the polls were opened; they stayed there until the polls were closed; counted every single man that went into the polling place, including the election officers, and they only amounted to 14 men all told. There are two witnesses, uncontradicted except by one, and my friend from Massachusetts [Mr. MOODY] this morning gave you something of the character of that man, Mr. St. John Tavell, and he read to you his own statement. When the question was put to him if he would swear as to how many votes were polled that day in that precinct, he says:

I will not swear, for I recognize I am under oath now.

What was he doing? Was he not under oath when he made that return? Why, I suspect that he was not under oath, for he says when that question is put to him:

Q. Were you sworn on the day of the election?

A. I do not know whether I was or not. I can not remember whether I was or not.

Perhaps there was administered to that man just the same sort of an oath as was administered to the man in the Pences beat, which was read by the gentleman from North Carolina [Mr. LINNEY], that he did not regard it as an oath, and that he did not regard that he was making this return under oath; but when he came to be sworn before that officer, and lifted up his hand before high Heaven and took an oath that he was to tell the truth and the whole truth, and knew that perjury was staring him in the face, that man said:

I recognize now that I am under oath.

He does not stop there, but he says that he never signed his name in the same way that it is signed to these returns in all his life. When pressed upon, and the question is asked if he did sign the returns, he said he did not know certainly, but thinks he did, but if he did he never signed it in that way in all his life. Now, that is the kind of witness that they want to contradict these other two witnesses with. I want to put the question right squarely to you. Do you want to take the word of that man as against the other two? Certainly not.

Now we will come down to Orville precinct. Our friends insist on counting the Orville precinct. There was one witness that went there in the morning for the purpose of watching the polls. He counted the number of voters that went into the polling place. He stayed there until 11 o'clock, and then the election officers came out of their room in the voting place and drove that man away with threats of bodily harm; and they drove him away, too, because of the fact that he was watching there, and they told him that they did not want him there watching their proceedings at that election place.

That is one witness. Another witness testifies that he is well acquainted with the voters of that precinct. He takes the poll list, looks it over, and picks out the names of 26 men on that list and says that neither one of them is a legal voter in that precinct. But the case does not rest there. There are 5 men whose names are upon that poll list of whom it is said that neither one of them voted, and it turns out that each one of those men has his registration certificate, and those certificates are put in evidence in this record. The law of Alabama requires that before any man can receive a ticket to be voted he must deliver up his registration certificate, so that the fact that a man still has his registration certificate is evidence that he has not voted. Now, these 5 men still have their registration certificates, which appear in this record, showing clearly that they never voted; and yet we are told that this precinct ought to be counted as returned. Observe those 5 men were counted as having voted in that precinct. It seems quite clear that that precinct must go.

Mr. BARTLETT of Georgia. I suggest to the gentleman that what he has just been saying applies to Woodlawn and not to Orville.

Mr. ROYSE. Yes; it applies to Woodlawn.

Mr. COX. These 5 men who still had their certificates; for whom were their votes counted?

Mr. ROYSE. I do not know. I can not tell. It is utterly impossible to tell how any man voted there except so far as the testimony discloses it in a few instances. In three or four instances, perhaps, in each precinct the record discloses that certain men voted for Robbins, and in other instances it shows that certain men voted for Aldrich. Whenever the fact appears in evidence, the votes are counted just as they are shown to have been cast.

Mr. PAYNE. How many were counted for Aldrich in the whole county?

Mr. ROYSE. Seventy-two votes only. Now, the next precinct that I want to discuss is Oldtown. Our friends think that ought to be counted. In that precinct Mr. Jones, who, by the way, voted for Robbins, went to the place of holding the election early in the morning, about 9 o'clock. He stays around there about an hour and then he votes; then he stays around two or three hours longer, some of the time not very close to the poll, sometimes 150 yards away, but always in plain sight of it. He leaves there about 2 o'clock in the afternoon; and up to that time only 8 men had come to the voting place and voted.

That is his testimony. Then there are 18 persons whose names appear on the poll list as having voted who swear that they neither registered nor voted at that election. I know it is true, as suggested by my friend from Georgia, that that testimony is not necessarily conclusive; that because a certain man's name is on the poll list and he swears he did not register the evidence of fraud is not conclusive, because there may possibly be somebody else bearing the same name in the county. I admit that, but the law in reference to identity of persons is well settled. Identity of name is prima facie evidence of identity of person. In all civil cases where the question arises the identity of name makes a prima facie case of identity of person. But in this case the witnesses have sworn themselves to be men that have lived in the neighborhood for years, and each one of them swears that he is well acquainted throughout the whole precinct and that there is not another man within the limits of the precinct bearing the same name. Moreover, it was possible for our friends upon the other side to have shown these statements to be false, for every single voter is registered and they could have produced the registration list and shown that these men were in fact registered who swore that they were not registered. But not a single registration list appears in evidence in this case. The evidence discloses that application was made for this list; it shows that the notary public who took the deposition sent a written notice to the judge of probate demanding the list, but that it was not given to him.

Mr. DOCKERY. Did the contestant demand the registration list?

Mr. ROYSE. Yes, sir; he demanded it by letter and offered to pay for it, but he did not get it. I was about to refer to the testimony of one man here who swears that he did not vote. In Alabama they have an election in August. The State election is held then. One of these men who testifies that he did not vote at all in the November election was examined. From his testimony it appears that he was an inspector of election at the August election. He was appointed an inspector and he went and held that

position. Some questions were asked him in reference to what he did at the August election. I read from his examination:

Q. You say that you were one of the inspectors out there in the last August election?
A. Yes, sir.
Q. Mr. H. A. Hardy and Mr. Ed. Dudley were the other two?
A. Yes, sir; and Mr. Browning was also in there.
Q. Did you sign the returns—make a mark to it?
A. Yes, sir; made a cross.
Q. Did you count the votes out before you signed those returns?
A. No, sir; they did not count them at all.
Q. What did you make that cross for?
A. I made it because they told me to make it.
Q. Who told you to make it?
A. Mr. Hendrix Hardy.
Q. How many people voted there that day?
A. To my judgment there were not more than 45 or 50—

That was at the August election. Yet our friends on the other side want to count at that precinct 278 votes at the November election—

Three of them were colored voters and the others were white.
Q. You are a colored man, are you not? Did you vote there in August?
A. I am a colored man, and voted there in August.
Q. You had not registered, had you?
A. No, sir.
Q. How came you to vote?
A. Mr. Minter told me that I had registered.

That was the manner of conducting elections down there in the State of Alabama and right there in the precinct that our friends want to keep in this count.

Now, gentlemen, there is but one other precinct to which I need refer—the precinct of Selma. Upon the face of the returns there is abundant evidence of fraud at that precinct. The city of Selma, as has been stated this morning, had a population of about 7,500, according to the census of 1890. Calculating on that basis, it could not have had a greater population than about 8,000 at the November election in 1894; and with that population there would be only about 1,600 votes in the city of Selma. Yet 2,021 votes were returned as having been cast in that one precinct—more than 4 votes to the minute. Does any man believe it? Why, sir, it is laid down as one of the principles by which we are to be guided in investigations of cases like this that wherever the election officers who have the authority to divide up precincts crowd too many voters into one precinct, it is upon the face of it evidence of fraud.

And it is utterly impossible to have an honest election in that city of Selma. Formerly, as appears in the evidence, that city was divided into a number of precincts. Those precincts have been abolished, and that city now is all included in one precinct, with 1,600 to 1,800 votes in the precinct. There is no process known to the law by which each honest voter can cast his ballot on election day in that one precinct.

But it is not necessary that I should go through all this precinct, for the evidence of fraud is so strong that the committee are unanimous in discarding the returns in this precinct. The only question with us was as to the number of votes that we should count. Four of us have concluded that we could count no votes except what the witnesses had sworn to—3 for Mr. Robbins and 5 for Mr. Aldrich. Our friends of the minority insist on counting 767 votes for Mr. Robbins. Yet they say they can not tell how many votes were cast in that precinct, and it is utterly impossible to tell for whom they were cast. It is true that if it should appear that nobody but Robbins men went to the polls on election day we could count a certain number of votes for him, for we could discard the fraudulent votes and accept the balance as the vote for Mr. Robbins. But it must be remembered that 16 per cent of the vote cast in the precincts where there is no dispute were for Mr. Aldrich. If we assume the same proportion of votes for Mr. Aldrich in this precinct, he would receive somewhere between 100 and 200 votes. Yet the minority of the committee propose to deprive him of every single vote. They do not propose to allow him in this precinct the 16 per cent which he has in the other precincts where there is no contest—where the election was honest.

It is further impossible to count the vote here, because these instructions did not apply to a number of white voters. The evidence is conclusive that a number of white voters had joined the Populist party; some others of the white voters had united themselves with another faction known as the Jeffersonian Democrats. These instructions did not apply to those men. They registered, and went to the polls and voted on election day. How many of them voted no one can tell, for the returns can not be relied upon, and no witnesses have sworn that so many men voted for Robbins, so many for Aldrich, and that so many votes were blank. There was no basis in the world upon which we could count these votes except by a sort of guesswork.

But one of these men who stood at the court-house and saw the men enter there on that day says that perhaps there were 50 negroes among the number that he saw. Another man says that he counted 11 negroes who went in there on that day. And the evidence shows that the negroes vote the Republican ticket. One man who looked over that poll list said he could pick out on the list 50 names of negro voters, and all of them Republicans. In that state of the evidence I ask you how any man can count a single vote in that precinct. The only course for us is to cast the vote aside. It is an unsafe principle to guess at votes.

Of course it is of the greatest importance that every man's vote, honestly cast, should, if possible, be counted; that no man should be disfranchised; yet one of the best methods of preserving the purity of ballot and protecting voters from being disfranchised is to have some well-settled, sensible rule by which the votes shall be counted.

Suppose you undertake to guess this vote. How do you know but that you are disfranchising the 50 negro voters who voted that day? Perhaps they voted for the Republican candidate, and then you guess 50 Democratic voters, thus neutralizing their votes. Is it a safe rule to go by? Should you be so anxious to count votes if the result of your count would disfranchise honest voters? The only safe rule is to refuse to count any votes where the returns are unreliable. Compel the men asking for the votes to make satisfactory proof, proof that is reliable, as to what votes were cast and by whom they were cast. The law is carefully guarded in its provisions in reference to the counting of votes, and it is our duty to be equally careful in the consideration of these questions which arise in this body, because if we adopt the suggestions that have been made here it may result in the disfranchisement of honest voters. We have no right to do that. The important thing is to determine the matter right, and not go astray. We should not be so anxious, therefore, to count votes, or stand in fear and trembling because our action may result in the disfranchising of men who voted for Mr. Robbins. How many men have been disfranchised there who voted the Republican ticket during the last generation? And these election frauds, Mr. Speaker, have been carried on there for twenty years—unblushingly carried on. That being the case, these are the last men in the world to ask that we be somewhat cautious in the determination of this question.

Now, my friends, to make a comparison here between the votes of this district at the present time and on a former occasion, and I will conclude. There was a contest over a seat for Congress in 1882 in this same district. Dallas County was a part of the district at that time, and in the report of the committee on that contested election we have a table of the votes of Dallas County by precincts, or at least a large number of the precincts, and I have made a comparison between the votes cast then and the votes in this last election. There is no dispute but what that vote was an honest one. The returning board threw out the votes of those precincts that were strongly Republican. They were thrown out on a mere technicality, on the ground that the returns were not formal; but there was no question but that the votes were honest.

Let us see now the result of the comparison. Somerville precinct in 1894 is returned with a Democratic vote of 160 and a Republican vote of 2. What was it in 1882, when there was no dispute that the vote was honest? Nothing for the Democrats and 250 for the Republicans. Martins precinct in 1894, 502 Democratic votes and no Republican votes; in 1882 it was 1 Democratic vote and 304 Republican votes. Orville precinct, the one they want to count 368 for Robbins, in 1894 gives 368 Democratic votes to 1 Republican, while in 1882, when there was no dispute as to the accuracy of the returns, it gave 3 for the Democrats and 187 for the Republicans. River precinct, which gives 376 in 1894 for the Democrats and nothing for the Republicans, in 1882 gave nothing for the Democrats and 133 for the Republican candidate. Oldtown precinct, where they want to count 278 for the Democratic contestee, in 1882 did not give a single Democratic vote, but gave a Republican candidate 145 votes. Union precinct, in 1894, 293 for the Democrats and nothing for the Republicans; in 1882 it gave nothing for the Democrats and 269 for the Republicans. Pences precinct, which gives 30 for the Democrats in 1894 and nothing for the Republicans, in 1882 gave nothing for the Democrats and 150 for the Republicans. Elm Bluff precinct, 123 for the Democratic candidate in 1894 and 12 for the Republicans, in 1882 gave 5 for the Democrats and 72 for the Republicans. Boykins precinct, 24 for the Democratic candidate in 1894 and 1 for the Republican, in 1882 gave nothing for the Democratic candidate and 93 for the Republican. Mitchells precinct, 386 in 1894 for the Democrats and nothing for the Republicans, gave in 1882—and there is no dispute, as I have said, but that the election was honest—nothing for the Democratic and 307 for the Republican candidate.

Now, my friends, will you call that an honest election that shows such a wonderful change in these few years? Can any man, after going through the evidence and looking it over as carefully as we have done, say that there was an honest election in that district? In fact, my friends, there is such abundant evidence of fraud that our Democratic friends themselves threw out all but four of the contested precincts, and we owe it to ourselves, we owe it to the dignity of the House, we owe it to the community and to the whole country at large, that no man shall occupy a seat in this House whose title to it is so besmirched with fraud as in this case. [Applause.]

Mr. DANIELS. Mr. Speaker, I move that the House do now adjourn.

CHANGE OF REFERENCE.

Pending the motion to adjourn, the Speaker submitted the following changes of reference: Senate bill No. 1469, which was referred to the Committee on Claims, was referred to the Committee on War Claims; Senate bill No. 823, from the Committee on Invalid Pensions to the Committee on Pensions, and Senate bill No. 728, from the Committee on Appropriations to the Committee on Claims.

ENROLLED BILL SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled the bill (S. 227) to authorize the Auditor for the War Department to audit certain quartermaster's vouchers alleged to belong to John Finn, of St. Louis, Mo.; when the Speaker signed the same.

The motion of Mr. DANIELS was then agreed to; and accordingly (at 5 o'clock and 14 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, a letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from N. L. Jeffries, attorney for the North American Commercial Company, protesting against the destruction of seals as contemplated by bill No. 3206, recently passed by the House, was taken from the Speaker's table and referred to the Committee on Ways and Means, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. FISCHER, from the Committee on Indian Affairs, to which was referred House bill No. 6995, reported in lieu thereof a bill (H. R. 7170) to grant the Gulf, Colorado and Santa Fe Railroad Company the right to acquire depot grounds at the town of Davis, Tishomingo County, Chickasaw Nation, Ind. T., accompanied by a report (No. 738); which said bill and report were referred to the House Calendar.

Mr. GARDNER, from the Committee on the Post-Office and Post-Roads, to which was referred the bill of the House (H. R. 1) to reclassify railway postal clerks and prescribe their salaries, reported the same with amendment, accompanied by a report (No. 739); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. DRAPER, from the Committee on Patents, to which was referred the bill of the House (H. R. 1978) to amend Title LX, chapter 3, of the Revised Statutes, relating to copyrights, reported the same with amendment, accompanied by a report (No. 741); which said bill and report were referred to the House Calendar.

Mr. GAMBLE, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 285) extending relief to Indian citizens, and for other purposes, reported the same with amendment, accompanied by a report (No. 749); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SHERMAN, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 5914) to amend an act to authorize the Interoceanic Railway Company to construct and operate railway, telegraph, and telephone lines through the Indian Territory, reported the same without amendment, accompanied by a report (No. 750); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SCRANTON, from the Committee on the Territories, to which was referred the bill of the House (H. R. 3826) providing for the election of a Delegate from the District of Alaska to the House of Representatives of the United States, reported the same without amendment, accompanied by a report (No. 751); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. THOMAS, from the Committee on Invalid Pensions: The bill (S. 804) granting a pension to Mrs. Eleanor Carroll Poe. (Report No. 740.)

By Mr. BAKER of Kansas, from the Committee on Invalid Pensions: The bill (H. R. 6468) to increase the pension of Andrew R. Ladd. (Report No. 742.)

By Mr. CROWTHER, from the Committee on Invalid Pensions: The bill (H. R. 3755) to increase the pension of Mary C. Thompson. (Report No. 743.)

By Mr. PICKLER, from the Committee on Invalid Pensions:

The bill (H. R. 6546) granting a pension to Samuel Holliday. (Report No. 744.)

The bill (H. R. 6556) granting a pension to Jacob Brown. (Report No. 756.)

The bill (H. R. 2042) to increase the pension of Wilbur F. Cogswell. (Report No. 745.)

By Mr. POOLE, from the Committee on Invalid Pensions: The bill (H. R. 2941) granting increase of pension to Alfred P. Buss. (Report No. 746.)

By Mr. WOOD, from the Committee on Invalid Pensions:

The bill (H. R. 3389) increasing pension of Albert Buck from $12 to $30 per month. (Report No. 747.)

The bill (H. R. 2985) granting an increase of pension to Lemuel J. Essex. (Report No. 748.)

By Mr. STALLINGS, from the Committee on Pensions:

The bill (H. R. 3395) granting a pension to Carrie H. Greene. (Report No. 752.)

The bill (H. R. 4755) for the relief of Elizabeth J. Cook, of Arkadelphia, Clark County, Ark., widow of Robert T. Cook. (Report No. 753.)

By Mr. BLACK of Georgia, from the Committee on Pensions: The bill (H. R. 717) granting a pension to Mary Ann Lafferty. (Report No. 754.)

By Mr. COFFIN, from the Committee on Pensions: The bill (H. R. 6607) for the relief of Helen Larned. (Report No. 755.)

By Mr. SULLOWAY, from the Committee on Invalid Pensions: The bill (S. 144) granting an increase of pension to T. Clarkson Ingalls. (Report No. 757.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. MINOR of Wisconsin: A bill (H. R. 7168) for the further improvement of the harbor at Ahnapee, Wis.—to the Committee on Rivers and Harbors.

By Mr. WILSON of South Carolina: A bill (H. R. 7169) providing that all judgments in civil causes in the District of Columbia shall bear interest—to the Committee on the District of Columbia.

By Mr. PRINCE: A bill (H. R. 7171) authorizing and directing the Secretary of the Navy to donate 4 condemned cannon and 4 pyramids of condemned cannon balls to James T. Shields Post, No. 45, Grand Army of the Republic, Galesburg, Knox County, Ill., and for other purposes—to the Committee on Naval Affairs.

By Mr. THOMAS: A bill (H. R. 7172) donating 4 condemned cannon and 4 pyramids of cannon balls to the Soldiers' Monument Association of Allegan, Mich.—to the Committee on Naval Affairs.

By Mr. COOPER of Wisconsin: A bill (H. R. 7173) to incorporate the Maritime Canal of North America, and for other purposes—to the Committee on Railways and Canals.

By Mr. BINGHAM: A bill (H. R. 7174) to amend an act entitled "An act to amend chapter 67, volume 23, of the Statutes at Large of the United States"—to the Committee on Military Affairs.

By Mr. McLACHLAN: A bill (H. R. 7175) allowing the judge of any circuit or district court to appoint a stenographic reporter, and fixing the duties and salaries of such reporters—to the Committee on the Judiciary.

By Mr. FAIRCHILD: A bill (H. R. 7208) concerning coins of the United States, and providing for a currency based thereon—to the Committee on Coinage, Weights, and Measures.

By Mr. ARNOLD of Rhode Island: A bill (H. R. 7209) authorizing the Secretary of the Navy to donate 2 condemned cannon to Sedgwick Post, No. 7, Grand Army of the Republic, of South Kingston, R. I.—to the Committee on Naval Affairs.

By Mr. BROSIUS: A bill (H. R. 7210) to amend section 5138 of the Revised Statutes, to provide for the organization of national banks in towns of not exceeding 3,000 inhabitants—to the Committee on Banking and Currency.

By Mr. HARDY: A joint resolution (H. Res. 138) providing for the appointment of a commission, under the direction of the Secretary of War, for the preliminary survey, with plans, specifications, and approximate estimates of cost thereof, for the construction of a ship canal, of approved width and depth, from the lower shore of Lake Michigan to the Wabash River, and for the further investigation of the practicability of the construction of such waterway—to the Committee on Railways and Canals.

By Mr. HERMANN: A joint resolution (H. Res. 139) authorizing the immediate use of a portion of the unexpended balance of the appropriations heretofore made for construction of canal and

locks at the Cascades of the Columbia River in construction of protection walls necessary to the opening of said canal and locks to navigation—to the Committee on Rivers and Harbors.

By Mr. CHARLES W. STONE: A concurrent resolution (House Con. Res. No. 30) providing for the printing of additional copies of the report of the Director of the Mint—to the Committee on Printing.

By Mr. LACEY: Memorial of the general assembly of Iowa, in favor of the 5 per cent funds—to the Committee on the Public Lands.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills; which were referred as follows:

The bill (H. R. 6969) to remove the charge of desertion from record of George C. Armstrong—Committee on Invalid Pensions discharged, and referred to the Committee on Military Affairs.

The bill (H. R. 7057) granting a pension to C. T. Cooper—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

The bill (H. R. 7058) granting a pension to Thomas B. Roark—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

The bill (H. R. 7059) granting a pension to John W. Draper—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

The bill (H. R. 7122) granting a pension to Maria E. Hess, widow of Florian Hess—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

The bill (H. R. 1271) to compensate Elihu Root for legal services rendered by direction of the Attorney-General—Committee on Appropriations discharged, and referred to the Committee on Claims.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. BARTLETT of New York: A bill (H. R. 7176) for the relief of James Welch—to the Committee on Claims.

By Mr. BERRY: A bill (H. R. 7177) for the benefit of George Turner, of Newport, Ky.—to the Committee on Claims.

Also, a bill (H. R. 7178) to correct the military record of Mathew C. Lyons—to the Committee on Military Affairs.

By Mr. BROMWELL: A bill (H. R. 7179) for the relief of Joseph R. Cobb—to the Committee on Military Affairs.

By Mr. COFFIN: A bill (H. R. 7180) for the relief of the heirs of John Bowling—to the Committee on War Claims.

By Mr. DALZELL: A bill (H. R. 7181) for the relief of David A. McKnight—to the Committee on Indian Affairs.

By Mr. DOVENER: A bill (H. R. 7182) granting a pension to Benjamin F. Batten, late private Company B, Tenth West Virginia Volunteer Infantry—to the Committee on Invalid Pensions.

By Mr. GIBSON: A bill (H. R. 7183) for the relief of Alexander L. Taylor—to the Committee on Military Affairs.

Also, a bill (H. R. 7184) for the relief of Calvin Mallacote—to the Committee on Military Affairs.

Also, a bill (H. R. 7185) granting a pension to William H. Shillings, of Roane County, Tenn.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7186) for the relief of Wesley C. Owens—to the Committee on Military Affairs.

Also, a bill (H. R. 7187) for the relief of George W. Qualls—to the Committee on Military Affairs.

By Mr. GRISWOLD: A bill (H. R. 7188) granting a pension to George Rodney Burt—to the Committee on Invalid Pensions.

By Mr. HANLY: A bill (H. R. 7189) granting a pension to Cicero Peters—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7190) granting a pension to Joshua Jones—to the Committee on Pensions.

By Mr. HEATWOLE: A bill (H. R. 7191) removing the charge of desertion from the military record of Thomas Donlan—to the Committee on Military Affairs.

Also, a bill (H. R. 7192) granting an increase of pension to Row Brasie—to the Committee on Pensions.

By Mr. HENRY of Indiana: A bill (H. R. 7193) to remove the charge of desertion against the name of Andrew J. Dixon, late of Company K, Twenty-sixth Indiana Volunteers, and to show that he died in said service in line and in discharge of duty—to the Committee on Military Affairs.

Also, a bill (H. R. 7194) for the relief of Eli Conner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7195) for muster in and discharge of Jehu Miller, as of Company K, One hundred and sixty-eighth Ohio Volunteers, he having served the enlistment of Abner Vanness, to whom the discharge was granted—to the Committee on Military Affairs.

By Mr. McCALL of Massachusetts: A bill (H. R. 7196) to restore the name of Flora Bartlett to the pension roll—to the Committee on Invalid Pensions.

By Mr. MEREDITH: A bill (H. R. 7197) granting a pension to James D. Cambell, a son of Francis Lee Cambell, a soldier of the Revolutionary war—to the Committee on Pensions.

By Mr. MILLER of West Virginia: A bill (H. R. 7198) for the relief of David W. Harrison—to the Committee on Military Affairs.

By Mr. NOONAN: A bill (H. R. 7199) for the relief of the Lavaca Wharf Company—to the Committee on War Claims.

Also, a bill (H. R. 7200) for the relief of A. T. Hensley—to the Committee on War Claims.

By Mr. PUGH: A bill (H. R. 7201) granting an increase of pension to James Littleton—to the Committee on Invalid Pensions.

By Mr. SORG: A bill (H. R. 7202) for the relief of Mrs. Anna Dorsey Weaver—to the Committee on Invalid Pensions.

By Mr. SPENCER: A bill (H. R. 7203) for the relief of William M. Dalson—to the Committee on Naval Affairs.

Also, a bill (H. R. 7204) for the relief of Fannie J. Johnson, of Hinds County, Miss.—to the Committee on War Claims.

By Mr. ARNOLD of Rhode Island: A bill (H. R. 7205) granting a pension to Alphonzo O. Drake, late a private in Company E, Second Regiment Rhode Island Volunteers—to the Committee on Invalid Pensions.

By Mr. McCLEARY of Minnesota: A bill (H. R. 7206) granting a pension to Frank Stay—to the Committee on Pensions.

By Mr. OTEY: A bill (H. R. 7207) for the relief of the Free and Accepted Order of Masons in the town of Keysville, Charlotte County, Va.—to the Committee on War Claims.

By Mr. SOUTHWICK: A bill (H. R. 7211) for the relief of John Green—to the Committee on Military Affairs.

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. ACHESON: Protest of W. O. Headlee, of Waynesburg, Pa., against the passage of House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of Lodge No. 366, Order Sons of St. George, of Charleroi, Pa.; also resolutions of Council No. 343, Order United American Mechanics, of Layton Station, Fayette County, Pa.; also resolutions of Camp No. 141, Patriotic Order Sons of America, of Brownfield, Fayette County, Pa., praying for the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

Also, memorial of the Free Harbor League of Los Angeles, Cal., for an appropriation to continue the improvement of Wilmington and San Pedro Harbor—to the Committee on Rivers and Harbors.

Also, petition of Charles Knepper, of Carnegie, Pa., asking for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. ALLEN of Utah: Petition of the Journal Publishing Company, asking for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. ARNOLD of Pennsylvania: Petitions of Camp No. 312, of Houtzdale, Pa., Camp No. 469, of Rockton, Pa., and Camp No. 586, of Olanta, Pa., Patriotic Order Sons of America, in favor of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. ARNOLD of Rhode Island: Resolution of the Providence Board of Trade, against compulsory pilotage—to the Committee on the Merchant Marine and Fisheries.

Also, resolution of the Board of Trade of Providence, R. I., in favor of the passage of the Torrey bankruptcy bill—to the Committee on the Judiciary.

By Mr. BARNEY: Petition of Willis Wilton, of Eagle, Wis., protesting against the passage of House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. BULL: Petitions of Henry M. Taher & Co., of New York, and of Henry L. Aldrich, of Providence, R. I., for an appropriation to widen and deepen the drawways of the stone bridge over Seaconnet River at Tiverton, R. I.—to the Committee on Rivers and Harbors.

By Mr. COOK of Wisconsin: Protest of Arthur Kellogg and 178 citizens of the city of Oshkosh; also of P. R. Albrecht and 36 others, of the city of Fond du Lac; also of H. P. Anderson and 140 others, of Waushara County; also of A. L. Dawson and 180 others,

of Neenah; also of W. J. Ogle and 111 others, of Oxford, Marquette County, all of the State of Wisconsin, against the passage of joint resolution proposing an amendment to the Constitution of the United States—to the Committee on the Judiciary.

Also, petition of T. E. Clark, of Princeton, and the county officers of Green Lake, Wis., favoring the passage of House bill No. 8967, to reclassify and prescribe the salaries of railway mail clerks—to the Committee on the Post-Office and Post-Roads.

By Mr. CUMMINGS: Petition of M. H. Pulaski and 66 other citizens of New York, praying for the passage of House bill No. 2626, for the protection of agricultural staples by an export bounty—to the Committee on Ways and Means.

By Mr. CURTIS of New York: Petition of the American Purity Alliance, officially signed, asking for a national commission to investigate the subject of social vice—to the Committee on the Judiciary.

By Mr. DANIELS: Petition of Joseph L. Bucher and other veterans of the Union Army, praying for the passage of a service-pension bill—to the Committee on Invalid Pensions.

Also, petition of the Woman's Christian Temperance Union of Boston, Erie County, N. Y., to prohibit the sale of beer to immigrants at Ellis Island—to the Committee on Immigration and Naturalization.

Also, petition of the Woman's Christian Temperance Union of Boston, N. Y., to forbid the sale of spirituous liquors at the military posts on Staten Island—to the Committee on Military Affairs.

By Mr. DANFORD: Petition of Clarington Lodge, No. 107, Order United American Mechanics, asking for the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

Also, memorial of the faculty and students of Franklin College and citizens of New Athens, Ohio, praying for the establishment of a court of arbitration between Great Britain and the United States to determine differences between the two countries—to the Committee on Foreign Affairs.

By Mr. DOCKERY: Petition of Milton Mann and others, of Gallatin, Mo., asking passage of a bill granting a pension to Enrolled Missouri Militia—to the Committee on Invalid Pensions.

By Mr. GILLET of New York: Petition of officers of the Woman's Christian Temperance Union and 137 citizens of Corning, N. Y., against the sale of beer at Ellis Island, N. Y.—to the Committee on Immigration and Naturalization.

Also, petition of officers of the Woman's Christian Temperance Union and 134 citizens of Corning, N. Y., against the sale of beer at Bedloes Island and Fort Wadsworth, N. Y.—to the Committee on Military Affairs.

By Mr. HAINER of Nebraska: Petition of Lon W. Frazier, asking for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. HANLY: Papers accompanying House bill granting a pension to Cicero Peters—to the Committee on Invalid Pensions.

Also, petitions from S. A. Clifton, M. M. Mayistein, Leo Pottlitzer, W. S. Leffen, and O. W. Bush, praying for the defeat of House bill No. 4566, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. HARMER: Petition of Henry S. Clubb, of Philadelphia, Pa., protesting against the passage of House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. HART (by request): Petition of Chauncy Lobingier, of Easton, Pa., protesting against the passage of House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. HEATWOLE: Resolutions of a mass meeting held in Hutchinson, Minn., to consider the Armenian question—to the Committee on Foreign Affairs.

Also, papers to accompany House bill granting an increase of pension to Row Brasie—to the Committee on Pensions.

Also, papers to accompany House bill removing the charge of desertion from the military record of Thomas Donlan—to the Committee on Military Affairs.

By Mr. HILBORN: Memorial of the marine engineers of the Third Congressional district of California, asking for the passage of House bill No. 3618, to organize and increase the efficiency of the personnel of the Navy—to the Committee on Naval Affairs.

By Mr. HOWELL: Petition of citizens of Long Branch City, N. J., praying for the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. HULING: Petition of Cook & Tucker, of Raleigh, W. Va., asking for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. KULP: Petition of citizens of Shamokin, Pa., favoring the passage of joint resolution No. 11, amending the Constitution of the United States and prohibiting further appropriations to institutions under ecclesiastical control—to the Committee on Appropriations.

Also, petition of Goodrich Post, No. 22, Grand Army of the Republic, of Danville, Pa., in support of National Tribune service-pension bill—to the Committee on Invalid Pensions.

By Mr. LAYTON: Resolutions of Glass Bottle Blowers' Association of the United States and Canada, asking Congress to reenact the law of 1873, which provides for the free and unlimited coinage of both silver and gold at the ratio of 16 to 1—to the Committee on Coinage, Weights, and Measures.

By Mr. LOCKHART: Petition of the heirs of Jacob F. Scott, deceased, late of Jones County, N. C., praying reference of his war claim to the Court of Claims—to the Committee on War Claims.

By Mr. LOUD: Petition of G. B. Hamilton, George D. Ellwood, Norman W. Lewis, L. Seabrook, Wheelman Company, Allen B. Bird, A. Kayser, Biles & Kennedy, D. D. McConnell, and James M. Vernon, asking for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. LOUDENSLAGER: Petitions of Rising Sun Council, No. 15, of Malaga, Pa.; Winonah Council, No. 173, of Winonah, N. J.; Diamond Council, No. 14, of Swedesboro, N. J., and Social Council, No. 213, of Fairton, N. J., Junior Order United American Mechanics, in favor of the Stone immigration bill—to the Committee on Immigration and Naturalization.

Also, petition of A. C. Graw, N. M. Kain, H. H. Fennimore, and James E. Lake, against the passage of House bill No. 4566, amending the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of A. M. Seabrook, protesting against House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. MAHON: Petitions of Camp No. 582, of Shamokin Dam, Pa.; Camp No. 581, of Richfield, Pa., and Camp No. 577, of Willow Hill, Pa., Patriotic Order Sons of America, for the passage of the Stone bill to restrict immigration—to the Committee on Immigration and Naturalization.

By Mr. McCALL of Massachusetts: Petition of W. Bradbury, publisher, of Boston, Mass., protesting against the passage of House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

Also, papers to accompany concurrent resolution No. 29, requiring the Secretary of the Interior to furnish the public library of Boston, Mass., a set of printed specifications and drawings relating to American patents—to the Committee on Patents.

By Mr. McEWAN: Petition of Lafayette Council, No. 129, Junior Order United American Mechanics, asking for the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

Also, petition of District Assembly No. 197, Knights of Labor, of Jersey City, N. J., favoring the passage of House bill No. 5815, for the better manning and equipment of vessels on the Northern Lakes—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Trades and Labor Assembly of Denver, Colo.; also petition of the Direct Legislation Reform Society of Vineland, N. J., asking passage of House bill No. 184, favoring direct legislation—to the Committee on Rules.

By Mr. McLACHLAN: Communication from the Farmers' Alliance and Industrial Union, in regard to the threatened eviction of settlers on the Maxwell land grant—to the Committee on the Public Lands.

By Mr. MERCER: Resolutions of the Northeastern Press Association of Nebraska, in favor of the transmississippi and international exposition at Omaha—to the Committee on Ways and Means.

By Mr. MEIKLEJOHN: Resolution of city council of the city of Omaha, Nebr., and others, asking for the passage of the bill for the transmississippi and international exposition at Omaha, Nebr.; also resolution of the Transmississippi Commercial Congress, indorsing the transmississippi and international exposition, with statistics on the transmississippi States—to the Committee on Ways and Means.

Also, petition of citizens of Dixon, Nebr., asking for the construction of a railroad from Sioux City, Iowa, connecting with the main line of the Union Pacific at or near North Platte, Nebr.—to the Committee on Pacific Railroads.

By Mr. MILLER of West Virginia: Petition of A. Staats, H. W. Deem, W. W. Riley, Enoch Staats, and 56 other citizens of Jackson County, W. Va.; also petition of James Akers, T. J. Baker, and 16 other citizens of Wayne County, W. Va., asking for an amendment to the pension laws—to the Committee on Invalid Pensions.

Also, petition of William Emilton, Homer Crosby, and 20 others, of Hartford City, W. Va., praying for an amendment to the Constitution of the United States—to the Committee on the Judiciary.

By Mr. MORSE: Petition of 471 citizens of Pennsylvania; 107 citizens of Evansville, Ind.; 14 citizens of Utica, Pa.; 31 citizens of Wenham, Mass.; 71 citizens of Bookwalter, Nebr.; 90 citizens of West Virginia; 34 citizens of Kittanning, Pa.; 34 citizens of Wellsville, Ohio; 36 citizens of Little Creek, Pa.; 34 citizens of Columbus, Ind.; 76 citizens of Selma, Ala.; 24 citizens of Red Oak, Ga.; 82 citizens of Massachusetts; 31 citizens of Ben Avon, Pa., and 184 citizens, praying for the recognition of God in the preamble of the Constitution of the United States—to the Committee on the Judiciary.

By Mr. NORTHWAY: Petition of John H. Meek, asking for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of O. S. Hart, manager Akron Beacon and Republican, protesting against House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. PHILLIPS: Petition of the Sandy Lake News, asking for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of Beaver Valley Council, indorsing the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. PITNEY: Petition of Steward Council, Junior Order United American Mechanics, of Califon, N. J., in favor of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. SAUERHERING: Protests of Thomas Patrick and 36 other citizens of Waupon, Dodge County, Wis.; L. A. Hallock and 63 others, of Madison, Wis., against joint resolution proposing amendment to the Constitution of the United States—to the Committee on the Judiciary.

By Mr. SCRANTON: Protest of J. W. Berry, of Scranton, Pa., against the passage of House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. STAHLE: Petition of the York Daily Publishing Company, of York, Pa., protesting against the passage of House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. SOUTHARD: Petition of Albert R. Wickham, Abram Musser, and 154 other citizens of Ohio, praying for the passage of a service-pension bill and for a bill granting pensions to ex-prisoners of war—to the Committee on Invalid Pensions.

By Mr. WILLIAM A. STONE: Petitions of McKeesport Lodge, No. 356, and Natrona Lodge, No. 316, Order United American Mechanics; also petition of Washington Camp, No. 154, Patriotic Order Sons of America; also petition of Loyal Orange Lodge, No. 29, of Allegheny, Pa., and Grand View Lodge, No. 7, A. P. A., of Pittsburg, Pa., indorsing the Stone immigration bill—to the Committee on Immigration and Naturalization.

Also, petitions of 200 citizens of Pittsburg, Pa.; W. J. Coleman and 31 others, of Allegheny, Pa.; also petitions of citizens of Allegheny County, Pa., for the adoption of the proposed amendment to the Constitution—to the Committee on the Judiciary.

By Mr. SULLOWAY: Petition of Miss C. R. Wendell, president; Miss C. N. Brown, secretary, and 2,800 other members of the Woman's Christian Temperance Union of New Hampshire, praying for arbitration on all subjects of difference between the United States and our mother country—to the Committee on Foreign Affairs.

Also, petition of Deborah Sampson Council, No. 12, Daughters of Liberty, praying for the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. TRACEWELL: Evidence in support of House bill No. 7034, for pension to Robert O. Lehman—to the Committee on Invalid Pensions.

Also, papers in support of House bill No. 5721, for the relief of Alice Utz—to the Committee on War Claims.

Also, papers in support of House bill No. 7035, for pension to Peter Himbaugh—to the Committee on Invalid Pensions.

By Mr. TYLER (by request): Petition of W. Thompson Barron, editor of the Journal of Commerce of Norfolk, Va., protesting against the passage of bill H. R. 4566, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. WILSON of Idaho: Petition of J. H. McGraw, governor of Washington, and 278 others, asking for the improvement of the Pend d' Oreille River, in Idaho—to the Committee on Rivers and Harbors.

By Mr. WOOMER: Petition of W. H. Ulrich and 100 members of Camp No. 306, of Hummelstown, Pa.; also petition of Charles W. Neff and 240 members of Camp No. 65, of Lebanon, Pa., Patriotic Order Sons of America, in favor of the Stone immigration bill—to the Committee on Immigration and Naturalization.

SENATE.

FRIDAY, *March 13, 1896.*

Prayer by Rev. WALLACE RADCLIFFE, D. D., of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

PERSONAL EXPLANATION—WAR IN CUBA.

Mr. LODGE. Mr. President, I desire to make a slight correction in the RECORD. I notice at the bottom of page 2725, in the speech of the Senator from Ohio [Mr. SHERMAN] yesterday, that he said:

> Besides, we had the secret history of the correspondence with Spain. The Senator from Massachusetts [Mr. LODGE] went to the State Department and was furnished by the Secretary of State, Mr. Olney, with all those private papers, which show more than any other the condition of affairs in Spain and the purposes of that country as therein revealed. As a matter of course, the contents of those papers were never disclosed to the public at large. We had the statement of the Senator from Massachusetts, who went over the correspondence and communicated it to us, and we never revealed it in any way.

If I had been in the Senate Chamber at the time, I should have asked the permission of the Senator from Ohio to make the correction which I will make now. I did not receive any papers from the State Department, nor did I have any communication with the Secretary of State whatever in regard to the Cuban question. The papers to which the Senator from Ohio referred came to the committee direct from the State Department. They included a long and elaborate statement from the Spanish minister of the Spanish view of the case and the Spanish side, which I examined personally with great care, and which was also read to the committee by one of its members, and was the first subject of examination when we took up the consideration of the Cuban question. Those papers, as the Senator from Ohio stated, were, of course, confidential; they could not be printed or quoted. The Senator from Ohio referred quite correctly to the confidential nature of the papers, showing that we had the Spanish side fully before us, but by inadvertence he stated that they had come through me. They had not come through me; I had nothing to do with them, except that I saw them after they had been received by the committee.

Mr. SHERMAN. I now remember, and I am quite satisfied that I made a mistake in referring to the Senator from Massachusetts as having received the papers from the State Department. I now recall the entire fact. The Senator from Massachusetts took a great deal of interest in the documents as a member of the subcommittee of the Committee on Foreign Relations, and I probably confounded that fact with the statement I made. The truth was, as is shown by our records, and as I now recollect distinctly, that the Secretary of State, at our request, sent to us the communications. They were referred to a subcommittee of which the Senator from Massachusetts was a member, and he took an active part in examining them, and they were read fully and in detail by the Senator from Maine [Mr. FRYE] to the committee. I suppose that I confounded the interest taken by the Senator from Massachusetts on the subsequent day with the reception by the committee of the papers.

Mr. HOAR. I should like to inquire of the chairman of the Committee on Foreign Relations whether that Spanish case, which the committee considered so carefully, could not be laid before the Senate in executive or confidential session, and why the committee should have the power of determining this question on evidence which we can not have and can not have any report of from the committee?

Mr. SHERMAN. I think the question might very fairly come before the Senate in executive session, if the Senator will make such a motion. I would not care to discuss it now.

Mr. HOAR. The chairman of the Committee on Foreign Relations ought to make the motion, and I hope he will make it.

Mr. SHERMAN. I will do anything that is thought right when we get into executive session, but I would not like to do it now.

Mr. HOAR. I hope the Senator will make the motion. If I may be allowed one observation in regard to what my honorable friend has said, it seems to me that is a very important consideration for the Senate. If we are doing this thing without the President and undertaking to commit this Government by a concurrent resolution, the Spanish minister is entirely justified in taking public cognizance of our action, of which the Senator complained yesterday.

Mr. WOLCOTT. I should like to suggest to the Senator from Massachusetts who has just taken his seat, as well as to the chairman of the committee, that we are placed in a somewhat unusual dilemma. If it is essential, which I think it is not, that Congress in acting upon the question of these resolutions should act upon the question of belligerency, we are confronted with the proposition that we must vote upon a question of fact on testimony that