

Mr. ALDRICH, of Illinois. Is it in order now to move to adjourn?
The SPEAKER. It is.
Mr. ALDRICH, of Illinois. Then I make the motion.
The question was taken; and on a division there were—ayes 84,
noes 46.

Mr. HERBERT. I call for the yeas and nays.
The yeas and nays were ordered, 42 members voting therefor.
The question was taken; and there were—yeas 86, nays 79, not
voting 121; as follows:

YEAS—86.

| | | | |
|------------------|------------------|--------------------|------------------|
| Aldrich, William | Errett, | Mason, | Sawyer, |
| Baker, | Evins, | McCook, | Shallenberger, |
| Barber, | Farr, | McGowan, | Sherwin, |
| Beale, | Felton, | McKinley, | Steele, |
| Bingham, | Ferdon, | Miller, | Stevenson, |
| Blake, | Field, | Mitchell, | Stone, |
| Bowman, | Fisher, | Monroe, | Thomas, |
| Briggs, | Ford, | Morton, | Tyler, |
| Bright, | Forsythe, | Murch, | Uddegaff, J. T. |
| Browne, | Fort, | Myers, | Urner, |
| Calkins, | Hammond, John | Norcross, | Van Aernam, |
| Cannon, | Hawk, | O'Neill, | Vance, |
| Carpenter, | Hayes, | Orth, | Voorhis, |
| Caswell, | Horr, | Osmer, | Ward, |
| Colerick, | Houk, | Overton, | Weaver, |
| Conger, | Humphrey, | Pond, | Wells, |
| Cowgill, | Jones, | Price, | Williams, C. G. |
| Crapo, | Jorgensen, | Richardson, D. P. | Willits, |
| Davis, George R. | Keifer, | Russell, Daniel L. | Yocum, |
| Deering, | Kimmel, | Russell, W. A. | Young, Thomas L. |
| De La Matyr, | Marsh, | Ryon, John W. | |
| Dunnell, | Martin, Benj. F. | Sapp, | |

NAYS—79.

| | | | |
|----------------|------------------|-------------------|------------------|
| Aiken, | Davis, Joseph J. | Kenna, | Scales, |
| Armfield, | Elam, | King, | Simonton, |
| Atkins, | Ellis, | Klotz, | Singleton, O. R. |
| Bachman, | Ewing, | Lowe, | Slemmons, |
| Beltzhoover, | Forney, | Martin, Edward L. | Sparks, |
| Blackburn, | Geddes, | McKenzie, | Springer, |
| Bliss, | Goode, | McMahon, | Taylor, |
| Blount, | Hammond, N. J. | McMillin, | Thompson, |
| Caldwell, | Hatch, | Mills, | Tillman, |
| Clardy, | Henkle, | Morrison, | Townshend, R. W. |
| Clark, John B. | Henry, | New, | Turner, Oscar |
| Clymer, | Herbert, | Nicholls, | Upson, |
| Cobb, | Herdon, | O'Connor, | Waddill, |
| Coffroth, | Hill, | Persons, | Warner, |
| Converse, | Hooker, | Phelps, | Wellborn, |
| Cook, | Hosstetler, | Phister, | Whitthorne, |
| Covert, | House, | Reagan, | Williams, Thomas |
| Cox, | Hull, | Robertson, | Willis, |
| Cravens, | Hunton, | Rothwell, | Wise. |
| Culberson, | Johnston, | Samford, | |

NOT VOTING—121.

| | | | |
|-------------------|------------------|-------------------|--------------------|
| Acklen, | Dibrell, | Kitchin, | Robinson, |
| Aldrich, N. W. | Dick, | Knott, | Ross, |
| Anderson, | Dickey, | Ladd, | Ryan, Thomas |
| Atherton, | Dunn, | Lapbam, | Shelley, |
| Bailey, | Dwight, | Lay, | Singleton, J. W. |
| Ballou, | Einsteint, | Le Fevre, | Smith, A. Herr |
| Barlow, | Finley, | Lewis, | Smith, Hezekiah B. |
| Bayne, | Frost, | Lindsey, | Smith, William E. |
| Belford, | Frye, | Loring, | Speer, |
| Bicknell, | Garfield, | Lounsbery, | Starin, |
| Bland, | Gibson, | Manning, | Stephens, |
| Bouck, | Gillette, | Martin, Joseph J. | Talbot, |
| Boyd, | Godshalk, | McCoid, | Townsend, Amos |
| Bragg, | Gunter, | McLane, | Tucker, |
| Brewer, | Hall, | Miles, | Turner, Thomas |
| Brigham, | Harner, | Money, | Uddegaff, Thomas |
| Buckner, | Harris, Benj. W. | Morse, | Valentine, |
| Burrows, | Harris, John T. | Muldrow, | Van Voorhis, |
| Butterworth, | Haskell, | Muller, | Wait, |
| Cabell, | Hawley, | Neal, | Washburn, |
| Camp, | Hazelton, | Newberry, | White, |
| Carlisle, | Heilman, | O'Brien, | Whiteaker, |
| Chalmers, | Henderson, | O'Reilly, | Wilber, |
| Chittenden, | Hiscock, | Pierce, | Wilson, |
| Claffin, | Hubbell, | Poehler, | Wood, Fernando |
| Clark, Alvah A. | Hurd, | Prescott, | Wood, Walter A. |
| Crowley, | James, | Reed, | Wright, |
| Daggett, | Joyce, | Rice, | Young, Casey. |
| Davidson, | Kelley, | Richardson, J. S. | |
| Davis, Loundes H. | Ketcham, | Richmond, | |
| Deuster, | Killinger, | Robeson, | |

So the motion to adjourn was agreed to.

During the call of the roll the following announcements were made:
Mr. HUNTON. My colleague, Mr. TUCKER, is paired with Mr. LAP-
HAM, of New York, and my colleague, Mr. CABELL, is paired with Mr.
FISHER, of Pennsylvania.

Mr. SMITH, of Georgia. I am paired with Mr. WILBER, of New
York. If he were here, I should vote "no."

Mr. SLEMONS. My colleague, Mr. DUNN, left the House a few
minutes ago quite unwell.

Mr. YOUNG, of Tennessee. I am paired on all political questions
with Mr. LORING, of Massachusetts. Two or three times to-day I
have inadvertently passed between the tellers, voting on different
questions. I decline to vote on this question.

Mr. MANNING. I am paired with Mr. RYAN, of Kansas.

Mr. MULDROW. I am paired with Mr. DWIGHT, of New York,
and my colleague, Mr. MONEY, is paired with Mr. STARIN, of New
York.

Mr. SAWYER. My colleague from Missouri, Mr. DAVIS, is paired
with Mr. MCCOID, of Iowa.

Mr. KENNA. My colleague, Mr. WILSON, is still absent on account
of sickness in his family, and is paired with Mr. REED, of Maine.

Mr. DAVIS, of North Carolina. My colleague, Mr. KITCHIN, is
paired with Mr. RICE, of Massachusetts.

Mr. HILL. My colleague, Mr. ATHERTON, is paired with Mr. NEW-
BERRY, of Michigan.

Mr. SHELLEY. I am paired with Mr. WAIT, of Connecticut.

Mr. TOWNSHEND, of Illinois. I desire to announce that Mr. STE-
PHENS, of Georgia, is paired with Mr. NEAL, of Ohio; that Mr. SINGLE-
TON, of Illinois, is paired with Mr. NILES, of Connecticut; and that
Mr. MULLER, of New York, is paired with Mr. HEILMAN, of Indiana.

Mr. BLISS. I desire to state that Mr. BUTTERWORTH, of Ohio, is
paired with Mr. WHITEAKER, of Oregon.

Mr. LOUNSBERRY. I am paired with my colleague, Mr. BAILEY.
Mr. HULL. My colleague, Mr. DAVIDSON, is paired with Mr. HAR-
MER, of Pennsylvania.

Mr. RICHMOND. I am paired with Mr. PRESCOTT, of New York.

Mr. KING. My colleague, Mr. GIBSON, is paired with Mr. HAW-
LEY, of Connecticut.

Mr. JOHNSTON. My colleague, Mr. HARRIS, of Virginia, is paired
with Mr. CROWLEY, of New York.

Mr. SINGLETON. My colleague, Mr. CHALMERS, is paired with
Mr. VAN VOORHIS, of New York.

Mr. ROBINSON. I am paired with Mr. HURD, of Ohio, and my
colleague, Mr. MORSE, is paired with Mr. KELLEY.

Mr. WASHBURN. I am paired with my colleague, Mr. POEHLER.
Mr. MCGOWAN. I desire to state that Mr. VALENTINE, of Ne-
braska, is paired with Mr. LE FEVRE, of Ohio.

Mr. BAYNE. I am paired with Mr. FROST, of Missouri.
Mr. HARRIS, of Massachusetts. I am paired with Mr. LEWIS, of
Alabama.

Mr. STONE. Mr. STARIN, of New York, is paired with Mr. MONEY,
of Mississippi.

LEAVE OF ABSENCE.

Pending the announcement of the result of the vote on the motion
to adjourn, leave of absence was granted by unanimous consent as
follows:

To Mr. RICHARDSON, of New York, for ten days, to attend court as
a witness in an important case.

The result of the vote was then announced as above stated; and
accordingly (at five o'clock and five minutes p. m.) the House ad-
journed.

PETITIONS, ETC.

The following petitions, &c., were presented at the Clerk's desk,
under the rule, and referred as stated:

By Mr. ALDRICH, of Illinois: Papers relating to the claim of Wash-
ington L. Parvin and Henry A. Green, to be reimbursed moneys expen-
ded in raising troops in California in 1861—to the Committee on
Military Affairs.

By Mr. FIELD: The petition of Mary Ann Murphy, for a pension—
to the Committee on Invalid Pensions.

By Mr. GUNTER: Papers relating to the war claim of the Cave
Hill (Arkansas) Presbyterian church—to the Committee on War
Claims.

By Mr. KING: Memorial of the constitutional convention of Lou-
isiana, for the passage of the bill establishing a United States district
court for North Louisiana—to the Committee on the Judiciary.

Also, memorial of the constitutional convention of Louisiana, ask-
ing for the donation of military barracks, arsenal, and grounds in the
city of Baton Rouge, for educational purposes—to the Committee on
Public Buildings and Grounds.

By Mr. MARTIN, of Delaware: The petition of J. Turpin Moore and
70 others, citizens, vessel owners and captains, of Sussex County,
Delaware, that the port of Seaford, in said county, be made a port of
delivery—to the Committee on Commerce.

By Mr. MARTIN, of West Virginia: Papers relating to the claim
of Samuel Kelly for pay for services as a scout and guide for the United
States Army—to the Committee on Military Affairs.

IN SENATE.

WEDNESDAY, June 18, 1879.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. McPHERSON. I present the memorial of George D. H. Gillespie
and John Wolfe, executors of the will of Joseph L. Lewis, deceased,
formerly of Hoboken, New Jersey, remonstrating against the passage
of the bill (H. R. No. 2046) to authorize a compromise of the claims
of the United States under the will of Joseph L. Lewis. As this is a
very important case now pending before the Senate, I move that the
memorial and accompanying papers be printed for the use of the Sen-
ate.

The motion was agreed to.

Mr. GARLAND. As the bill has been reported from the Committee on the Judiciary the memorial will lie on the table, I presume.

The PRESIDENT *pro tempore*. The memorial will lie on the table.

Mr. HARRIS. I present the petition of Mrs. R. P. Howell and many other citizens of the District of Columbia, praying for the passage of the bill (H. R. No. 1379) fixing the rate of interest upon arrearages of general taxes and assessments for special improvements, now due to the District of Columbia, and for a revision of assessments for special improvements, and for other purposes. I ask that it lie on the table, the Committee on the District of Columbia having already reported the bill back with the recommendation that it pass.

The PRESIDENT *pro tempore*. It will be so ordered.

Mr. ROLLINS. I present a petition of a like character to that just presented by the Senator from Tennessee.

The PRESIDENT *pro tempore*. The petition will lie on the table.

Mr. ROLLINS. It is the petition of Robert H. Ryan and others. It is very numerous signed by citizens of the District of Columbia.

Mr. EATON presented the petition of Edwin De Leon, late United States consul-general in Egypt, praying for compensation for judicial services rendered while acting as such from the year 1848 to the year 1852, as provided for by act of Congress of August 10, 1848; which was referred to the Committee on Foreign Relations.

Mr. LAMAR presented the petition of William A. Rogers, a soldier of the war of 1812, in the Virginia militia, praying for the passage of a law granting him a pension; which was referred to the Committee on Pensions.

REPORTS OF COMMITTEES.

Mr. McPHERSON, from the Committee on Naval Affairs, to whom was referred the bill (S. No. 696) for the relief of William Nephew King, jr., reported it without recommendation.

Mr. GARLAND, from the Committee on the Judiciary, to whom was referred the bill (H. R. No. 2274) concerning the Legislative Assembly of the Territory of Montana, reported it with an amendment.

DISTRICT CHURCH PROPERTY.

Mr. HARRIS. The Committee on the District of Columbia, to which was referred the bill (H. R. No. 1369) to relieve the churches of the District of Columbia, and to clear the title of the trustees to such property, have instructed me to report it with a recommendation that it pass. I ask for the present consideration of the bill, believing, as I do, that it will not take two minutes, the Senate having passed precisely a similar bill within a day or two of the end of the last session of Congress, and the House now sends this bill to us, it having passed the House.

The bill was read by its title.

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

Mr. CONKLING. Let the bill be read, Mr. President.

The Chief Clerk read the bill, as follows:

Be it enacted, &c., That so much of an act of Congress entitled "An act for the government of the District of Columbia, and for other purposes," approved June 20, 1874, as was construed to authorize the commissioners of the District to set aside former exemptions from taxation of church property which was actually held and used for the purpose of divine worship, and to enforce a tax upon such property, be, and is hereby, repealed; and the title to such property is hereby declared to vest in the trustees, or such other persons as held the title to the same at the time of the passage of the act of 1874, or their successors in interest, notwithstanding the sale of such property for non-payment of taxes.

SEC. 2. That the commissioners of the District of Columbia be, and they hereby are, authorized and required to refund to the trustees or other proper officers of such church or churches as have paid the taxes assessed against them under the act of June 20, 1874, such sums respectively as were paid by each upon property actually held and used for the purpose of divine worship.

The bill was reported to the Senate without amendment.

Mr. CONKLING. May I ask the Senator who reported the bill to tell us what is the occasion of it? If I remember aright, this is the fourth bill that we have had within the last three or four years on this subject, and I should like to know why it is.

Mr. HARRIS. I will state to the Senator from New York that the Senate passed a bill exactly as this bill now stands, one precisely similar to it, during the last day or two of the last session of the Forty-fifth Congress. The House now sends us precisely the same bill that we sent them, but which was not acted upon in the House during that session. I will send to the Clerk's desk, if the Senator desires it, a report that I had the honor of making at the last session of Congress, that will develop all the facts. The report consists of only one page.

Mr. CONKLING. I do not desire it, since I learn that this is similar to the bill we passed. I supposed this was still an additional bill, and I hear bills of its title read here so often that I became very curious to know why there were so many of them.

Mr. BLAINE. Let the bill be read again.

The Chief Clerk again read the bill.

Mr. KIRKWOOD. I should like to ask the Senator from Tennessee a question. I understand that by the provisions of this bill, where a sale for taxes has taken place the proposed law declares the sale to be set aside. How can we do that?

Mr. HARRIS. The church property was bid off to the District of Columbia, I will state to the Senator.

Mr. KERNAN. The bill so states.

Mr. KIRKWOOD. Not to an individual?

Mr. KERNAN. No.

Mr. HARRIS. The bill so recites the fact; the fact is that way; not to an individual.

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

ELECTIONS AND APPOINTMENTS IN RHODE ISLAND.

Mr. WHYTE. I am instructed by the Committee on Civil Service and Retrenchment to report the following resolution and ask its passage by the Senate. I ask for its immediate consideration.

The resolution was read, as follows:

Resolved, That the Committee on Civil Service and Retrenchment, to whom was referred the memorial of J. B. Greene and others, of Rhode Island, in relation to the alleged violation of sections 1754 and 1755 of the Revised Statutes, and of the alleged violation of civil-service reform in the State of Rhode Island, have leave to sit during the recess of the Senate, with power to employ a clerk and a stenographer, to appoint a sub-committee who may hold sessions at such place or places as may be deemed most convenient for the purposes of the investigation; and that the expenses thereof be paid out of the "miscellaneous items" of the contingent fund of the Senate.

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

Mr. MORRILL. I do not rise to object to this proposition, but I should like to inquire of the Senator from Maryland how many committees have already been authorized to sit during the recess of Congress and at the expense of the contingent fund? I have noticed a considerable number of resolutions authorizing this to be done that have already passed; and I do not know but that every committee of the Senate has been authorized to sit during the recess.

Mr. WHYTE. I will state to the Senator from Vermont that the usual committees, the Committee on Printing, the Committee on Public Buildings and Grounds, and the Committee on the District of Columbia, are the only committees that I know of which have been authorized to sit during the recess of the Senate.

Mr. CONKLING. Will the Senator name the committees again?

Mr. WHYTE. The Committee on Printing regularly sits during the recess; the Committee on Public Buildings and Grounds—

Mr. JONES, of Florida. No; the Senator is mistaken.

Mr. WHYTE. It has heretofore done so, when I have been a member of it, and I took it for granted it will require leave to do so during this session. The Committee on Contingent Expenses of the Senate always sits during the recess so as to audit any accounts that may be presented by the Sergeant-at-Arms and the Secretary of the Senate. The Committee on the District of Columbia has been authorized to sit, though it will be but a few days, in regard to the water rates and in regard to the expenses heretofore created in laying the water-pipes throughout the city. That was done at the instance of the colleague of the Senator from Vermont. With the exception of the Wallace committee, the committee formerly known as the Telfer committee, I know of no other committee than these that have been authorized to sit during the recess.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

The resolution was agreed to.

BILLS INTRODUCED.

Mr. GARLAND asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 703) fixing the time of the next annual meeting of Congress; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. McPHERSON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 704) to explain the Revised Statutes relative to duties on imported merchandise; which was read twice by its title, and referred to the Committee on Finance.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 705) relating to the hauling-port of vessels owned in the United States; which was read twice by its title, and referred to the Committee on Commerce.

Mr. LOGAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 706) to amend an act for the relief of Joseph B. Collins, approved March 3, 1879; which was read twice by its title, and referred to the Committee on Military Affairs.

MISSISSIPPI RIVER COMMISSION.

Mr. LAMAR. I move to take up for consideration House bill No. 1847.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 1847) to provide for the appointment of a "Mississippi River commission" for the improvement of said river from the head of the passes near its mouth, to its headwaters.

The PRESIDENT *pro tempore*. The bill is reported from the Select Committee on the Improvement of the Mississippi River and its Tributaries, with amendments, none of which have been acted on by the Senate. The first amendment of the committee will be reported.

The CHIEF CLERK. In section 1, line 4, it is proposed to strike out "five" and insert "seven;" so as to read:

That a commission is hereby created, to be called "The Mississippi River commission," to consist of seven members.

Mr. BURNSIDE. Mr. President, I beg to call the attention of the Senate for a few moments to this amendment. The House of Representatives passed the bill creating a commission of five, to be composed of three engineer officers and two civil officers. The Senate committee proposes to increase the number of the commission to seven,

and place upon the commission one officer from the Coast and Geodetic Survey and three from civil life. At the last Congress a move was made to take from the Engineer department the surveys under the direction of Clarence King and others, and the following provision was inserted in the sundry civil appropriation act, approved June 30, 1878:

And the National Academy of Sciences is hereby required, at their next meeting, to take into consideration the methods and expense of conducting all surveys of a scientific character under the War or Interior Department and the surveys of the Land Office, and to report to Congress, as soon thereafter as may be practicable, a plan for surveying and mapping the Territories of the United States on such general system as will, in their judgment, secure the best results at the least possible cost; and also to recommend to Congress a suitable plan for the publication and distribution of reports, maps, and documents, and other results of the said surveys.

The academy made a report which resulted in taking from the Engineer department the survey under Clarence King and placing that with other work in a general survey. I at that time thought that that was a wrong move; but it was deemed wise by Congress to make the move, and the Engineer department, of course, had to be content with it. The Academy of Sciences in their report used this language:

The committee consider that the field of inquiry proposed to the academy is intended to embrace only such surveys as pertain to the public domain. They have not included in their plan of organization surveys and investigations, however scientific in method and character, which apply solely to engineering works, such as the improvements of rivers, harbors, lakes, &c.; the irrigation and drainage of public lands, reclamation of tidal lands, and protection of alluvial regions from floods. Such surveys and investigations being inseparably connected with engineering problems, should, in the judgment of the committee, be conducted by the Engineer Corps of the Army. Nor do the committee recommend any change in the organization of the survey of the great lakes, as this is now nearly completed.

Thus it will be seen that the same court to which the question as to surveys was submitted, that is the Academy of Sciences, and which took from the Engineer department the survey of Clarence King, strongly recommended that all matters appertaining to river and harbor improvements and reclamation of overflowed land should be left to the exclusive control of the Engineer department.

As the House passed this bill it created a commission of five, that commission to be formed of three engineers and two civilians. There is no objection to the commission thus constructed, in fact I think it is wise that two civilians should be placed upon it, but the majority should in my opinion be officers of the Engineer Corps, and in that opinion I am sustained by the Academy of Sciences, which had this whole subject under consideration. They in their report state that the whole thing should be in the control of the Engineer Corps; in other words, that this entire commission should be composed of engineer officers.

As the bill came from the House I shall not oppose it, but as it is proposed to change it by the committee of the Senate I shall oppose it. I do not deem it wise to connect two bureaus of the Government, that is the Coast Survey and the Engineer department, in the same work. The work of the commission appertains to engineering, and should be done by the Engineer department; and I say it is unjust to that department and to its officers to place them upon a board constituted as is proposed by the bill as reported from the Senate committee.

Mr. President, I shall not extend this debate any further than I can help, because I do not desire to have the bill defeated for lack of time. I am perfectly willing to have the bill pass in a proper shape. I am in favor of a Mississippi River commission, but I am not in favor of such a one as is recommended by the Senate committee.

Mr. McMILLAN. Mr. President, I think the bill as it comes to us from the House is preferable and is in better form than it will be if this amendment of the Senate committee is adopted. All the improvements of the rivers and harbors of our country are under the charge and direction of the Engineer Corps of the Army. The bill as it passed the House permits that corps to have a majority on the commission and it introduces another element into the commission which will give all the advantages which may be claimed by the friends of the bill. I see no reason why the commission should be enlarged. I think that if it is so enlarged there may be elements introduced which would not be favorable for public improvements of this kind. I hope the amendment will not be adopted and that the bill as it came from the House will be passed.

Mr. WINDOM. Mr. President, I do not desire to detain the Senate more than a minute; I am anxious for a vote on this bill, but I want to say that this same amendment now reported by the committee was acted upon at the last session and received the approval of the Senate. I believe it to be in the interest of the improvement that the amendments reported by the committee should be adopted. I am sorry to disagree with my colleague [Mr. McMILLAN] in this matter; but it is a very great work, and I believe that a mixed commission will give us a better plan for the improvement than we can procure in any other way. We have tried a mixed commission once before, and it was very successful, as I think. I see no injustice in the amendment to anybody, and I hope it will be agreed to. I certainly have no antagonism toward the Engineer Corps; I would do them no injustice. I recognize their great capacity and ability; but I believe that they will be aided also by the introduction of other elements in the commission. I am in favor of the amendment.

The PRESIDENT *pro tempore*. The question is on the first amendment reported from the select committee, to strike out "five" and

insert "seven;" so that the commission shall consist of seven members instead of five.

The question being put, there were, on a division, ayes 27.

Mr. BURNSIDE. I ask for the yeas and nays.
The yeas and nays were ordered; and being taken, resulted—yeas 36, nays 18; as follows:

| YEAS—36. | | | |
|--------------------|------------------|------------|-----------|
| Bailey, | Davis of W. Va., | Ingalls, | Thurman, |
| Bayard, | Ferry, | Jonas, | Vance, |
| Beck, | Garland, | Kernan, | Vest, |
| Blaine, | Groome, | Lamar, | Voorhees, |
| Call, | Hampton, | McPherson, | Walker, |
| Cockrell, | Harris, | Maxey, | Wallace, |
| Coke, | Hereford, | Randolph, | Whyte, |
| Conkling, | Hill of Georgia, | Rollins, | Windom, |
| Davis of Illinois, | Houston, | Slater, | Withers. |

| NAYS—18. | | | |
|-----------------|-------------------|-----------|------------|
| Allison, | Cameron of Wis., | Logan, | Ransom, |
| Anthony, | Carpenter, | McMillan, | Shalsbury, |
| Booth, | Chandler, | Morrill, | Saunders. |
| Burnside, | Gordon, | Paddock, | |
| Cameron of Pa., | Hill of Colorado, | Platt, | |

| ABSENT—22. | | | |
|------------|-------------------|------------------|-----------|
| Bell, | Farley, | Jones of Nevada, | Plumb, |
| Bruce, | Grover, | Kellogg, | Sharon, |
| Butler, | Hamlin, | Kirkwood, | Teller, |
| Dawes, | Hoar, | McDonald, | Williams. |
| Eaton, | Johnston, | Morgan, | |
| Edmunds, | Jones of Florida, | Pendleton, | |

So the amendment was agreed to.

The PRESIDENT *pro tempore*. The next amendment reported by the committee will be read.

The next amendment was, in line 2, section 2, after the word "appoint," to strike out "five" and insert "seven."

The amendment was agreed to.

The next amendment was, in line 4, section 2, after the word "army," to strike out "and two from civil life" and insert "one from the Coast and Geodetic Survey, and three from civil life, two of whom shall be civil engineers."

Mr. BURNSIDE. I move to strike out the word "three" in line 3 of section 2 of the bill and insert "four."

Mr. COCKRELL. I would suggest that the amendments of the committee be acted on first. That is not an amendment of the committee. Let it wait until the amendments of the committee are acted on. The Senator seeks to amend the text of the bill.

Mr. BURNSIDE. Very well.

The PRESIDENT *pro tempore*. The question is on the amendment of the committee which has been read.

Mr. MORRILL. I am quite ready to agree to any measure of the most liberal character for the improvement of the Mississippi River; and yet it seems to me that the propositions embraced in this bill thunder so loud in the index that they are likely to involve the Government in a large expenditure beyond what any government with any ideas of economy could sustain.

It will be seen here that we are to appropriate \$175,000 to begin with. In addition to that the bill places at the disposal of this commission a detail from the officers and men of the Army, as many as may be necessary to carry on the work; it makes over all the vessels of the Coast Survey that are now in use on the Mississippi; and in addition to that it authorizes the purchase or lease of such other vessels, boats, or instruments as may be necessary to carry on the work. In addition to all this it will be seen that the proposition is to make investigations and surveys, in addition to those in progress heretofore, topographical, hydrographical, and hydrometrical, of the river from its mouth to its very headwaters, and they are to be made so as to examine "the practicability and feasibility and probable cost of the various plans known as the jetty system, the levee system, and the outlet system, as well as such others as they may deem necessary."

It does seem to me that this is commencing a preparation for a work that will more than absorb all the money that can be devoted to internal improvements for the entire country. It looks to me rather extravagant.

Mr. SAULSBURY. What is the question?

The PRESIDENT *pro tempore*. On the third amendment of the committee, which will be read.

The Chief Clerk read the amendment, as follows:

In line 4, section 2, after the word "Army," strike out "and two from civil life" and insert "one from the Coast and Geodetic Survey, and three from civil life, two of whom shall be civil engineers."

Mr. BURNSIDE. Is it in order to move to amend this amendment?

The PRESIDENT *pro tempore*. It is.

Mr. BURNSIDE. I move to amend the amendment by striking out "one from the Coast and Geodetic Survey."

Mr. LAMAR. I hope that amendment to the amendment will not be adopted, and that the amendment reported by the committee will be adhered to.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Rhode Island to the amendment of the committee.

The amendment to the amendment was rejected.

The PRESIDENT *pro tempore*. The question recurs on the amendment reported by the committee, which has been read.

The amendment was agreed to.

The next amendment reported by the committee was, in line 11

of section 2, after the word "Army," to insert "and the Coast and Geodetic Survey;" so as to read:

The commissioners appointed from the Engineer Corps of the Army and the Coast and Geodetic Survey shall receive no other pay or compensation than is now allowed them by law.

The amendment was agreed to.

The next amendment of the committee was, in line 14 of section 2, after the word "other," to strike out "two" and insert "three;" so as to read:

And the other three commissioners shall receive as pay and compensation for their services each the sum of \$3,000 per annum.

The amendment was agreed to.

The next amendment of the committee was, after the word "necessary," in line 15 of section 3, to insert:

And the Secretary of the Treasury shall, when requested by said commission, in like manner detail from the Coast and Geodetic Survey such officers and men as may be necessary, and shall place in the charge and for the use of said commission such vessel or vessels and such machinery and instruments as may be under his control and may be deemed necessary.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The amendments of the committee are disposed of; and the amendment of the Senator from Rhode Island will now be in order.

Mr. BURNSIDE. I do not propose any amendment.

Mr. FERRY. I move to strike out, in lines 9 and 10 of section 2, beginning with the word "commission," in line 9, and going to the word "Army," in line 10; in other words, I move to strike out "appointed from the Engineer Corps of the Army;" so as to leave the President free to appoint the president of this commission from the whole commission. The President of the United States has the appointment of this commission, by and with the advice and consent of the Senate. This clause is rather a judgment that the Engineer Corps are not sufficiently qualified to fill the place of president, and is really a discrimination against them. As the appointing power of the presidency of this commission emanates from the same source that appoints the whole commission, I cannot see why there should be a restriction placed upon the President. It might be possible, for instance, that one of the civil appointees might be fitted for the presidency, having perhaps more efficiency and perhaps as much, if not more, practical knowledge, even if he had not as much scientific knowledge; and he might, in the judgment of the President as well as of the Senate, be better fitted to fill the place of president of the commission than those selected from the Engineer Corps of the Army. Therefore I think this discrimination should be removed, and I think the Senator from Mississippi, who has charge of the bill, will not object to this amendment.

Mr. LAMAR. I dislike very much to oppose any amendment offered by the Senator from Michigan, for I know that he is a friend to the object of this bill; but he is mistaken, I think, in both the intent and effect of this provision. It is not to discriminate against the Engineer Corps, and it was inserted in the bill by both Houses because it was deemed to be proper that that survey should be under the direction of an Army engineer. They will have to execute the work that is ultimately decided upon by the commission and by the Government, and therefore it is deemed proper to express the opinion of this body that it should be under the general direction of a president, vested with the powers conferred upon him in this bill, taken from the Engineer Corps of the Army.

Mr. FERRY. That may be so in a measure; and still the President is not relieved of his responsibility. It seems to me that as we have increased the number of the commission now from five to seven, it would be far better to let the President have the scope of the seven to select from. In making the nomination he will have that in view; but there may be a difficulty perhaps. There may be certain engineers better fitted for certain parts of the work, and he may find a civilian who would be better fitted perhaps for the presidency of the commission. By giving him the full scope and unrestricted power he might frame a better commission than if he were restricted by this clause. I hope the amendment will prevail.

Mr. LAMAR. I hope the amendment will be withdrawn.

Mr. FERRY. No; I want the judgment of the Senate.

Mr. McMILLAN. I think this amendment would not be favorable for this commission. This improvement proposed now is confined to a very limited portion of the Mississippi River but a short distance from the mouth. The Engineer Corps of the Army have had entire charge of the improvements of the rivers and harbors of the country; they have had charge of the improvement of the Mississippi River, and surveys have been made upon that river under their direction covering the whole body of the river. Now it is proposed to organize a commission in which the Engineer Corps of the Army shall be in the minority, so that the civil engineers, the laymen, and the members of the commission from the Geodetic and Coast Survey shall control the movements of the commission.

The PRESIDENT *pro tempore*. The morning hour has expired.

Mr. LAMAR. I think we shall get through with this bill in a few moments. I ask unanimous consent.

Mr. WITHERS. In view of the fact that I yesterday gave notice that I should ask for a vote on the Army bill to-day before adjournment, I cannot consent that it shall be withheld by the bill that has been under consideration unless it can be agreed to have a vote on that at once without further discussion.

Mr. ALLISON. In a few minutes.

Mr. WITHERS. If a vote can be had at once I will yield.

The PRESIDENT *pro tempore*. The Senator from Mississippi asks unanimous consent that the unfinished business, which is the Army appropriation bill, may be laid aside temporarily, subject to call, and that the bill under consideration may be proceeded with. Is there objection?

Mr. CONKLING. Are we to understand that notwithstanding this unanimous consent, if it is given, the Senator from Virginia will insist on a vote to-day on the other bill?

Mr. WITHERS. That is precisely the position I take. I shall ask the Senate to dispose of the Army bill before adjournment to-day.

Mr. CONKLING. If the Senator will hear a suggestion on that point, I should like to make one.

Mr. WITHERS. Certainly I will hear it.

Mr. CONKLING. The legislative, executive, and judicial bill is still in committee of conference—

Mr. DAVIS, of West Virginia. I will say to the Senator that the conference committee have agreed and the report is now in the House.

The PRESIDENT *pro tempore*. The Senator will suspend until the Chair ascertains whether or not there is unanimous consent.

Mr. CONKLING. On the contrary if the Chair will allow me I am calling on myself to ascertain whether for one I will give consent or not. That is what I am trying to do. If the Senator from West Virginia will allow me to proceed, I reiterate my statement that the legislative, executive, and judicial bill is in conference committee, as I said it is and as he says it is. It has not therefore been enrolled; it has not received even the signatures of the presiding officers of the two Houses, and has not gone to the President. The judicial-expenses bill has gone back to the House. Therefore there are two appropriation bills, the action on which is not concluded, waiting to be enrolled and carried to the Executive.

Now I submit to the Senator from Virginia that it is not at all likely that he will advance the ultimate completion of the Army bill by one hour if he succeeds in getting a vote this afternoon rather than a vote to-morrow; and further I say to him that I understand there are several Senators on this side of the Chamber who want to make some remarks upon the Army bill, not of course with a view to consuming time but simply to speak to certain features of that bill as it stands which they wish to discuss. Inasmuch as the Army bill has been before the Senate but one single day, and a considerable part of that day occupied by other business, I see no occasion for the Senator's demanding that the bill shall be concluded to-day. I see no occasion for a night session and no need of attempting to incommode or crowd any Senator on either side who wishes to submit remarks on that bill.

Therefore I suggest that the Senator from Mississippi had better have his unanimous consent to conclude the consideration of this bill; and if, when a reasonable hour of adjournment is reached to-day, there be other Senators who want to be heard on the Army bill, in place of trying to incommode each other and sitting out the bill in the night, it had better go over, and the more so because for reasons I have given I do not believe it will make one hour's difference in the end whether we vote this afternoon or whether we vote to-morrow upon the Army bill.

Mr. WITHERS. I have arrived myself at a different conclusion from that reached by the Senator from New York. I think it important that we should have a vote upon this bill to-day. He is mistaken, however, in supposing that I demanded a vote. I simply gave notice of a purpose to request the Senate to dispose of the bill before it adjourns. Of course the whole matter remains with the Senate. If they are in favor of an adjournment, when that motion is made they can adjourn. I shall, however, resist it as the organ of the Appropriations Committee.

Mr. CONKLING. Yes, sir; and if the Senator appeals to his party associates to stand with him, that makes a majority against adjournment. If we consent to take up the Mississippi bill, and two or three hours are devoted to it, then the result will be that Senators who want to make some observations about the Army bill will be driven into the night or denied the privilege altogether. I do not think that is fair.

Mr. GORDON. Mr. President, I have looked into the bill somewhat as to a number of amendments that have been acted on and those still pending on the bill now before the Senate. I am satisfied that, having acted on all the committee's amendments, as there is but one more to be acted on so far as the Senate has been advised, we can get through with it in ten or fifteen minutes.

The PRESIDENT *pro tempore*. The Senator from Mississippi asks that by unanimous consent the appropriation bill may be informally laid aside subject to be called up at any time, and that the Senate proceed with the Mississippi River bill. Is there objection?

Mr. CONKLING. For one Senator, I will give my consent, and trust to the courtesy of the other side of the Chamber when we reach an ordinary hour of adjournment, if any Senator wants to be heard, that he shall not be cut off or pushed into the night.

Mr. WITHERS. The Senator must not trust to my courtesy in the matter, if he alludes to me—

Mr. CONKLING. I did not indicate the Senator from Virginia as one to whose courtesy I would trust.

Mr. WITHERS. I am on "the other side of the Chamber," and as the bill is under my charge I supposed that perhaps I was alluded to.

Mr. CONKLING. I did not select the Senator from Virginia as the Senator to whose courtesy I intended to trust. Therefore I do not think there is any occasion for a reprimand from him.

Mr. HARRIS. I will say to the Senator from Virginia and the Senator from New York that I have the assurance of the Senator from Mississippi that he will not ask for more than twenty minutes. This bill can be passed in ten, I think; but he limits his request to twenty minutes' time.

Mr. LAMAR. I do.

Mr. HARRIS. I appeal to those two Senators to consent to the twenty minutes being devoted to this bill regardless of the notice given by the Senator from Virginia yesterday.

Mr. DAVIS, of West Virginia. I do not rise to object to the consideration of this bill even until half past one, but I want to say after what the Senator from Virginia has said that I think we ought to sit this bill out this evening, and there was a sort of general understanding yesterday that it should be done.

Mr. CONKLING. Oh, no; not at all.

Mr. DAVIS, of West Virginia. I think there was a sort of general understanding that we should remain and sit the bill out to-day. I do not know whether the Senator from New York agreed to it or not. I do not say he did; I do not say that other gentlemen did. But there is another view of it. The Senator from New York has said that it will not forward the appropriation bills to pass the Army bill to-day rather than to-morrow. I beg to differ with him on that. It will be one day in advance, I think, and that one day will count in the final adjournment. If we propose to adjourn, I think each day we stay here continues the time that much longer. The Appropriations Committee that has charge of the adjournment resolution from the House has been desirous for several days to propose a day and report the resolution back to the Senate; but they have thought they were not warranted in doing so until such time as all the appropriation bills had passed, and we hope to see them concluded here to-day.

The PRESIDENT *pro tempore*. Is there objection to the request made by the Senator from Mississippi?

Mr. LAMAR. For twenty minutes.

Mr. DAVIS, of West Virginia. The Chair hears none, and the Mississippi River improvement bill is before the Senate as in Committee of the Whole, subject to be displaced by a call for the regular order. The question now is on the amendment offered by the Senator from Michigan [Mr. FERRY] to strike out of lines 9 and 10 of section 2 the words "appointed from the Engineer Corps of the Army."

Mr. McMILLAN. When I took my seat I was commenting on the amendment offered by the Senator from Michigan with reference to the appointment of a person to be the chairman of this commission. As I stated when I was on the floor before, the Engineer Corps of the Army have had under their supervision all the improvements of the Mississippi River during the whole history of those improvements. They have made very important and generous improvements. At the rapids large and important improvements have been constructed by which the navigation of that river has been greatly improved, and throughout the whole course of the river they have adopted a scheme which will result in the improvement of the navigation of the river so that the entire Mississippi Valley and the whole country will be benefited by it. As the commission was organized in the House bill the benefits of the surveys heretofore made and the benefits of the experience of the Engineer Corps of the Army will all be brought into action, and proper effect given to them in the survey proposed in this bill. The commission as proposed by the amendment of the Senate committee will not only be deprived, partially at least, of those benefits, but will have elements introduced into it which will be unwholesome. It is not to be concealed here that this is a part of the extension of the improvement by jetties at the mouth of the river, and this plan will be but a continuation of those jetties.

Now, while I concede the engineering ability of Mr. Eads I do not believe that the survey authorized by this bill should be under the control of influences outside of the Engineer Corps of the Army, because the laymen on the commission with the member of the commission from the Geodetic Survey will control the entire movements of the commission, and a system of expenditure will be undertaken here which will not be justified by the results of the labors of this commission, as I verily believe. If the president of this commission is taken from the Corps of Engineers we shall at least have the benefit in that position of an officer of the Army whose skill in the execution of his duties and in the control and direction of the movements of that body will assure us of some protection in the expenditures and labors of this commission.

I predict, Mr. President, that if this commission provided in the amendment of the Senate committee is adopted, a system of expenditures will be incurred here which will far exceed the anticipation at present entertained by those who have any knowledge of this bill. I do not intend to delay the Senate on the bill. I am heartily in favor of the improvement of the river, and if the bill as it came from the House had been presented to the Senate I should have supported it cordially. As it is I am opposed to this amendment.

Mr. FERRY. It must not be lost sight of by the Senate that they have changed the complexion of this commission from what it was formed by the action of the House. The House sent us a bill for five commissioners, three of them to be taken from the Engineer Corps. The Senate by the decided vote of 36 to 18 have enlarged that number to seven and changed its complexion entirely, taking three from the

Engineer Corps and three from civil life and one from the Coast Survey. It would seem to me that in harmony with this expression of the Senate they ought to remove all restriction from the President of the United States in making selection of the president of this commission. I differ with my friend from Minnesota. He has alluded to Captain Eads. I have made no reference to any person. I have only argued this point, that the President, who makes the appointment, ought to be left free entirely, inasmuch as the commission has been enlarged to seven. Thus, by the expression of the Senate, the President has been informed that the Senate believes there ought to be a larger civil element in the composition of this commission. Now, I say, corresponding with this, in harmony with the expression of the Senate, we certainly ought to remove this restriction and leave the President who makes the nomination free to say who shall be president of the commission. In this respect there is no trammel by my amendment, there is no reflection either on the Engineer Corps or the engineers taken from civil life. It strikes me that the best method is to give the President this option, and he will certainly select from the seven the man most efficient, having the most practical mind, to stand at the head of the commission.

Mr. BURNSIDE. I did not propose to say anything on this amendment, because the chairman of the committee has already stated that the committee recommend no change in this respect. In other words, the chairman of the committee recommends that the president of this commission shall be appointed by the President of the United States. I will say, however, that you cannot expect to get for \$3,000 a year engineers any one of whom is fit for president of a commission of this kind. It is an absurdity to think of such a thing. But inasmuch as the chairman of the committee objects to the amendment of the Senator from Michigan, I hope the Senate will find no trouble in voting it down.

Mr. SAULSBURY. I do not intend to consume the time of the Senate. I gave my views on this measure in the closing hours of the last session. I then expressed my opposition to this measure, which I regard as one which will prove very detrimental to the interests of the people of this country in the expenditure of money out of the Treasury.

The proposition in my judgment is one that ought to be more carefully and duly considered than it seems likely to be at present. It proposes the appointment of a commission for the purpose of ascertaining and determining what improvements shall be made in the Mississippi River and all its tributaries, a scheme which if carried out in the spirit in which it is conceived, in my judgment, will take more than \$100,000,000 out of the public Treasury. It is true this bill appropriates but about \$150,000 or \$175,000 to defray the expenses of the commission; but that is simply the beginning. The appointment of this commission is simply the inception of a plan of improvements extending over half this continent, improvements which I now state, if carried out in the spirit in which they are conceived, will cost the Treasury of this country more money than has been expended on all the rivers and harbors of the country for the last twenty years.

Look at this bill, Mr. President. What does it propose? It proposes that this commission shall examine the Mississippi River from its mouth to its very headwaters, examine the surveys that have already been made, and make such additional surveys, examinations, and investigations, topographical, hydrographical, and hydrometrical, of said river and its tributaries, as may be deemed necessary by said commission to carry out the objects of this act.

The purpose is, therefore, to go and explore not only the Mississippi River but every river and creek entering into it, and to determine what improvement shall be made in order to insure the navigation of those rivers, and in the language of this bill determine and fix the channel—

And protect the banks of the Mississippi River, improve and give safety and ease to the navigation thereof; prevent destructive floods.

I do not suppose it is contemplated to stop the winds of heaven and prevent the rains from coming down and overflowing the banks; but it is to guard against them by a system of levees over which these floods shall not roll. Then they are to take into view the "commerce, trade, and postal service" of the country, doing anything to advance either of those great interests, and submit their plan to the Secretary of War, and when approved come here and ask Congress for the money necessary to carry it out.

I wish here and now emphatically to enter my protest against a measure which in my judgment will cost the people of this country more than a hundred millions of dollars in the next ten years. Representing as I do a portion of the tax-payers of the country, I am unwilling to see a measure of this kind commenced when I know that the people of the country have got to pay the expense by taxation imposed upon them. Having submitted my views more at length, however, at the last session of Congress, I shall not trouble the Senate further on this measure, but content myself by recording my vote against the bill.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Michigan.

The amendment was rejected.

The bill was reported to the Senate as amended, and the amendments made as in Committee of the Whole 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.

Mr. CHANDLER. I ask for the yeas and nays on the passage of the bill.

The yeas and nays were ordered; and being taken, resulted—yeas 47, nays 4; as follows:

| YEAS—47. | | | |
|------------------|--------------------|-------------------|------------|
| Allison, | Conkling, | Houston, | Rollins, |
| Bailey, | Davis of Illinois, | Ingalls, | Sanders, |
| Bayard, | Davis of W. Va., | Jonas, | Slater, |
| Beck, | Dawes, | Jones of Florida, | Thurman, |
| Blaine, | Ferry, | Kernan, | Vance, |
| Burnside, | Garland, | Kirkwood, | Vest, |
| Call, | Groome, | Lamar, | Voorhees, |
| Cameron of Pa., | Hampton, | Logan, | Walker, |
| Cameron of Wis., | Harris, | McMillan, | Whyte, |
| Carpenter, | Hereford, | Paddock, | Windom, |
| Cockrell, | Hill of Colorado, | Pendleton, | Withers. |
| Coke, | Hill of Georgia, | Randolph, | |
| NAYS—4. | | | |
| Chandler, | Morrill, | Platt, | Saulsbury. |
| ABSENT—25. | | | |
| Anthony, | Farley, | Kellogg, | Sharon, |
| Bell, | Gordon, | McDonald, | Teller, |
| Booth, | Grover, | McPherson, | Wallace, |
| Bruce, | Hamlin, | Maxey, | Williams. |
| Butler, | Hoar, | Morgan, | |
| Eaton, | Johnston, | Plumb, | |
| Edmunds, | Jones of Nevada, | Ransom, | |

So the bill was passed.

The PRESIDENT *pro tempore*. The regular order is—

Mr. LAMAR. I ask unanimous consent that my colleague [Mr. BRUCE] be allowed to record his vote. He was detained at his house by sickness in his family, and was on his way here to vote on the bill just passed. I ask that he be permitted to record his vote on the bill just passed, House bill No. 1847.

The PRESIDENT *pro tempore*. The Chair believes that is against the rule.

Mr. CONKLING. It has been done.

Mr. BRUCE. Mr. President—

The PRESIDENT *pro tempore*. The Chair is of the impression that the rule which prohibits voting after the result has been announced cannot be suspended even by unanimous consent.

Mr. LAMAR. Not by unanimous consent?

Mr. CONKLING. May I remind the Chair and the Senator from Mississippi that near the close of the last session the senior Senator from Maine [Mr. HAMLIN] on the occasion, I think, of the passage of the so-called anti-Chinese bill, made a similar request he not being in the Chamber and by unanimous consent he was allowed to record his vote.

Mr. MORRILL. I will say that Senator HAMLIN asked consent.

Mr. CONKLING. That is the Senator to whom I refer, the senior Senator from Maine, and I think nobody objected to it.

Mr. BRUCE. I simply ask unanimous consent to be allowed to record my vote in favor of the bill. I was detained at home, and was on my way here and very nearly here when the vote was taken. Had I been here I should have voted for the bill. I was coming here for no other purpose than that.

The PRESIDENT *pro tempore*. There would certainly be no objection to that if the rule permitted it. The Chair will read the rule to the Senate:

18. When the yeas and nays shall be taken upon any question, no Senator shall, under any circumstances whatever, be permitted to vote after the decision shall have been announced from the Chair; but a Senator may, for special reasons assigned by him, with the unanimous consent of the Senate, change or withdraw his vote after such announcement. No motion to suspend this rule shall be in order.

Mr. LAMAR. I suggest to my colleague that his object is accomplished by making the request anyhow.

Mr. BRUCE. I am very well satisfied. I simply wanted it distinctly understood that I am in favor of the bill.

The PRESIDENT *pro tempore*. If it is desired, the Chair will submit the question to the Senate whether it can be done. The impression of the Chair is that the rule cannot be suspended, even by unanimous consent.

Mr. LAMAR. I withdraw the motion.

Mr. CONKLING. The Senator can state how he would have voted if he were here.

Mr. BRUCE. Certainly. I have stated that I would have voted "yea."

PAY OF CONGRESSIONAL EMPLOYÉS.

Mr. WALLACE. I wish to make a report from a committee of conference.

The PRESIDENT *pro tempore*. Does the Senator from Kentucky, who is entitled to the floor on the unfinished business, yield?

Mr. BECK. Yes, sir; I yield.

Mr. WALLACE. The committee of conference to whom was referred the difference between the two Houses on the joint resolution (H. R. No. 85) fixing the date on which the pay of the committee clerks, pages, and laborers of the House of Representatives who are paid during the session only shall begin for this session, and for other purposes, have instructed me to make a report.

The PRESIDENT *pro tempore*. Does the Senator ask for action on the report now?

Mr. WALLACE. No; let the report lie on the table for the present.

ARMY APPROPRIATION BILL.

Mr. WITHERS. Regular order.

The PRESIDENT *pro tempore*. The regular order is House bill No. 2175.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 2175) making appropriations for the support of the Army for the fiscal year ending June 30, 1880, and for other purposes.

The PRESIDENT *pro tempore*. The pending question is on the amendment offered by the Senator from Maine [Mr. BLAINE] to the amendment offered by the Senator from New York, [Mr. CONKLING,] on which the Senator from Kentucky [Mr. BECK] is entitled to the floor.

Mr. BECK. Mr. President, I stated yesterday evening that I had not expected to say anything more on the political questions now before the Senate; I intended to reserve what else I might have to say about them till I returned to my constituents in Kentucky, where I expect to be pretty fully and freely heard; and I desire to state now that if any gentlemen on the other side will consent to come to Kentucky to be heard in maintenance of their views or to controvert my statements, I will divide time with them and entertain them as well as I can while there.

Mr. CONKLING. Cannot we hear the Senator without going clear out there?

Mr. BECK. I think you will not care to hear me, but I am afraid you will have to for a few minutes, as I have something more to say in corroboration of what I said yesterday. When the Senator from Maine with great emphasis—I need not say that, because all that he says is said with great emphasis—announced that he believed—I will read his language:

I am very sure that there is no Senator on this floor who can say or pretend to say that any citizen of the United States was ever prevented from voting by a soldier of the United States.

And when the Senator from Virginia [Mr. WITHERS] gave him reasons for believing that he had reliable information which enabled him to say so, the Senator from Maine said:

I did not challenge the powers of lying of the whole American people. I said that no Senator on that side would say that anybody had ever been prevented.

Again he said:

What I asked was for that form of respectable and responsible testimony, whether a Senator knew or pretended to know that anybody had been prevented from voting by troops.

I stated that I had that character of respectable and responsible testimony which authorized me to say that in my judgment I could show that citizens, legal voters, men who had all the elements necessary to make them competent to go to the polls and cast their votes for whom they pleased, had been prevented from voting by the soldiers of the United States. I read the committee's reports of what occurred in August, 1865, in the State of Kentucky, in the county of Bath; and be it remembered that August, 1865, was months after the surrender of the last confederate soldier. No hostile arm was ever raised against the authority of the United States from the day of that surrender, and no decent excuse for martial law or its continuance existed in any Southern State, far less in Kentucky, in August, 1865.

Even the law that we have been for months seeking to repeal, and which gentlemen on the other side are so earnest to retain for partisan purposes on the statute-book, and which the President has taken the pains to veto the repeal of, was passed on the 21st day of February, 1865. That law declared it to be unlawful for any soldier to be present at the polls in any State except for the purpose of keeping the peace. Be it remembered that no act had been passed in August, 1865, authorizing supervisors, marshals, deputy marshals, or any of the present machinery of the Federal Government to be employed for any purpose, foul or fair, at the polls. The act of 1866 requiring a uniform day for the holding of elections for members of Congress, fixing it for bad purposes on a day in November, when men were required by the Constitution to vote for electors of President and Vice-President of the United States, and when nine-tenths of the States elected all their State officers, from the highest to the lowest—even that law had not then been devised. With the law of 1865 prohibiting soldiers from being sent to the polls except to keep the peace, when there was no war raging or rumor of war prevailing in the country, when the last rebel had surrendered, I repeat, by the testimony of as respectable a body of men as ever met together in any assembly—that is, by the recorded vote of the Kentucky Legislature and the report of one of its committees—in the county of Bath legal voters were driven from the polls by armed troops because they would not obey an illegal order of General Palmer, then pretending to control elections, because he was in command of Kentucky, or for some other equally bad purpose, which I believe he has long ago repented of.

I now propose to read what occurred in the county of Garrard, as stated in a report from the same committee, and I need not read again the names of the gentlemen who composed it. I said yesterday that Judge Benjamin F. Buckner was a man who fought through the war in the Federal Army; that Colonel Frank Wolford, who is well known, is one of the most gallant soldiers in the service; that the Kentucky Legislature was composed altogether of men not one of whom had ever joined the confederacy, twenty-odd of whom to my knowledge (and I presume there were many more) fought through the war on the side of the United States—five times as many as there are Senators on the

other side who fought in the same cause; and I suppose there were ten times as many if I knew them all personally as I do the twenty that I can speak for. That committee made this report:

On the first Monday in August, 1865, an election was held in Garrard County, at which W. J. Lusk and Daniel Murphy were candidates to represent that county in this branch of the Legislature—

I need not tell men who have ever been in that portion of Kentucky—there are men here who know him—that W. J. Lusk, who was the democratic candidate, was as loyal a man as there is in this Chamber on either side of it—

and were voted for by the people of the county for that office.

On the evening preceding the election a force of negro soldiers, fully armed, was sent into the county, and, on the morning of the election, were stationed at or near the various voting places, where they remained during the day.

I need not say in this or any other presence that if there was any body of soldiers who at that day were more offensive to the people of Kentucky regardless of party than any other, it was those who, having been their former slaves were armed and drilled and placed at the polls, in order to arrest and insult their former masters. The thirteenth amendment had not then passed, and the object of the military authorities at that election was to elect a Legislature that would vote for and adopt that amendment; hence it was that the soldiers, and especially the negro soldiers, were sent to the polls in order to prevent all men who were not willing to sustain the proposed thirteenth amendment from being elected to that Legislature. Alabama was the last State that ratified it on the 5th day of December, and the slaves of Kentucky were freed by the votes of Alabama and South Carolina and other States that were afterward driven out of the Union and told they never were States after the war, but were military satrapies, and yet Kentucky, Maryland, and Missouri, and other States, had all their slaves emancipated by the vote of those States, and the determination of the radicals was to make Kentucky do it or make it appear that she had done so, and to prevent the repeal of obnoxious laws which an insensibly loyal Legislature had passed during the war.

On the evening preceding the election, a force of negro soldiers, fully armed, was sent into the county, and on the morning of the election were stationed at or near the various voting places, where they remained during the day. Many of the best citizens of the county were arrested by the officers commanding the various squads of negro soldiers at the different voting places, taken away from the polls by negro soldiers, and by them kept under arrest until the polls were closed.

That, be it remembered, is the report of a respectable committee, a highly respectable committee of the Legislature of Kentucky. Their report was sustained, and the man who professed to have been elected was rejected by a vote of 61 to 20 upon a call of the yeas and nays. Not one of the 61 that voted for his rejection was either in the confederate army or had any connection with it.

The committee proceed:

The proof shows that many qualified voters were warned by those acting with the soldiers and in the interest of the sitting member—

Mr. Murphy—

not to appear at the polls or attempt to vote, on pain of being arrested by the military and sent off under guard to Camp Nelson.

Camp Nelson was a large fortification on the edge of the county of Garrard, on the Kentucky River, between that and the county of Jessamine.

It is shown that the white men who commanded the negro troops, at several of the voting places stood at the polls with proscribed lists in their hands, and either drove from the polls or ordered the arrest of peaceable citizens and qualified voters, for no other offense than that their names appeared on said lists, and that they desired to vote for Lusk and against Murphy. These lists were used at almost all the voting places in the county, and numbered from forty to fifty names each, all of whom were prevented from voting by the military until late in the evening, when it was ascertained that Murphy was certainly elected. A few of those whose names appeared on the lists were permitted to vote.

Will Senators contend that this took place at a national election where United States troops were or are authorized or required to preserve the peace of the United States? It was at a county election for members of the Kentucky Legislature. Was not the law of 1865 then in force which provided that no officer should take troops to the polls in any State under any pretext, except to keep the peace? All the proof showed conclusively that the election was peaceable and that no man sought to make disturbance.

At Lancaster—

Say the committee—

George R. McKee—

He may not be known to many men in this Senate, but George R. McKee is known all over the West as one of the ablest and most eloquent members of the bar of Kentucky to-day, now living in Covington, practicing law in partnership with General John W. Finnell. His legal ability and eloquence and his standing as a gentleman are second to none in the State.

At Lancaster, George R. McKee, together with some thirteen or fourteen others, were arrested, placed in charge of negro soldiers, who marched them off to an old church in the town, where the most of them were kept under guard by the negroes until after the polls were closed, when they were released and permitted to go to their homes, no charge of any kind being preferred against any of them. This wholesale arrest and imprisonment of men deterred many persons from offering to vote, who otherwise would have voted for Lusk and against Murphy.

At Bryantsville precinct, soon after the polls were opened, and when but few votes had been polled, a Federal officer, accompanied by some four or five soldiers, walked up to the polls and in a haughty and commanding voice ordered those who were near the polls attempting in a peaceable, quiet manner to cast their votes to clear the polls, to stand back and let him in; that it was his intention to manage that election himself. He entered the room where the votes were being taken and

ordered the judges of the election to poll no vote without his sanction, at the same time exhibiting a list of names, none of which he said would be permitted to vote and would arrest the first one of them who offered to vote. Under this order Mr. H. Smith, an aged citizen of high respectability and a qualified voter, was arrested and placed in the custody of negro troops, who held him until noon, when he was released, no charge being preferred against him.

Another citizen and qualified voter was arrested soon after Smith was, and held in custody, and was released when Smith was, on conditions that he would not attempt to vote, and would go straightway home, with which conditions he gladly complied.

The proof shows that from early in the morning until it was ascertained beyond a doubt that Murphy was elected, the friends of Murphy, acting in concert with the military, were busily engaged in deterring legal voters from going to the polls, by telling them they would certainly be arrested if they offered to vote; exciting their fears by telling them they would be sent off to some loathsome prison, to be held there for months, and finally be tried by a military commission.

Our people knew well what a trial by military commission meant. So did the people of the West generally.

By such intimidations and threats, both on the part of citizens and the military, many good citizens were prevented from casting their votes at the Bryantsville precinct.

Negro soldiers were stationed at all the voting places; arrests were made at all save one. The judges of the election at some of the polls publicly proclaimed that they were holding the election not under civil but military law. All the witnesses who have deposed state that the election was carried by fraud and violence, threats and intimidations, both on the part of soldiers and citizens.

The depositions from which the foregoing facts were derived were those of strictly Union men, and for the most part of men who had served in the Federal Army and been honorably discharged therefrom.

Not only were the committee men of that class, but the witnesses they examined, all of whom proved the facts I have read, were for the most part men who had served in the Federal Army and had been honorably discharged therefrom. All of them were strictly Union men.

The committee add:

From the facts elicited, the undersigned are of opinion that the election was not free and equal, and was not conducted in conformity to law; wherefore they recommend the adoption of the following resolution, namely:

Resolved, That Daniel Murphy is not entitled to a seat in this house as representative from Garrard County; that his seat be declared vacant, and the speaker directed to issue his writ for an election to fill said vacancy.

I. N. WEBB, Chairman.
B. F. BUCKNER.
FRANK WOLFORD.
M. JEFF. ROARK.

Mr. Finnie moved that the report and evidence be printed.

And the question being taken thereon, it was decided in the negative.

On motion of Mr. Stout, the evidence was read.

And the question being taken on the adoption of said report, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Buckner and R. T. Davis, were as follows.

I do not care about giving the names of the representatives, but, as I said of Judge Buckner yesterday, there are those here who have heard him perhaps before the Supreme Court of the United States, men who know him as I do, know that there is no better lawyer or abler man; and R. T. Davis was for many years one of the leading lawyers of his section, the son of Hon. Garrett Davis, who served so long and so ably in this body. When the yeas and nays were called the affirmative vote was 61, the nays 20, and Mr. Murphy was expelled from his seat on the facts set forth in the report.

I have the report as to the counties of Clark and Madison and other counties of the State. Here is one from the county of Campbell, within gunshot of the city of Cincinnati, where there never was a rebel soldier in any organized body, where there never was a company of men with the confederate uniform on, that I ever heard of. In the county of Campbell the same proof was made. I will read only portions of it:

At the Cold Spring precinct, one citizen, whose right to vote was undoubted, voted before the military interfered, and went home. He was sent for and brought back, and kept under guard nearly all day. One citizen was met on the road a quarter of a mile from the place of voting and halted by a sergeant, with a cocked pistol presented at him, which he seized and took from the soldier; but, under the advice of friends, he yielded himself up; when he was taken before Captain Read, who, after shamefully abusing him, had him tied to a tree in full view of the voting place and the big road, and kept him thus tied all day—an act of infamy on the part of this captain which utterly disgraced the uniform he wore, and should bring disrepute upon those who continued him in office after so disgusting an exhibition of his petty tyranny. Another citizen was ordered off without being permitted to vote, and, although he went away in obedience to the order, yet, by command of Captain Read, he was followed and brought back, and tied to a tree in full view of the voting place and the public highway.

Mr. CONKLING. What year was that?

Mr. BECK. Eighteen hundred and sixty-five, in August, in a county where I suppose there never was a confederate soldier publicly seen.

The result of these acts of shameful lawlessness on the part of the military was to deter men from going to the polls to exercise the dearest right the freeman knows.

At Indian Spring precinct two citizens were arrested by the military, one while he was voting, and the other after he had voted.

The committee proceed to state cases of man after man of the most respected citizens of that country who were driven from the polls, all legal voters, and to give the circumstances and the conversations that were had; wherefore they recommend that the radical representatives should not be allowed to hold their seats, because they were elected by force, fraud, and military interference.

I said when I rose that I would read evidence that I thought would be satisfactory, even to the Senator from Maine, that citizens who were entitled to vote had been prevented from voting by the military. If I have not, I confess my inability to do so. Of course the

military officers who were in command in Kentucky at that time endeavored to make it appear by all sorts of reasons that they had authority to issue their military orders to show why they should seek to control the people at the polls; but every Senator knows that the courts were then open, the war had closed, the civil authorities prevailed and were in the undisputed exercise of all their functions. That election was held under the civil authorities, and all the efforts to declare or sustain the pretense for martial law were simply null and void; if the Senator from Illinois [Mr. DAVIS] had never done anything else, his decision in the Bowles and Milligan case would send his name down to posterity with imperishable honor.

Mr. KIRKWOOD. I should like to ask the Senator from Kentucky a question with his permission.

Mr. BECK. Yes, sir.

Mr. KIRKWOOD. Did not martial law prevail in Kentucky at that time?

Mr. BECK. Martial law prevailed only to the extent that General Palmer, in command at Louisville, had seen fit to issue an order to that effect, continuing an old order of President Lincoln issued during the war, Mr. Lincoln being then dead.

Mr. KIRKWOOD. And that General Palmer is who?

Mr. BECK. That General Palmer was after that governor of Illinois. He is now, I believe, a democrat. He was a gallant soldier during the war, but exceeded his duty and authority after the war was over, in my opinion. He came to see the error of his ways very soon, and is not like a good many of you—citizens in war and soldiers in peace—who got mad and warlike after the war was over and are getting madder and madder every day when there is no danger. General Palmer is not a man of that sort. General Palmer did wrong in 1865 in Kentucky, or wrongs were done in his name. He will say so, in my judgment, as promptly as I or any other man. I care nothing about that. The Supreme Court of the United States, Judge Davis delivering the opinion of the court, decided that he did wrong, whether he thinks so or not. Let me read what the Supreme Court did say about martial law in the Bowles-Milligan case, and that will make my position clear:

If armies were collected in Indiana they were to be employed in another locality where the laws were obstructed and the national authority disputed. On her soil there was no hostile foot; if once invaded, that invasion was at an end, and with it all pretext for martial law. Martial law cannot arise from a threatened invasion. The necessity must be actual and present, the invasion real—such as effectually closes the courts and deposes the civil administration.

Was there anything of that sort in Kentucky? The courts were open, the civil authorities were in possession of full power. These very men who deprived citizens of the right to vote in August had been themselves judges of the election in November, 1864, when Mr. Lincoln and General McClellan were the candidates of the respective parties, and a committee of the Kentucky Legislature certified and proved that the very men who were not allowed to vote in August, 1865, had been allowed to vote, and voted for General McClellan in November, 1864, while war was flagrant, by these very same judges of election who deprived them of that right in 1865, under military orders.

I repeat that those men were declared not to be qualified to vote in 1865 under partisan military orders when they were decided to be qualified to vote in November, 1864, by the same men who rejected them in 1865. Mr. President, there is no trouble in knowing who votes in Kentucky. We vote *via voce*. Each man, black and white, walks up to the polls and tells who he votes for, and his name and vote is publicly recorded. As I said the other day, and I repeat it again in the hearing of the Senate and the country, no man ever was displaced from office or position or interfered with in any way for the vote he gave, no matter for whom he voted, boldly, freely, and openly; we have no tissue ballots there, no cheating of any sort.

Mr. BLAINE. Where are the tissue ballots?

Mr. BECK. They are not in Kentucky. If they are in Maine it would be well for the people the Senator represents to see to it. I speak for my own people, and for them only. We had no ballots at all until we were forced by Congress to vote by ballot for members of Congress. I hope the Senator will help us to repeal that law, as far as Kentucky is concerned, and let us vote *via voce* again, as we had always done.

It follows—

Says the court—

from what has been said on this subject, that there are occasions when martial rule can be properly applied. If, in foreign invasion or civil war, the courts are actually closed, and it is impossible to administer criminal justice according to law, then on the theater of active military operations, where war really prevails, there is a necessity to furnish a substitute for the civil authority thus overthrown to preserve the safety of the army and society; and as no power is left but the military, it is allowed to govern by martial rule until the laws can have their free course. As necessity creates the rule, so it limits its duration; for if this government is continued after the courts are reinstated it is a gross usurpation of power. Martial rule can never exist where the courts are open and in the proper and unobstructed exercise of their jurisdiction. It is also confined to the locality of actual war. Because, during the late rebellion, it could have been enforced in Virginia, where the national authority was overturned and the courts driven out, it does not follow that it should obtain in Indiana, where that authority was never disputed and justice was always administered. And so in the case of a foreign invasion, martial rule may become a necessity in one State when in another it would be "mere lawless violence." We are not without precedents in English and American history illustrating our views of this question; but it is hardly necessary to make particular reference to them.

From the first year of the reign of Edward the Third, when the Parliament of England reversed the attainder of the Earl of Lancaster, because he could have been tried by the courts of the realm, and declared "that in time of peace no man

ought to be adjudged to death for treason or any other offense without being arraigned and held to answer, and that regularly when the King's courts are open it is a time of peace in judgment of law," down to the present day, martial law, as claimed in this case, has been condemned by all respectable English jurists as contrary to the fundamental laws of the land and subversive of the liberty of the subject.

So sensitive were our revolutionary fathers on this subject, although Boston was almost in a state of siege when General Gage issued his proclamation of martial law, they spoke of it as an "attempt to supersede the course of the common law, and instead thereof to publish and order the use of martial law." The Virginia Assembly also denounced a similar measure on the part of Governor Dummore "as an assumed power, which the King himself cannot exercise, because it annuls the law of the land and introduces the most execrable of all systems, martial law."

So in Virginia, so everywhere, as the court shows. If General Palmer or anybody else in August, 1865, declared martial law in Kentucky, as the courts in Indiana undertook to do in regard to Bowles and Milligan, as they attempted to do in many other cases, the act was illegal, null, and void; it was violative of the Constitution of the United States and of the law of February 18, 1865, about which we had so much controversy, that prevented soldiers from going to the polls except when they were there simply to keep the peace while elections were being held, and which prevented them from interfering when elections were being held for men to represent the counties in the lower branch of the State Legislature. This was so certified, so proved, so voted upon by men as loyal, I repeat, as gentlemen on either side of this Chamber or anywhere else, and it was because I knew these facts to be true from the records of my own State that I made the remark I did some days ago and repeated it yesterday when it was denied again by the Senator from Maine. I might speak as to what I know personally, but if I knew of a hundred cases I would not speak of them on this floor, for I am not as a witness to be catechised, nor will I volunteer testimony. I rely upon the record of the Kentucky Legislature to sustain my assertions, and it sustains them fully, as all impartial men will agree.

I have shown already in this debate, by the message of the governor of Pennsylvania, that elections in his great State had been interfered with by United States soldiers in 1872. I showed by the message of the governor of New York to his Legislature that elections in his still greater State had been so interfered with. Other gentlemen proved the same things elsewhere. I showed the outrages committed in my State during the war, when Mr. Wickliffe and Governor Bramlette were opposing candidates, how the polls were closed in many counties against the democratic candidate and opened to his opponent; and, I repeat, the judge of my district, Judge Buckner, himself a member of the Legislature, himself one of the committee that acted upon the contested-election cases, one of the leading lawyers in my State and as intelligent as any Senator here, sent to me those records which I have just read in order to prove, as they have, every word I have said to be true, which was that the military had interfered before the law of 1865, and after the law, under pretense, if you please, of martial law—in violation of all the rights of citizens and freemen. On these facts I have always maintained that it was the duty of the democratic party, whenever it had the opportunity, whenever it had the power, to repeal all laws which under any pretense seek to give to military commanders any such authority anywhere or under any circumstances. So far I admit we have not succeeded.

The bill that we passed first was vetoed. I said when I spoke upon that bill that I did not expect it would be vetoed. I was disappointed. I had seen the present President of the United States, when a member of Congress from Ohio, in 1866, on a rider or amendment to the Army appropriation bill vote to deprive Andrew Johnson, then President of the United States, of all control over the Army of the United States, and require the commanders of corps and companies to report to the General of the Army, U. S. Grant. I had seen him as a member of Congress, when he and his party had deprived eleven States and nine million people of the power to call upon or ask aid or benefit from their militia, when they were left by Congress to the mercy of their former slaves and the marauders sent there by Congress. I had seen him twice on a call of the yeas and nays, on the resolution offered by James M. Ashley, of Ohio, vote to impeach President Johnson because of his improper and so-called corrupt use of the veto power. Could I expect for a moment that the bill to keep soldiers from the polls would be vetoed by a man with such a record as that, backed by a cabinet nearly every one of whom had denounced every act that we denounce in language more emphatic than we have— from his prime minister, Mr. Everts, and the Secretary of the Interior, Mr. Schurz, who has been often heard on this floor, to his Postmaster-General, himself unable to-day to sit on a jury in the State from which he came? Could I expect men with such records to advise and consent to the veto of such laws as we have sought to pass—laws merely repealing acts unjust, unconstitutional, and fraudulently inserted and retained upon the statute-books?

Of course I never suspected any such thing. It has been done, I admit it, done for what purpose I know not; or if I do, it may not be proper to state my belief; but I know this, that when I go before the people of Kentucky and the people of the West and tell them that we have made an honest and earnest struggle, knowing that we did not have two-thirds of both Houses, knowing that we could not pass any bill over a presidential veto, having the right to believe that we could not justly be deprived of the right to repeal laws in

the same way that they were placed upon the statute-books, and when I tell them what is the fact, that we are honestly and earnestly seeking to keep the soldiery from the polls, that we are seeking to keep the deputy marshals who are brought from the prisons and the slums and the rat-pits, as the Senator from New York calls them, to interfere with free election by the people, and that we demand honest juries in the jury-box, and that the ignorant and fraudulent ones now placed there shall be taken from them, every man in my region of country will say we were right, and the people of America will say we were right, if they desire to perpetuate their ancient rights and liberties.

Mr. CONKLING. Will the Senator from Kentucky let me ask him a question there?

Mr. BECK. Yes, sir.

Mr. CONKLING. May I inquire, perceiving entirely the spirit in which the Senator speaks why the effort is made to cover up by ambiguous words in this bill his intention? May I ask him what the purpose is of putting in the bill "as a police force," in order to deceive, (I do not speak of the intention but of the effect) those who read the bill and make them believe that the Senator and his associates were willing that the troops should be used to keep the peace at the polls, if they can say that they should not be used as a police force at the polls? What is the object of that? Why not say out flat-footed, as the Senator does now, what they mean?

Mr. BECK. I hold in my hand a speech, and I wish I knew how to express it, as the Senator from New York does so well, so as to keep within the rules. I have tried that experiment two or three times and always made a bungle of it, and I am afraid now to attempt it; but I hold a newspaper in my hand that is not as suspicious as the other, [laying his hand on the RECORD,] yet when compared with the other I think it will be found so much like it that it would be hard to tell them apart, in which the purposes of this bill were well stated by a man as distinguished elsewhere as the Senator from New York is in the Senate, and that is exhausting comparison, and who stands, I suspect, a good deal closer to the distinguished—officially distinguished—gentleman at the other end of the Avenue than the Senator from New York does.

Mr. CONKLING. I do not see how that can be.

Mr. BECK. I am not at liberty under the rules to say where the statement was made, but that distinguished gentleman said in a very distinguished place—and I think it answers the question put to me by the Senator from New York on this subject perhaps better than I can; it ought to have more weight with him than anything I can say:

I do not know of a man in this House who is in favor of using the Army of the United States as an ordinary police force to run elections.

Mr. CONKLING. As what?

Mr. BECK. "As an ordinary police force to run elections."

Mr. CONKLING. But the "ordinary" has been left out of this bill.

Mr. BECK. He proceeds to say:

That no one may misunderstand me, let me put the case thus: Suppose some one should offer the following as a substitute for this section:

"Be it enacted, etc., That it shall be lawful for the President of the United States to use the Army, or any portion of it, as a police force to keep the peace at the polls at any election held within any State."

Is there a man in this House that would vote to make that a part of our law? If there is one, let him speak.

A gentleman by the name of FINLEY said:

Did not the gentleman vote for a proposition substantially that?

Mr. GARFIELD. Never in my life, nor anything like it.

Mr. FINLEY. The vote of the gentleman last session was precisely that in effect. Mr. GARFIELD. The gentleman is utterly mistaken. Now, if no one would vote to enact into law the thing which this section says is not appropriated for, how can any one hold that the section prohibits anything that ought to be done? The proposition to use our Army as a police—

Mr. CARPENTER. Mr. President, I rise to a point of order.

The PRESIDING OFFICER. (Mr. EATON in the chair.) The Senator from Kentucky will suspend.

Mr. BECK. Let me finish the sentence.

Mr. CARPENTER. The point of order is against the sentence.

Mr. BECK. I want to read it.

Mr. CARPENTER. I have no objection in this particular instance. The rule of this body, however, prohibits Senators from alluding to what took place in the other House of Congress. If it is done on one side of the Chamber it will be done on the other, and the rule will be practically trampled under foot. I make the point of order.

Mr. BECK. I have read from a paper published in the city of Washington.

Mr. CARPENTER. What does the Chair rule on the point of order?

The PRESIDING OFFICER. The Senator from Wisconsin has made the point of order that the rules do not permit a member of the Senate to read and use the language of a member of the House. The Chair understands that to be the point of order which is raised by the Senator from Wisconsin.

Mr. CONKLING. Not to report what is said upon the floor of the House during the present session.

The PRESIDING OFFICER. In the opinion of the present occupant of the chair the point of order is well taken. The Chair thinks that the Senator from Kentucky ought not to allude by name to language used by a member of the other branch during the present Con-

gress. Without looking at the rule, that is the opinion of the Chair at first view.

Mr. BECK. I will simply ask a question. Suppose that the gentleman had made the speech from which I am reading in front of Willard's Hotel or in Lincoln Hall, would that be a violation of the rule?

The PRESIDING OFFICER. When a point of order is made against an expression used in front of Willard's Hotel or at Lincoln Hall the Chair will rule on that point of order.

Mr. BECK. I desire to know of the Chair if I have said in the most remote possible way that this language was used in the House of Representatives?

Mr. CARPENTER. I rise to a point of order. I understand that after the Chair has ruled upon a point of order the only way that it can be debated is by an appeal. I do not understand the Senator to appeal, but he is proceeding to debate the point of order.

The PRESIDING OFFICER. The Chair did not know from what the Senator from Kentucky was reading, but the Senator from Kentucky had announced the names of two members of the House as having uttered in debate certain language, and therefore it was that the Chair ruled that the allusion was not in order.

Mr. BECK. Not having said that it was what occurred in the House and not being called upon to deny that it did occur in the House, I should like to have the proof that it did take place in the House, because without that being shown I suppose I am not out of order.

The PRESIDING OFFICER. Certainly not.

Mr. BECK. Then I can compare the paper I hold in my hand with the language that will be read as having been delivered in the House.

Mr. CARPENTER. The RECORD is published by authority of Congress, and is laid on our tables every day, containing the debates of the House of Representatives.

Mr. BECK. I will send to the Chair the newspaper from which I read.

Mr. CARPENTER. I do not care what the Senator read from; the Senator gave the substance of proceedings in the House, as shown in the RECORD of the proper date. That is out of order under the rules. I do not care anything about it in this particular instance except that if this course of proceeding is indulged in on one side of the Chamber, it will be on the other; and the rule is a proper one and ought to be enforced.

Mr. BECK. I will submit to the ruling of the Chair rather than take the time of the Senate, and will endeavor to see if I cannot ascertain hereafter exactly how to use language without being out of order. I am only sorry it prevents me, therefore, from answering as fully as I could have done the question of the Senator from New York; but if he will turn to the Post of Tuesday morning, June 17, 1879, he will find that a far abler man than I am, and one who knows far more about all those things than I do, and I will not call his name this time, said somewhere:

The proposition to use our Army as a police, to send them out and station them one by one at the polls to run the elections as a police, is a fiction so absurd that I trust no man on this side of the House will give the least color to the assumption that he favors it by holding that this sixth section repeals, suspends, or modifies any existing statute.

Mr. CARPENTER. Mr. President, I rise to a point of order.

Mr. BECK. I am done now.

Mr. CARPENTER. I will, with the permission of the Chair, state the point of order.

The PRESIDING OFFICER. The Senator from Wisconsin will state the point of order.

Mr. CARPENTER. I made my first point of order merely out of respect to the rule. I make this point of order merely out of respect to the ruling of the Chair, that when the Chair and the Senate have ruled that the Senator is out of order in quoting in the Senate what was said in the other House of Congress by any member, he cannot evade it nor escape from the ruling by dropping the name and saying that it was somewhere, and then read from the very speech itself, which shows it to be language used in the House of Representatives.

Mr. BECK. Now, I will ask the Senator from Wisconsin how he knows that I have read from the same speech?

Mr. CARPENTER. I have read the speech in the RECORD. That is the way I know you read it correctly. I am speaking to you, not to the Chair, for I would not refer to what took place in the other House myself. [Laughter.]

The PRESIDING OFFICER. The Chair will state that he has no doubt the Senator from Kentucky will now proceed in order.

Mr. BECK. I will endeavor to proceed in order.

Mr. CONKLING. Why will not the Senator answer my question?

Mr. BECK. I have answered it as well as I know how.

Mr. CONKLING. If my friend will pardon me, I see that he has been sincere in trying, but I was not asking what such a man as he has been describing thought; I do not know of any such man on earth; but if I did I was not asking about him. I was asking the Senator from Kentucky, the Senator now on the floor, in the midst of his speech, why he does not legislate in the spirit of his argument, why he does not legislate to say that troops shall not be used to keep the peace at the polls on election day; and why he does cover up that idea, hide it away under a confused juggle of words, good

for nothing except to deceive somebody? That is my question. It is no answer to that to read what somebody else, who he says was a great man, said somewhere else.

Mr. BECK. The section speaks for itself, and it reads thus:

That no money appropriated in this act is appropriated or shall be paid for the subsistence, equipment, transportation, or compensation of any portion of the Army of the United States to be used as a police force to keep the peace at the polls at any election held within any State.

The language is unambiguous. We decline to make any appropriations for that purpose. That is all we do; and we assume that the various departments of the Government will have sufficient respect for the power and the authority and right of Congress to support and maintain armies, or to furnish appropriations for any other purpose, to obey the laws we pass, so that in view of the existing law that money shall be expended, and expended only for the purposes for which it is given; that it shall not be used for any other purpose; that when we say it shall not be used for this purpose we hope, trust, believe, and will endeavor to see to it that our will is obeyed. Whether we might not have gone further is another question. We have not. The section I have read shows all we have done. Whether we have done it properly, rightfully, or wrongfully, is to be determined hereafter.

But, Mr. President, while turning my attention to that paragraph a little while ago, and while waiting on the Senator from Wisconsin, another thing occurred to me, as I have said so much about supervisors and deputy marshals, and as so much has been said in their defense by the President and others, I propose to read from what I know to be a highly intelligent and respectable paper, published in my own State, one of the ablest newspapers, if not the ablest, in the South or the West, the Louisville Courier-Journal, of Monday morning, June 9, 1879, in regard to the character of the men who are and have been appointed to control State elections under the great desire of the powers at Washington to maintain the national peace at the polls and to maintain the purity of national elections, and all that sort of things that I do not believe in. I believe it is solely within the power of the States, and the authority of the States, to keep the peace at the elections of the State that it is their peace and their elections, not those of the United States. That is the objection I have, I may state by the way, to the amendment proposed by the Senator from Maine, because he is seeking by Federal authority to punish men who violate State laws and thus usurp State authority. I desire to say in this connection, before I read the paper to which I alluded, that whenever anything is required to be done by the Federal authority, whether it is to make war, or maintain foreign relations, or to regulate commerce between the States, or to do any great national act that no one State can perform, no man will go further than I to maintain the Federal authority; but when it comes to matters pertaining to elections in the States, to keeping peace at the polls in the States, to doing police duty for the States, without the request or consent of their authorities, then I maintain that all interference is a usurpation of and infringement upon the duty and the authority of the States. Much as I respect the Federal Army, if I thought it was to be prostituted for this purpose, I would vote millions to arm the militia of the States, I would vote millions to arm the men on the frontier to protect themselves against the Indians, I would reduce the Army of the United States down to the lowest possible point and remit its officers to civil life, hard as that might be, as I regard the liberties of this country and its people as being higher and above the maintenance of the highly respectable and, if let alone, patriotic Army we now have. This is an effort to see that those gallant men who do not desire to do that duty shall not be prostituted or used for such base purposes—purposes for which they were never intended. But as to the supervisors in 1872, it seems the New York papers published the history of the fellows we seek to get rid of, the set who were complained of by the governor of New York and the governor of Pennsylvania. Let me read again what the governor of New York said then:

A large number of United States deputy marshals and supervisors were appointed, many of whom were men of well-known disreputable character, and some of whom had been convicted criminals; a class of dangerous men never before chosen by any ruling authority, in any community, as conservators of the peace. They were instructed, under advice of the Attorney-General of the United States, to submit to no interference from any quarter under State or municipal authority. Orders were issued which authorized them, in the discretion of each one of them, to arrest at the polls citizens claiming the right to vote, as well as the inspectors who were charged by law with the custody of the ballot-boxes. These arrests were to be effected without process of law issued upon formal complaints.

To show that the governor of New York did not exaggerate, let me read. This is the character of the men, as the Courier-Journal furnishes the list, who were intrusted with this great duty:

Theodore, *alias* Mike, Anthony, *alias* Snuffy, of 24 Cherry street; a laborer, thirty-five years of age, married, and cannot read or write; Anthony was arrested by Detective James Finn, of the fourth precinct, on July 24, 1870, for larceny from the person, and was held in \$2,000 bail for trial by Justice Hogan. He was indicted by the grand jury on the charge on the 22d of August last.

Henry Rail supervisor Eighth ward; one of the principals in the Chatham-street saloon murder; went off West to escape punishment, and has only been back a few weeks.

James Moran, supervisor third district, Eighth ward; arrested on Sunday last for felonious assault.

William, *alias* Pomp, Harton, colored, marshal Twenty-second; arrested a few days since for vagrancy.

James Miller is the keeper of a den of prostitution in the basement of 337 Water street.

James Sullivan, *alias* Slocum; keeps a house of prostitution at 330 Water street, which is a resort for desperate thieves.

Frank Winkle keeps a house of prostitution at 374 Water street. The police are frequently called in to quell fights in Winkle's place, and it bears a hard reputation.

Richard O'Connor, supervisor seventh district, First ward; has been for years receiver of smuggled cigars from Havana steamers.

L. H. Cargill, supervisor ninth district, Ninth ward; tried in United States court for robbing the mail.

John Van Buren, supervisor twelfth district, Eighth ward; was at one time in sheriff's office and discharged for carrying a load of seized goods from the establishment of Richard Walters in East Broadway.

Mart Allen, marshal Eighth ward; served a term of five years in State prison; sentenced to Sing Sing for five years by Judge Bedford. His case was appealed, and while waiting for a decision he managed to get out on bail. His case has been decided against him, and he has fled to parts unknown to ply his vocation and help the radicals elsewhere.

John McChesney, supervisor fourth district, Ninth ward; associates with thieves; bears a bad character generally.

William Cassidy, supervisor twelfth district, Ninth ward; is a street bummer without any visible means of support.

Thomas McIntire, marshal Eighth ward; has been frequently arrested for beating his aged mother; sent several times to Blackwell's Island.

Timothy Lynch, marshal sixth district, First ward; a Washington market lounger.

Peter Mose, marshal Sixth ward; habitual drunkard.

John Conner, supervisor first district, First ward; keeps a disorderly gin-mill, resort of lowest characters.

Francis Jordan, supervisor sixth district, First ward; lives in New Jersey; was turned out of the post-office by Postmaster Jones for bad conduct.

Bernard Dugan, supervisor eighth district, First ward; habitual drunkard. His wife left him on account of his drunkenness, and procured a divorce on that ground.

John Tobin, supervisor ninth district, First ward; arrested about six months ago for grand larceny.

Patrick Murphy, supervisor fourth district, Sixth ward; two years ago distributed fraudulent naturalization papers, and would furnish them to anybody who would promise to vote for Grant.

Edward Slevin, Jr., supervisor second district, Fourth ward; has an indictment now pending against him in court of general sessions, for cutting a boy named Killenny.

Michael Foley, supervisor fourth district, Fourth ward; well-known repeater, voting for anybody that will pay.

James F. Day, supervisor seventh district, Fourth ward; shot a man in a fight between the Walsh association and a gang from Water street.

John Conners, *alias* "Jockey," supervisor third district, Fourth ward; a well-known desperate character.

Michael Costello, marshal, Sixth ward; bounty-jumper during the war.

Harry Rice, supervisor thirteenth district, Sixth ward; was connected with the Chatham street concert-saloon murder, and fled to Nebraska to escape punishment.

Thomas Lane, supervisor seventeenth district, Sixth ward; formerly keeper of a notorious den at Five Points, headquarters of thieves and robbers.

John Lane, supervisor twenty-second district, same ward; was indicted for receiving stolen goods; has served a term in Sing Sing.

Edward Foley, supervisor sixth district, Ninth ward; arrested last year for stealing a watch.

Humphrey Ayers, supervisor eighteenth district, Ninth ward; arrested six years ago for robbing the United States mail.

John Dowling, supervisor nineteenth district, Ninth ward; arrested August 30, 1869, for tilt-tapping.

James Fitzsimmons, supervisor twentieth district, Ninth ward; arrested August 1, 1868, for robbery.

John Martin, supervisor fifth district, Twelfth ward; arrested a few years ago under an indictment for arson.

Samuel Bich, supervisor fourth district, Thirteenth ward; served a term of two years at Sing Sing for a felonious assault.

John *alias* "Bucky" McCabe, supervisor eighth district, Fifteenth Ward; charged with shooting a man with intent to kill, about a year ago.

William P. Burke, supervisor twentieth district, Eighth Ward; served his term in the State prison of Massachusetts, also two years in the New York State prison.

James McCabe, supervisor fourth district, Eighth Ward; now confined in the Tombs under indictment for highway robbery.

William Irving, supervisor fourteenth district, Eighth Ward; has served a term in Sing Sing for burglary committed in Eighth Ward, and never has been pardoned.

Patrick Henry Kily, *alias* Fred. Williams, supervisor twenty-second district, Eighth Ward; keeper of a house of ill-fame, resort of the lowest and vilest characters.

Patrick Hefferman, supervisor of the tenth district, Sixth Ward; arrested some time since for attempted murder.

Frederick Sterringer, supervisor Eighth Ward; has been arrested several times for keeping disorderly house.

J. F. Baderhop, supervisor Tenth Ward; arrested for murder a few years since.

Ed. Weaver, marshal in Eighth Ward; has been but a short time out of State prison, where he has been serving out his sentence.

Walter Prince, (colored,) marshal Eighth Ward; now in prison awaiting his trial for highway robbery.

Andrew Andrews, *alias* Hans Nicols, marshal; panel-thief, been sentenced two or three times to State prison, and has just returned from Blackwell's Island.

What a lot to keep the peace, preserve the purity of elections, and maintain the honor and dignity of the United States!

These are specimens of the so-called gentlemen who are to keep the national peace, and to preserve the purity of the polls! The States, even loyal New York, cannot be trusted. These creatures are guardians of the honor, dignity, character, and justice of the model Republic as published at the time, and heralded to the world.

I said when I rose I did not intend to say much, but one thing suggests another. I had some other things I intended to say, but the Senator from Vermont, [Mr. MORRELL,] to whom I intended to address some remarks, does not seem to be in his seat, and I do not like to say anything behind his back, such is my respect for his character and position. I regret that the Senator from Vermont, the former chairman of the Committee on Finance, is not in the Chamber now. In his speech made the other day, published in the RECORD of Friday, June 13, he makes a general attack upon the whole democratic party, first going over by name the Southern members of the House and then of the Senate, calling us by name and telling the world all we have done and what terrible fellows we are, how we are seeking to break up the Government of the United States. Among other things he

takes occasion (other gentlemen can speak for themselves) to call my name to show what horrible things I have done; and no doubt up in Vermont or somewhere else they will think when they read his speech, that I am a monster of iniquity, who devotes all his energies to break up the best government the world ever saw. What does the Senator say I have done?

Senate bill No. 31, (Senator BECK,) for the removal of all disabilities imposed by the fourteenth amendment to the Constitution.
This of course includes Jefferson Davis.

That is one of the horrid offenses the Senator says I have committed. I showed the other day that the Senator from Maine [Mr. BLAINE] six years ago, then the chairman of the Committee on Rules of the House, reported a bill for the removal of all political disabilities. [Mr. MORRILL entered the Chamber.] I am glad the Senator from Vermont has come in. I was just starting to read the enormities I was charged with in the speech of the Senator from Vermont. There are a great many of them, and among other terrible things I was charged with having introduced a bill to remove all disabilities imposed by the fourteenth amendment to the Constitution. This of course, he said, includes Jefferson Davis. Now I want the Senator from Vermont to know, and I want the people of Vermont to know, and the republicans generally to know, that the bill I introduced is precisely the bill that was passed by a vote of 141 to twenty-odd on the 8th of December, 1873, reported unanimously from the committee of which the Senator from Maine, [Mr. BLAINE,] then Speaker of the House, was chairman, including Jeff. Davis and all. Attention was then called to that fact by General Butler, of Massachusetts, Judge Hoar, of Massachusetts, and others. Instead of holding me up now in 1879 as having done a monstrous thing, why did not the Senator tell the country that his own party had in the House done what I now propose as early as December, 1873, by a vote of 141 to twenty-odd in the House of Representatives? Why did he not read a bill that passed the Senate on the 13th day of May, 1872, providing that all political disabilities imposed by the third section of the fourteenth article of the amendments to the Constitution of the United States shall be removed from all persons whatsoever except Senators and Representatives of the Thirty-sixth and Thirty-seventh Congresses, officers of the judicial, military, and naval services of the United States, heads of Departments and foreign ministers of the United States, which bill was then passed by a vote of 39 to 2, the Senator from Vermont [Mr. MORRILL] himself voting for it on a call of the yeas and nays. That bill relieved everybody—Mr. STEPHENS is in the House now under it—but those few who happened to be in those two Congresses and a few others. Now, I want the people of Vermont and the republicans generally to know that as early as 1872 the republican Senate and the republican Senator from Vermont [Mr. MORRILL] voted for the bill which I have just read. Again, I am arraigned by the same Senator for introducing another bill. He said:

S. 71, (Senator BECK,) to repeal section 1218 of the Revised Statutes of the United States, which provides that "no person who has served in any capacity in the military, naval, or civil service of the so-called Confederate States, or of either of the States in insurrection during the late rebellion, shall be appointed to any position in the Army of the United States."

This is intended to open the way for a restoration or appointment of officers lately in the service of the so-called Confederate States.

I had stated on this floor that I knew of cases making the repeal of this law proper, and I will refer to them again, showing that there is neither decency nor propriety in keeping a law of that sort upon the statute-book. The son of Jefferson Davis to-day, if he has one, then a boy, if you please, fourteen years old, or the sons of Robert Toombs, or the sons of any of those distinguished gentlemen now here who were in the army, if from twelve to eighteen years of age, and not old enough to take part in the service, can be appointed as officers in the Army and Navy of the United States and hold the highest places. It is only the poor boys of the South who had to work for a living—because none of the men who were old enough nineteen years ago to be officers in the Army are seeking promotion in the Army or Navy now—it is only the young men of the South who, like the young men of the North and West, are anxious to be in positions everywhere. The section as it now stands only excludes the sons of poor men who had to get places for their boys as pages on the floors of the Legislatures and to do other menial service in the employment of the Confederate States or in the employment of any of the States constituting the confederacy, they cannot enter the Army or Navy because they were so employed, while the sons of Mr. Davis or of Mr. Toombs or of any of the Senators here who were generals in the confederate army and could educate and support their sons can obtain places in the Army and Navy, and they do so obtain them. Am I to be told that I am a revolutionist because I want that section repealed? I am in favor of equal rights to all men. I am in favor of wiping out all distinctions between men North, South, East, and West, rich and poor. I am opposed to any law remaining upon the statute-book that is a disgrace to the country or discriminates against its humblest citizens.

I am charged again in the speech of the Senator from Vermont with introducing a bill to pay J. Milton Best \$25,000 for his house destroyed by the commanding officer of the United States forces at Paducah, Kentucky, in 1864. The comment is that this claim was once vetoed by General Grant. That was a claim brought here years ago by Senator Davis, of Kentucky, advocated by him with great ability, and

which passed both Houses; it is as honest a claim as Congress ever did pass. A republican House passed it, and a republican Senate passed it on the 8th day of April, 1872, on a call of the yeas and nays—27 yeas, 12 nays—Messrs. LOGAN, of Illinois, and WINDOM, of Minnesota, being recorded among the yeas. I ask the Senator from Vermont did he vote against that bill? I am charged with gross impropriety for again bringing it up, and yet the Senator from Vermont did not vote against it, although he was in his place in the Senate, and Senators as conscientious as he, and among them two now sitting before me, the Senator from Illinois [Mr. LOGAN] and the Senator from Minnesota, [Mr. WINDOM,] voted for it. The bill, I repeat, passed both Houses of Congress, and I am now to be arraigned because I have introduced it on behalf of one of my own constituents.

My friend from West Virginia [Mr. HEREFORD] who sits by my side is arraigned, and so am I, among other things for seeking to authorize the payment of customs dues in legal-tender notes. There has not been a session of Congress since I have been in Congress that I have not tried to have that done; we have tried to do it according to law. The Secretary of the Treasury, whom the Senator from Vermont is lauding so highly, is receiving these notes now for customs dues in violation of law, and he and his republican friends are resisting us when we try to pass a law to make the Secretary obey the law. He is lauded to the skies, and we are charged with embarrassing resumption because we are seeking to dispense with a sinking fund and other things that the Secretary is paying no attention to; in short, because we ask to have the law enforced.

Let me say here, whether I am right or wrong, I honestly believe that if the Secretary of the Treasury had consented to the receipt of the legal-tender notes of the country for customs dues five years ago paper money and gold would have been at par without going through all the distress and bankruptcy that the country has had to go through in the last five years to bring about what is now called resumption, which is assumed to be such a glorious result. If that Secretary had used the silver dollar that we gave him honestly to pay the debts of the country to bankers and bondholders, as the law requires, we would not have had any such trouble over the silver bill as we are now having; and if that Secretary had allowed the people to take the loans as they were offered, he would not have had to pay, as he has done in the last three years, \$6,000,000 temporarily to increase the bonded debt of the United States \$300,000,000, paying, as he has, half per cent. commission and ninety days' double-interest to syndicates and others who are the pets of the Secretary. The very moment he threw open the doors to the lowest loan of 4 per cent. certificates he had to employ policemen to drive the people away, so anxious were they to get it.

Yet, because I have seen fit to differ with the Senator from Vermont about these things, I am called out by name in the Senate as a dangerous revolutionist, and the bills I introduce are paraded by him here as though I had been guilty of a great criminal wrong. I do not intend to allow that speech to go on the record unchallenged. There are some gentlemen who are so in the habit of saying bad things that I let them go, but the Senator from Vermont is generally so careful and his statements produce such an impression, especially upon the financial world, that I desired the country to know and the Senate to know that the things I have done mean nothing except to carry out my honest convictions of what is best for the country.

But, Mr. President, I have spoken very much longer than I intended. My purpose when I arose yesterday evening was simply to satisfy the Senator from Maine if I could in contradiction of his statement that many citizens have been prevented by soldiers from voting, in clear violation of law, and believing I have done that, though I doubt whether he will admit it, I beg pardon for saying as much as I have.

PAY OF CONGRESSIONAL EMPLOYÉS.

Mr. BLAINE. Mr. President—
Mr. WALLACE. Will the Senator from Maine give way to allow me to have the action of the Senate upon a report of a committee of conference made a while ago?

Mr. BLAINE. Certainly.
Mr. WALLACE. I ask that the present bill be postponed temporarily that the report of the committee of conference on House joint resolution No. 85 may be taken up and considered.

The PRESIDING OFFICER. If there be no objection the bill will be postponed temporarily and the report will be read.
The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the House resolution No. 85, entitled "Joint resolution fixing the date on which the pay of the committee clerks, pages, and laborers of the House of Representatives who are paid during the session only shall begin for this session," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment numbered 5, and agree to the same.

That the Senate recede from its amendments numbered 1 and 2.
That the House recede from its disagreement to the amendment numbered 3, and agree to the same, with the following amendment, namely:

In lieu of said amendment insert the following:
"SEC. 2. That the officers, clerks to committees, and employés of the Senate, including the Capitol police, who were employed previous to the 4th day of March, 1879, and who continued in said employment to and including the 4th day of April, who have since ceased to be so employed, or who may cease to be so employed prior to December 1, 1879, shall be paid a sum equal to one month's pay at the rate per annum they were paid when their employment ceased; and a sufficient sum for this

purpose is hereby appropriated out of any moneys in the Treasury not otherwise appropriated."

And the Senate agree to the same.
That the House recede from its disagreement to the amendment numbered 4, and agree to the same, with the following amendment, namely:

After the word "under" in line 8 of said amendment insert the words "section two of."

And the Senate agree to the same.

WM. A. WALLACE,
H. G. DAVIS,
J. G. BLAINE,
Managers on the part of the Senate.
DANIEL M. HENRY,
E. L. MARTIN,
A. HEER SMITH,
Managers on the part of the House.

The report was concurred in.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had concurred in the second and third amendments and non-concurred in the first amendment of the Senate to the bill of the House (H. R. No. 2252) making appropriations for certain judicial expenses.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 2251) making appropriations for legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1880.

The message also announced that the House had passed the following bill and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. No. 2330) to correct an error in "an act making appropriations for the construction, repair, preservation, and completion of certain works on rivers and harbors, and for other purposes," approved March 3, 1879; and

A joint resolution (H. R. No. 104) defining the meaning of section 2 of the act of Congress entitled "An act making appropriations for the payment of arrears of pensions granted by act of Congress."

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled joint resolutions; and they were thereupon signed by the President *pro tempore*:

A joint resolution (H. R. No. 1) to repeal certain clauses in the sundry civil appropriation act approved March 3, 1879, and for other purposes;

A joint resolution (H. R. No. 34) to print five thousand copies of the final reports of the United States centennial commission upon the international exhibition and centennial celebration of 1876; and

A joint resolution (H. R. No. 87) relating to a bridge across the Detroit River at or near Detroit, Michigan.

APPROPRIATION FOR JUDICIAL EXPENSES.

The Senate proceeded to consider its amendments to the bill (H. R. No. 2252) making appropriations for certain judicial expenses disagreed to by the House of Representatives, and

On motion of Mr. WALLACE, it was

Resolved, That the Senate insist upon its amendments to the said bill disagreed to by the House of Representatives and ask a conference with the House of Representatives on the disagreeing votes of the two Houses thereon.

By unanimous consent, it was

Ordered, That the conferees on the part of the Senate be appointed by the President *pro tempore*.

The PRESIDENT *pro tempore* appointed Mr. WALLACE, Mr. DAVIS of West Virginia, and Mr. BOOTH.

ARMY APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 2175) making appropriations for the support of the Army for the fiscal year ending June 30, 1880, and for other purposes.

Mr. BLAINE. Mr. President, I am sorry to say the honorable Senator from Kentucky has not satisfied me that I made a wrong statement yesterday. I then stated my belief that no Senator on that side could bring forward the name of any voter who ever had been deprived of his vote by the action of United States soldiers. The Senator from Kentucky took up the gauntlet and proceeded with some documentary proof, which he seemed to think entirely annihilated my position. But the Senator did exactly what every democratic Senator, with the single exception of the Senator from Virginia, [Mr. WITHERS,] has done in this debate—he located the interference of the military away back in the period of the civil war. If you ask the Senators on the opposite side of the Chamber when did soldiers interfere in elections, they reply in 1864. The Senator from Kentucky comes down one year later. He says he can prove that voters were interfered with in Kentucky in 1865.

In 1865, Mr. President, the State of Kentucky was under martial law, and the Senator from Kentucky will observe that it was not martial law proclaimed by General John M. Palmer; it was martial law proclaimed by Abraham Lincoln; and the State continued under martial law after that election to which the Senator refers had been over and gone for two months—I beg the Senator's attention to that fact—until the election to which he refers had been held and until two months' time had passed; and then in the October following Andrew Johnson issued a proclamation revoking the former proclamation of

Mr. Lincoln and declaring Kentucky to be no longer under the domination of military law.

Mr. BECK. What day did Mr. Lincoln die, does the Senator remember?

Mr. BLAINE. Mr. Lincoln died on the 14th of April, 1865, and Andrew Johnson's proclamation revoking the martial law which Mr. Lincoln had proclaimed (I think I have the date of it right here) was October 23, 1865, I believe. The election to which the Senator from Kentucky refers in 1865, is one which if I were in his place I would not bring up. Of course the honorable Senator is a very independent man and he does not ask my advice, and he would not follow it if I gave it to him; but if I were a Kentuckian illustrating what I thought an election ought to be I would not bring up the election of 1865 and the events consequent thereon. What was the condition of Kentucky at that time? Her quota in the confederate army, I believe it was the Senator's predecessor, Mr. Powell, who boasted that Kentucky's quotas in both armies were full—her quota in the confederate army had just returned from the war. They got back, how many thousands of them I do not know, but a great many thousand confederate soldiers had returned, and it was not military authority that proceeded to arraign them—and I want the attention of the Senator from Kentucky—it was not military authority that proceeded to arraign those men and declare that they should not vote, but it was Governor Bramlette, a civil magistrate, a man who, I believe, stood high in the confidence of the democratic party of Kentucky. Governor Bramlette on the 19th of July, 1865, issued a proclamation, and I will read that proclamation; it is brief, and I will read it because it covers the case:

The purity of the elective franchise can only be preserved by a faithful enforcement of the laws governing the same. For their enforcement the officer will be held responsible. Every free white male citizen, twenty-one years of age, who has resided in Kentucky two years, and whose residence has been in the district where he offers to vote for sixty days preceding the election, and each male white citizen who, not having two years' residence in the State, but has resided one year in the county and sixty days in the precinct where he offers to vote, next preceding the election, is entitled to vote; provided he has not expatriated himself and lost the elective franchise by coming within the provisions of the following act:

And that act says:

SECTION 1. *Be it enacted, &c.*, That any citizen of this State who shall enter into the service of the so-called Confederate States in either a civil or military capacity, or into the service of the so-called provisional government of Kentucky, in either a civil or military capacity, or having heretofore entered such service of either the Confederate States or provisional government, shall continue in such service after this act takes effect, or shall take up or continue in arms against the military forces of the United States or the State of Kentucky, or shall give voluntary aid and assistance to those in arms against said forces, shall be deemed to have expatriated himself, and shall no longer be a citizen of Kentucky; nor shall he again be a citizen, except by permission of the Legislature, by a general or special statute.

And that excluded the entire list of Kentucky confederates. I do not know how many—forty thousand I have been told—forty thousand Kentucky democrats who went into the war, and when the war was over returned and demanded the right in the face of that law to vote, and Governor Bramlette issued his proclamation declaring that they had no right to vote, and should not be allowed to vote.

The election was held, and it was carried by the democrats; and not satisfied with having elected their men they proceeded to turn out of the Legislature men who were elected on the Union side; there was no republican ticket so called. They proceeded to turn out men who were elected on the Union side. I do not care what the Senator from Kentucky says about the character of those men who ruled the Legislature; I am not assailing the personal character of any gentleman. We all know where partisan votes will carry us on contested elections. The Kentucky Legislature proceeded to expel men and give the seats to the others because these men had been excluded from voting, and excluded under the laws of the State.

That is the history of that election, and the Senator from Kentucky was strangely oblivious of the facts of his own State when he said that in the election of 1865 men were refused the right to vote who were allowed to vote for McClellan at the presidential election the autumn before. The figures are entirely against the Senator. In the election of 1864, when McClellan was candidate for President, he only polled 27,786 votes against 64,301 votes for Mr. Lincoln; but in the election to which the honorable Senator refers, the democratic candidate got 57,562 votes, more than twice as many as before, and the republicans or Unionists got 54,002.

Therefore the Senator's allegation that in 1865, under bayonet law, citizens of Kentucky were refused the right to vote who had been accorded that right in 1864, is not sustained by the election returns of his own State. It is not for me to defend or vindicate John M. Palmer, but the proclamation of John M. Palmer which the honorable Senator from Kentucky has visited with such strong objurcation was nothing in the world but to carry into effect the proclamation of Governor Bramlette which I have read. It was simply bringing, in a time of martial law, the aid of the Army of the United States to uphold the civil proclamation of the governor of Kentucky. The concluding part of Palmer's proclamation was in these words:

It will be given to the civil authorities to enforce the laws and to preserve the peace. Any person who shall counsel, advise, or encourage any judge of any election, or any other person, to disregard or disobey—

What? "My orders?" The orders of the Army? The orders of any military authority? No, sir—

to disregard or disobey the law as declared in the proclamation of the governor of the State will be at once arrested.

The Senator from Kentucky has really been arraigning Governor

Bramlette and his policy and not the proclamation of John M. Palmer, for all that John M. Palmer did in that matter was to issue a proclamation to sustain what Governor Bramlette had issued in his capacity as a civil magistrate; and that was simply that the confederates who had gone from Kentucky and been four years fighting against the Government of the United States should not go home and carry Kentucky over into the hands of the ex-confederates on the eve of the reconstruction following the war.

Governor Bramlette deserves honor for standing by the Union of the States, and John M. Palmer as a military commander in a district that was under martial law by proclamation of Abraham Lincoln would have been guilty of a gross dereliction of official duty if he had not done precisely what he did do. So the Senator from Kentucky has not satisfied me that people in his State were deprived of their privilege of voting except those that ought to have been deprived of it; and I do not believe that he can show that a citizen of Kentucky entitled to vote under Governor Bramlette's proclamation was deprived of his vote.

I turn now to another point, and I regret that I do not see the honorable Senator from Virginia who has charge of this bill in his seat.

Mr. DAVIS, of West Virginia. I will try to answer for that Senator.

Mr. BLAINE. The Senator from West Virginia is willing to answer for him, and therefore we will take him as representing for the present East Virginia.

Mr. DAVIS, of West Virginia. I will say to the Senator from Maine that the Senator from Virginia has just stepped out of the Chamber and will be back again in a moment; and perhaps it will suit the Senator just as well to wait until the Senator who has charge of the bill comes in.

Mr. BLAINE. I would rather speak when he is here. I observe the honorable Senator from Indiana [Mr. VOORHEES] is present. Yesterday we had a very doleful account of the rough-shod manner in which the patriotic democrats in Indiana were trodden under the military hoof of despotic authority in 1864. You would have believed from the statements made here by the two Senators, and especially by the Senator whom I regret not to see in his seat, [Mr. McDONALD,] that there was the merest shadow and mockery of an election in 1864 when the senior Senator from Indiana was the democratic candidate for governor. You would have believed from their statements and from certain affidavits sent here by one General Love that it required a good deal more nerve and pluck to vote the democratic ticket in Indiana in that year than it did to face confederates on the field of battle. Among other things, you know, there was a Massachusetts regiment let loose without arms.

Mr. CAMERON, of Wisconsin. Hundred-day men.

Mr. BLAINE. Hundred-day men, convalescents from the hospital, and according to this letter of General Love they so drove the democrats of Indianapolis that at one time in the election they had utterly given up and nobody pretended to make a stand and to vote. General Love asserts that any attempt to resist this wild, blood-thirsty regiment from Massachusetts would have been as reckless as it was for the bull to stand before the locomotive.

This narrative was so extraordinary and the statement of facts was so startling that I thought I would test it by the figures, and I merely went and looked at the election returns, and what is my surprise, my unfeigned astonishment, to find that in that very year the democrats of Indiana cast a heavier vote for JOSEPH E. McDONALD, their candidate for governor, than they had ever cast since the organization of their party.

Mr. DAWES. And still the Senator will not be satisfied.

Mr. BLAINE. And still he will not be satisfied. I thought probably this vote might have been made up in the country districts, and that in the county where Indianapolis is situated this robbery of men's rights and this riotous conduct on the part of the troops had driven the democrats away from the polls; yet when I come down to Marion County—I believe Marion County is the one in which Indianapolis is situated—I find that in that county Mr. McDONALD had 3,321 votes, when Stephen A. Douglas, in a time of profound peace, four years before, when nobody was away in the war, and when Mr. Douglas certainly had as large and enthusiastic a following as any democrat ever had in this country and was the especial idol of the democratic party in Indiana—Mr. Douglas, I say, in this same county of Marion, had but 3,251 votes. So that in that very county in which all this outrage was committed the Senator from Indiana, [Mr. McDONALD,] then running for governor, received a larger democratic vote right in Indianapolis than was given for Stephen A. Douglas. The intimidation practiced by this Massachusetts regiment must have been desperate in the extreme.

The Senator was impatient at the slightest idea that somebody was reflecting on the loyalty of Indiana and on the bravery and the character of Indiana's troops. I certainly intended nothing of the sort. I do not believe any State sent to the war a better class of troops than Indiana sent. They do not need my poor approval at this late day; their heroic deeds on the battle-field speak for them; and it was news to me that any person in the world was reflecting upon them until I got hold of a school-book from the South, one of those which we had the assurance from several Senators on that side did not exist at all. I hold in my hand a school-book in the form of a reader that is calculated and adapted entirely to southern latitudes;

and to what it says, not of the late war, but of the war with Mexico, I beg the attention of the honorable Senator from Indiana. I read this. It is the only arraignment of the gallantry of Indiana troops that I have ever read. This reader is published in Baltimore, and the authors are Mr. J. S. Blackburn, principal of a high-school in Virginia, and Mr. W. N. McDonald, principal of a high-school in Louisville, Kentucky. In giving the account of the Mexican war, this school-book, which is intended to be put in the hands of the rising generation in the South to cultivate a spirit of amity and respect for all the States, says, in describing the battle of Buena Vista:

The Mexicans, knowing that they had nearly five men to our one, fought more bravely than they had ever done before. At one time they broke General Taylor's left flank, completely routing the Second Indiana Regiment, which never rallied during the progress of the battle. Colonel Jefferson Davis commanded a Mississippi regiment just in rear of the Indiana regiment. When the latter broke and fled, Davis ordered his men to open their ranks and let the runaways through, and then closed their line to meet the enemy.

That is the stuff, the miserable, slanderous stuff, that is taught to southern children. Davis's bold and untamable regiment from Mississippi opened their ranks to let the runaways from Indiana get off the field, and then they closed their ranks and behaved of course with the prowess that belongs to them. Just think of it!

I have here a modern school-book which I got from the Library with the imprint of 1879. The honorable Senator from North Carolina [Mr. VANCE] was good enough to assure me that any books of that character belonged to a past day and had faded out. I am very sure that he would be the last Senator to make a misstatement.

Mr. VANCE. If the Senator will permit me, I assured him I did not know of the existence of any such literature.

Mr. BLAINE. Then I do. My information in regard to southern matters on that particular point is wider than that of the honorable Senator from North Carolina.

Mr. VANCE. Does the Senator from Maine say that he knows the book which he holds in his hand is used in the schools of North Carolina?

Mr. BLAINE. No, I do not know that this particular book has yet been introduced; but I know that at the very time the Senator from North Carolina was giving me the assurance that he did not know about it there was a very lively controversy going on in the town of Greenville in his own State between different members of the board of supervisors of schools as to whether this class of books should be kept in; and that was to me a very encouraging symptom, for it began to be the dawn of a better day in that respect. But here is a book published by A. S. Barnes & Co., of New York, Chicago, and New Orleans, as the imprint shows. They are a very large firm; they are a very respectable firm. It is a book called "The Southern Student's Handbook of Selections for Reading and Oratory," edited by John G. James, superintendent of the United States military academy at Austin, and is just now fresh from the press. Whether it is published as a mere amusing thing or whether it is intended for southern circulation the Senator himself will better inform me than I could inform myself.

Mr. VANCE. I have never seen the book before.

Mr. BLAINE. It is just from the press.

Mr. VANCE. I will take a glance at it as soon as I can. I see it comes from Chicago. I believe that is not a southern city.

Mr. BLAINE. It is published simultaneously in New York, Chicago, and New Orleans, that is the imprint, 1879. I suppose New Orleans ranks as a southern city still.

Mr. VANCE. Yes, but it is printed in the North for the purpose of meeting the prejudice of some people in the South, to make money out of it, just as the British manufacturers used to manufacture idols to send out to the Hindoos for sale in the same ship with the missionaries.

Mr. BLAINE. If the Senator will permit any such suggestion, I will state that generally the place where a book is printed does not tell of its character. I am quite free to maintain that this is one of the most remarkable books that I ever came across within the limited sphere of my own reading. It quite goes beyond this other book about the heroic conduct of Jefferson Davis and the bad conduct of the Indiana regiment at the battle of Buena Vista. It is a book for southern students, as though southern students needed and ought to have some other sort of English classic reading than belongs to those generally that speak the English tongue. The authors of the book evidently have a sovereign contempt for Addison, and Steele, and Johnson, and Thackeray, and Dickens, and Macaulay, and Carlyle, and all those illustrious writers who have been thought well of on the other side of the Atlantic, and a still greater contempt for Prescott, and Motley, and Longfellow, and Whittier, and Holmes, and Hawthorne, and Emerson, and Washington Irving; men whom we in our blindness in the North have supposed to have done something worthy of literary fame not only in their own generation but in the years to come. They have made this an exclusively southern book, and, not content with making it a southern book, they have made it a southern book of the era of the rebellion. They would not even take anything southern of the ancient and great days of the South. Here I find an index to the authors. Every one of these authors is taken from the Southern States. Let me read to you a list of those who are taken from Virginia: G. W. Bagby, James Barbour, B. J. Barbour, A. T. Bledsoe, J. Esten Cooke, P. P. Cooke, J. L. M. Curry, J. W. Daniel, M. Schele De Vere, F. R. Farrar, F. W. M. Holliday, R. M. T. Hunter, A. Hunter, Moses D. Hoge, J. P. Holcombe, W. W. Henry, J. B. Hope, John Janney, W. P.

Johnston, James L. Kemper, R. E. Lee, T. M. Logan, W. G. McCabe, W. H. Payne, Mrs. M. J. Preston, T. R. Price, B. Puryear, Innes Randolph, R. Stiles, W. H. Taylor, John R. Thompson, J. R. Tucker, T. D. Witherspoon. It is a book made up of Virginia's celebrities, that yet found no place in a reader for the use of the South in anything ever written by Washington, or Jefferson, or Madison, or Monroe, or Chief-Justice Marshall, or Littleton W. Tazewell, or Benjamin Watkins Leigh, or John Randolph of Roanoke, that great and almost illimitable list of worthies who adorned the pages of Virginia in earlier generations. In Missouri I find they have taken D. C. Allen and T. G. C. Davis. I confess at once that my reading is not sufficiently extensive to take in the celebrity of those names.

I say, Mr. President, even at the risk of exposing my own ignorance, that I never heard of either of these persons. I know something of the State of Missouri. I think there is not a person who speaks the English tongue who has not heard of Thomas H. Benton and many other distinguished men who have adorned the annals of Missouri. If they had been selecting something worthy for a reading-book, if they had taken Mr. Benton's Thirty Years' View and merely transferred to its pages his magnificent description of the character of Nathaniel Macon, they would have done more for the southern youth than is contained within the four hundred pages of this volume.

Mr. VANCE. Will the Senator allow me to ask him if he makes that criticism as a Senator or as a schoolmaster as to what would be most conducive to the instruction of southern youth?

Mr. BLAINE. I do not understand the Senator.

Mr. VANCE. The Senator says that if the author of that book had inserted certain things from Benton's Thirty Years' View, he believed it would conduce more to the instruction of southern youth than all that it contains. I ask him if that advice is as a Senator or as a schoolmaster?

Mr. BLAINE. Either, as you choose to take it, if it will only lodge in the southern mind.

Mr. VANCE. Allow me to ask the Senator if he objects to what is in the book or to what is not in it?

Mr. BLAINE. I object to what is in it; and I will come to that.

Mr. VANCE. So far we have had nothing of the contents of the book except the names of some gentlemen from whom selections have been made.

Mr. BLAINE. If the Senator from North Carolina will accept the suggestion that I have the floor, and that I have under the rules of the Senate the right to speak as I choose myself, he will observe some law of courtesy which just at this moment he is not obedient to.

Mr. VANCE. I accept the suggestion with the greatest pleasure in the world, if the Senator will allow me to remark that I have observed it has been his invariable habit to interrupt any gentleman on the floor and to yield to any gentleman who desires to interrupt him.

Mr. BLAINE. Always, but not to have a caustic remark made as to what line of speech I shall take. I shall select that myself, with the Senator's permission.

Mr. VANCE. Of course I asked no permission. You had been reading the list of authors in the book, and were proceeding to deliver the South a lecture when you had read nothing from the book itself, and I asked if your objection was urged upon what was in it or what was not in it. If I have reflected on the gentleman I am sorry for it.

Mr. BLAINE. From the State of North Carolina—the Senator will permit me to proceed in my own way.

Mr. VANCE. Certainly, sir.

Mr. BLAINE. I observe the book is reading extracts from K. P. Battle, Mrs. M. B. Clarke, Miss F. Fisher, T. B. Kingsbury, J. M. Leach, A. W. Mangum, and then from two honorable Senators who are now upon this floor.

I do not find anything in that book from Chief-Justice Gaston, from the eminent Mr. Badger, from Willie P. Mangum, from William A. Graham, or from any of the great men of the past who have illustrated the annals of North Carolina. So I might go throughout this book. It is made up entirely of the South as it is related to the rebellion. I do not say entirely, for I do not mean that every page in it is political; but if the honorable Senator from North Carolina—to whom I will gladly pass the book over when I am through with it—will show me one solitary thing in this book intended or suggested to deepen in the minds of the southern youth any respect for the National Government, or any adherence to the Union, I shall be glad to hear it, unless I shall guard myself by excepting some expressions here and there from recent political debates in the Senate or the House in which in defense some members of both bodies have made declarations of that kind.

Let me give now for instance almost the very first thing in the book. Here is—

ROBERT E. LEE
INVESTED WITH THE COMMAND OF VIRGINIA'S FORCES.

And then follows the oration of John Janney in the hot and fiery period of secession, when Robert E. Lee stood at the bar of the Virginia Legislature to receive the commission of major-general of that State and commander of its forces. All that was heated and overheated in that period is put in that speech. Then I turn and find Mr. J. P. Holcombe, who gives a somewhat elaborate defense of the institution of slavery; and throughout the book, made up, as I say, exclusively of southern writers, made up exclusively of southern

writers of the modern era, of the era connected with and pertinent to the rebellion, you find nothing national, nothing loyal, nothing patriotic.

There is not anything in it from Mr. Calhoun; there is not anything in it from Mr. Clay; there is not anything in it from the great men who are universally in the judgment of the Anglo-Saxon world entitled to that name who have illustrated in the past the history of the South. Now if the Senator considers that to be the proper kind of literary pabulum on which the rising generation of the southern children should be fed, I beg to say with all respect to him that I differ from him in judgment.

Mr. VANCE. May I be permitted to interrupt the Senator from Maine?

Mr. BLAINE. With great pleasure.

Mr. VANCE. I still am ignorant, as I presume the Senate is, of the character and contents of the book which the Senator holds in his hand, but I take it for granted that at all events it is such as meets his earnest disapprobation. Now, I should like to ask, taking it for granted that it is a very bad book, if any institution in the South of an official character—I mean any State school department—has indorsed the book and put it into the public schools of the State?

Mr. BLAINE. That I am not able to answer.

Mr. VANCE. Then have any private schools adopted it and put it into use?

Mr. BLAINE. I am as ignorant on that subject as the honorable Senator said he was himself. He said it was not to his knowledge.

Mr. VANCE. Then the Senator from Maine tries to hold the whole South responsible for the publication of a book by a private author, the publication of which was permitted by law, and which nobody could prevent, if it was a bad book. That is the position now the Senator stands in according to his own statement.

Mr. BLAINE. That is a very small quibble, if the honorable Senator chooses to indulge in it. Books are published in this country for the purpose of being sold. I bring one here published by southern men, known and respected among southern men as teachers of the youth, and I suppose this book was not published for mere fun. I suppose people do not get up books for the mere purpose of expending the money that is necessary to print them. They are published for a purpose, and if at the next session of Congress the honorable Senator will address me that question and in the mean time endeavor to accumulate a little information on it himself, I think that the joint efforts of himself and myself will be able to show that this book will be in a great many southern schools.

Mr. VANCE. I should like to say another thing with the Senator's permission.

The PRESIDING OFFICER. Does the Senator from Maine yield?

Mr. BLAINE. Certainly.

Mr. VANCE. The Senator certainly has too much regard for law and for common logic to hold the people of the South responsible for the individual enterprise of any man, as I certainly have too much respect for him and his constituents to hold him and them responsible for the obscene literature which is flooded from the presses of the North, the prosecutions for the circulation of which we frequently see in the newspapers. Nothing of that kind has come from the section of country in which I have the honor to reside; nor would I, as a logical and honest man, attempt to hold the body of the northern people, northern society, responsible for that. That is individual enterprise got up to make money.

Mr. BLAINE. But how would they make money if they were not sold? I ask the honorable Senator to inform me how they would make money if the books were not sold?

Mr. VANCE. They would not make money, as a matter of course, if they were not sold. The selling of the books has been prohibited by law, and many persons who have undertaken to circulate that kind of books have been indicted in the courts of the country, and therefore—

Mr. BLAINE. I am talking about these southern school-books. How would these publishers of books ever make money unless the books were sold?

Mr. VANCE. Of course the owner of the book could not make any money unless he sold it. That is taken for granted. How does the Senator know whether they are sold at all or not? He professes utter ignorance in relation to the book, except what he sees on the face of it. How does he know that anybody, privately or otherwise, has ever bought a single solitary copy of that book? I presume the copies which he holds in his hands are those sent to the library according to the act of Congress.

Mr. BLAINE. If that is the point the Senator has, I will excuse him.

Mr. VANCE. I beg leave to say further that I do not mean by anything that I have said here to condemn the book. I have not any doubt in the world but what it is a very good book, and that I will so find when I come to examine it. The Senator tells me the author has done me the honor to take an extract from some of my productions and publish it. [Laughter.] That is *prima facie* proof that it is a good and respectable book. [Laughter.]

Mr. BLAINE. I think the Senator is quoted not as a politician, but as a botanist, or lover of natural scenery, or something of that sort. I think the extracts from the honorable Senator are entirely harmless and do him great credit as a writer.

Mr. VANCE. I would not praise it first, but the Senator from

Maine was disposed to put some curious construction on it as against the Government of the United States, but it seems the author was very wise and judicious in selecting that which would not do anybody any harm who loved the union of the country. So far my impression seems to be in favor of the author and against the Senator from Maine.

Mr. BLAINE. Oh, no; the Senator from North Carolina appears in the book in charming and delightful colors. He appears in the book as a descriptionist of certain beautiful scenery in which he says:

Verily, it would seem that such magnificence was the joint work of both the celestial and the terrestrial powers,

As when some great painter dips

His brush in hues of earthquake and eclipse;

and that some truant rainbow, based on either mountain, had bestridden the glen with its radiant arch, and whilst in the zenith of its glory had been smitten by a thunderbolt into small, glowing dust, whose shining atoms had been scattered down upon the outstretched arms of the waiting forest!

[Laughter.]

The Senator does not appear at all as a hostile political force. He appears as a man who in the higher and beautiful field of rhetoric is capable of instructing the southern youth how to construct sentences and mix up "glowing dust," and "radiant arches," and "rainbows," and "thunderbolts," and waiting forests in a manner which I am free to say, so long as we are on sectional issue, was never heard of in the North! [Laughter.]

Mr. VANCE. Mr. President, the Senator from Maine will allow me. I have not heard such eloquence from the lips of the Senator from Maine since I have had the honor of sitting in this Chamber. [Laughter.]

Mr. BLAINE. And I am frank to say that in seventeen years in Congress I never read such eloquence before in either branch. [Laughter.]

Mr. VANCE. I indorse the book now fully, because it has absolutely improved the oratory of the Senator from Maine. [Laughter.]

Mr. BECK. I hope the Senator from Maine after that oratory as a member of the Committee on Appropriations will allow me to make a conference report.

Mr. BLAINE. Certainly we ought to take a rest after that extract from the Senator from North Carolina.

Mr. BECK. I present the report of a conference committee.

Mr. BLAINE. I yield for that.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. BECK submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 2251) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 11 and 13.

That the House recede from its disagreement to the amendments numbered 14, 26, 27, 28, 29, 31, and 34, and agree to the same.

That the House recede from its amendment to the amendment numbered 7, and agree to the same with an amendment as follows: After line 13, page 5, of the bill insert as a new paragraph the following:

"For two additional watchmen on the Capitol police force, at \$900 each, \$1800."

And the Senate agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the amendment numbered 8, and agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the amendment numbered 9, and agree to the same.

That the House recede from its disagreement to the amendment numbered 25, and agree to the same, with an amendment as follows:

In lieu of the sum named insert, "\$800."

And the Senate agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the amendment numbered 23, and agree to the same.

That the House recede from its disagreement to the amendment numbered 30, and agree to the same, with an amendment as follows: In lieu of the paragraph insert the following:

"Patent Office:

"For seven copyists, five assistant messengers, and one folder and paster, at \$480 in all, \$10,380."

And the Senate agree to the same.

That the House recede from its amendment to the amendment numbered 33, and agree to the same.

JAS. B. BECK,

H. G. DAVIS,

WM. WINDOM,

Managers on the part of the Senate.

JNO. D. C. ATKINS,

JAMES H. BLOUNT,

JOHN H. BAKER,

Managers on the part of the House.

Mr. CONKLING. I want to hear what those amendments are at some time before the vote is taken. When the Senator moved the conference committee the amendments had not been read, and to this hour we have never been permitted to know what it is that the Houses have differed about.

The PRESIDING OFFICER, (Mr. GARLAND in the chair.) Does the Senator from Kentucky desire immediate action on the report?

Mr. BECK. After I make a statement of one minute I think there will be no objection.

The House of Representatives agreed to nearly all the amendments of the Senate making this conform as nearly as possible to the vetoed bill. The only difference between the bills was this: A mistake was made whereby there was an increase required for the laborers on the public grounds of \$4,000; the Patent Office library seems not to have been provided for; and that is covered by this report. The Sergeants-at-Arms of the two Houses got together and demanded two watch-

men on the Capitol police for some reason or other; and we agreed to that. Ten thousand eight hundred dollars is the total addition.

The House thought we had given the General Land Office too much, and they required us to cut off two principal clerks we had added, being \$3,600. My friend from Iowa, [Mr. ALLISON,] who was on the committee, induced us to make a depositary and postmaster out of one man at Tucson, Arizona. When we came to look to the amount he received as postmaster, we thought perhaps we had given him a little too much, and the House being a little stubborn, we cut that down \$700, making it \$500 instead of \$1,200. In the Patent Office, after pretty full consultation, with some reluctance we were obliged to withdraw the increased force the Senate provided for there.

The result is that the decreases are \$14,680 and the increases \$10,800, so that the net reduction by the committee of conference is \$3,880. All the important changes in the section regarding the workmen were stricken out. There is very little change in the bill as passed by the Senate.

Mr. McMILLAN. May I ask the Senator from Kentucky whether I understand him to say that the clerical force in the Land Office had been decreased?

Mr. BECK. Only two clerks. The Senate increase \$68,000 in that office, which was a large increase. The Senate thought a large number of additional clerks was necessary, but the House would not agree, and we had to give part of it up.

Mr. McMILLAN. Only a reduction of two, I understand.

Mr. BECK. Two clerks diminished from the increase made by the Senate.

Mr. CONKLING. Shall we understand that all the amendments disagreed to relate to items of appropriation?

Mr. BECK. Every one of them.

Mr. CONKLING. Nothing else?

Mr. BECK. Nothing.

Mr. CONKLING. There is no general legislation in the bill and no political enactments of any kind there?

Mr. BECK. None of any character whatever.

The PRESIDING OFFICER. Does the Senator from New York desire the report read again?

Mr. CONKLING. I am willing to accept the statement of the Senator from Kentucky.

The report was concurred in.

ARMY APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 2175) making appropriations for the support of the Army for the fiscal year ending June 30, 1880, and for other purposes.

Mr. BLAINE. Mr. President, I should not have referred to this matter of the school-books at all but for the fact that when I made an incidental reference to the subject the denials in southern newspapers became very widespread that no such literature as I referred to was known in the South, and when I came to look at the shelves of the Congressional Library I found the books to be more numerous and to be infinitely worse than I had supposed. And with these remarks I leave the subject.

The honorable Senator from Virginia, between whom and myself there has been once or twice a reference to the use of troops, has referred to the Petersburg case. I come back now to the question before the Senate, being upon the amendment I offered myself, to the effect that if the democratic party insist that the United States troops shall not be seen anywhere at all on election day to keep the peace or as police or in any other capacity, we shall have a disarming all around; that State organizations and red-shirt clubs and white-league companies and individuals with pistols or bowie-knives shall not be allowed at the polls. If my honorable friend from Indiana [Mr. VOORHEES] is correct in suggesting that of all days in the year election day is the peaceful day, that is, the day when the might and majesty of the American people are abroad taking care that the laws be faithfully observed, there certainly is no reason why any one should go to the polls armed. Does not my friend from Indiana agree with me on that?

The Senator from Virginia has two or three times stated that troops were brought to the polls in the city of Petersburg, in Virginia. I want to read for the benefit of the Senator from Virginia the testimony of one man on that question, and I want to see whether he will agree that this witness states it fairly. This is the book containing the testimony on that question. I want the honorable Senator from Virginia to state to me whether this testimony is truthful:

It is well understood that the presence of United States troops at polling places never prevented the free exercise of the franchise by any citizen, of whatever political faith.

Thus far the witness agrees with me.

Mr. WITHERS. I ask the Senator what is he reading from?

Mr. BLAINE. That will not affect the testimony. The testimony must be true or untrue in itself. I do not want to bias the judgment of the honorable Senator from Virginia by telling the name of the witness. I beg him to hear the testimony:

If, then, they have had any effect whatever upon the ballot cast it has been to insure protection to the citizen casting it, in giving it to the candidate of his unbiased choice without fear, and thus securing the very essence of liberty. It may be, the presence of twenty-four United States soldiers under the command of a captain and lieutenant, quartered in the custom-house, at Petersburg, Virginia, on the 7th of November, at a considerable distance from any polling place, with-

out any interference on their part whatever, and without going near the polls during the election, may have secured a different result from what would have been obtained if they had not been there, (to maintain the peace in case of riot,) on the face of the returns.

Is that a true statement?

Mr. WITHERS. No, sir; it is not, so far as I understand it. I have not been able yet to ascertain from what the Senator is quoting.

Mr. BLAINE. That does not in the least affect the quotation.

Mr. WITHERS. It does very much in my estimation. If the Senator is unwilling to give me the authority, I have no desire to go into it.

Mr. BLAINE. It is a witness that with a large number of people of the United States is a competent witness; it is the testimony of U. S. Grant, as President of the United States, in a message to Congress.

Mr. WITHERS. I supposed it was probably from that source, and I wanted to ascertain the fact. The Senator will agree with me that there Mr. U. S. Grant does not testify at all of his own knowledge, but simply submits to Congress the report made by the subordinate officers of the military.

Mr. BLAINE. Who were there. The Senator from Kentucky went largely into affidavits. I will go very briefly into them. Here is the testimony of George F. Marble:

These facts I reported to the republican headquarters, and when an opportunity presented itself forwarded a duplicate of each ticket issued to headquarters, each one having attached a coupon showing the name of the party to whom the original ticket was issued. Between the hours of three and four o'clock, as well as I can remember, an organized company of men, armed as above stated, filed in front of the building of which I was the sole occupant, and halted, when one Emmet Richardson came to the door and demanded to know "what in hell I was doing in there?" I replied that I was issuing republican tickets. He said, "Hand me that book," referring to the book which I held in my hand, and which contained the republican tickets. I tore one from the book, which I handed him. He said, "I want to see the rest," when I handed him the coupon. The same he tore up and threw on the floor, saying, "God damn it, I want that book," which I refused him. He then went away and joined the company, and the order was given to forward march, the company going up the street a few rods, when, turning around so as to face the building I was in, started upon a run and made an immediate attack upon a few defenseless negroes, who were standing around the place from which I had been issuing tickets, with clubs and stones, which they used without the semblance of mercy, besides shooting one man in the face, after having knocked him down with a stone.

This was at the May election in Petersburg; here are several affidavits of men, showing not merely the coming there of individuals with arms, but companies armed, men coming with the military step armed, and here are the witnesses to the fact. Now I ask the honorable Senator from Virginia, while he is so tenacious in warning the United States troops with their arms off the ground, what objections he has to warning off other people with arms on election day?

Mr. WITHERS. Does the Senator desire an answer now?

Mr. BLAINE. I will take an answer now.

Mr. WITHERS. What the Senator from Virginia desires is that the preservation of peace at the polls should be left where the Constitution placed it, in the hands of the State and municipal authorities; and if, as the circumstances in that case tend to show, a riot is precipitated from any cause that the officials of the locality of the town in which it occurs should be looked to to preserve the peace; and if the ordinary police authority shall not be sufficient, (as was the case in Petersburg,) then if there should be a State military organization there, their aid should be invoked to protect the lives and property of citizens.

Mr. BLAINE. Then the honorable Senator from Virginia, as I understand him, does not object to having troops on hand, only that they shall not be United States troops.

Mr. WITHERS. The fourth section of the fourth article of the Constitution in my opinion embodies the only circumstances under which the use of the United States military in the States is authorized.

Mr. BLAINE. The Senator is not answering my question. I asked him a direct question.

Mr. WITHERS. I think I am answering the question very distinctly and very directly. I am not answering it perhaps as the Senator desires me to answer it, but I am answering it in accordance with what I conceive to be the Constitution and the law.

I will also state that the circumstances of the election to which the Senator has referred were made the subject of examination, inquiry, and investigation by the House of Representatives, and if the Senator is anxious for information he will find by reference to that report the testimony of not one, two, or a dozen witnesses, but more than that number, to the fact of the presence of the troops in Petersburg in sufficient numbers and in sufficient proximity to the polls to influence and control the election.

Mr. BLAINE. Not quite so near as that. Let me read:

UNITED STATES OF AMERICA,
State of Virginia, ss:

Personally appeared before me, J. L. Waterman, a commissioner in and for the eastern district of Virginia, Edward Edwards, who, being duly sworn, deposes and says, that he is a resident voter in the Fifth ward of the city of Petersburg; that, on the 25th day of May last, that being the day of election for the municipal officers of the city of Petersburg, that a company of persons, about twenty-five to thirty in number, who seemed to be under the drill, as captain, of one James Eames, a resident of said ward, having on the day above cited been drilled in a field called Battersea, and within a distance of thirty yards of place of voting, made an attack on this deponent by first striking him with a rock, and before recovering shot this deponent in the head.

This company under the command of Eames was drilling within

thirty yards of the voting place. What I wanted to get at from the Senator from Virginia was this: As I understand his ground, it does not make any odds how many arms you have at the election polls, nor how many military companies you have there, only provided that the United States shall not have any there, and that the United States shall not have any in the elections in which the National Government is primarily and specially interested. Is that the ground I understand the honorable Senator to take? Certainly the United States is interested primarily in the election of members to Congress. I am interested in the election of Representatives to Congress in Virginia; the Senator is interested in those elections in Maine. Now, am I to understand the Senator's ground to be that the State or the city or the county may bring troops there on the day that a Representative to Congress is being elected, but that the United States shall not do it? I shall be glad to hear from the Senator specifically and directly on that point.

Mr. WITHERS. I will meet the Senator's interrogatory by another. As he is an eastern man I suppose he cannot object to that system. Do I understand him to say that at the election about which he has read, where these soldiers were said to have been present, he considers that as a national election or one in which the nation is interested?

Mr. BLAINE. No, that was not.

Mr. WITHERS. That was a municipal election.

Mr. BLAINE. Right there, if the Senator pleases. That occurred on the 25th day of May. There was attempted violence, and republicans could not vote; and on the 7th of November a national election was to come off. Various affidavits coming before the President of the United States that this outrage would be repeated on the day when a Representative to Congress was to be elected, the President of the United States, at the request of the district attorney of Virginia and the marshal of Virginia, put, not in the polling places, not within thirty yards, but in the custom-house in that city, twenty-four United States troops, in order that the outrages that were committed at the municipal election should not be repeated at the election of a Representative to Congress. That is the point the honorable Senator must meet, whether the United States has not as much right to keep order when its officers are elected as the State had when its officers were elected?

Mr. WITHERS. If the Senator will suppress his irresistible propensity to spring up pending an explanation I will attempt to enter into it. He is such an oratorical trap-ball that it is impossible to keep him down. The point I wish to make now is this: that by the testimony from which he has read, as given in this instance in the case of the investigation of that election, the allegation was proven false by the testimony of numerous witnesses showing that no such thing ever occurred. So far from there being any disturbance at the election in Petersburg, or any reason to anticipate a disturbance in the fall election, it was the testimony of republicans as well as of democrats that a more peaceful canvass never occurred, that there was no reason whatever for asking the presence of the military; but the real secret of it (as the Senator will ascertain by examining the report made in the case and the speeches on the case) arose in this way: there was a contest for member of Congress in that district. There were three candidates: the regular democratic candidate, the present incumbent, Mr. JORGENSEN in the House, and a negro by the name of De Mortie, represented to be a very intelligent and influential man. They were running for Congress. The republican voters in the district being composed almost exclusively of colored people, naturally rallied to the support of De Mortie, and he had every assurance that he would receive the united support of his color in many, if not all, the counties of that district. Finding that such would be the case, the managers of the canvass put forth the report that Mr. De Mortie's election would not be agreeable to General Grant, and in proof of it that he would send troops down there in order to compel them to vote for Mr. JORGENSEN. That was the report that was current through the country there; that is testified to by numerous witnesses, and it therefore became necessary in order to carry the election for Mr. JORGENSEN that troops should be there, and consequently the marshal of the eastern district of Virginia, who was himself a manager of the campaign for the republican party, sent on here to the Attorney-General's Office the necessary certificates asking that troops should be sent there in view of a probable breach of the peace. The troops came. As soon as it was announced through the country that these troops had been sent down to secure the election of Mr. JORGENSEN such negroes as had formerly determined and expressed their determination to support Mr. De Mortie, the candidate of their race, dropped him and voted for JORGENSEN, and many white persons, according to their own testimony, were debarred from attending the election and casting their votes on account of a fear of the military that it was rumored through the country were sent there to prevent the democrats from carrying the election. That is the whole case.

Mr. BLAINE. Well, it all comes to this, that the plea of intimidating voters is only by United States troops. The State troops do not intimidate. The Senator avows his readiness to have State troops present, if necessary.

Mr. WITHERS. I never avowed any readiness; I simply defended the action under certain contingencies of using military force to suppress a riot.

Mr. BLAINE. That is all that anybody ever spoke of using it for. Now the Senator thinks that if a United States squad should be present

to suppress a riot, that would be an intolerable oppression; but that a State force can be present to suppress a riot and that is a perfectly harmless matter.

Mr. WITHERS. My friend will bear in mind the distinction which I have endeavored to make and which he fails to appreciate.

Mr. BLAINE. Oh, no; I do entirely appreciate it.

Mr. WITHERS. But I have no objection whatever to either State or United States troops being used for the purpose, when properly called upon. When they attend under the restrictions and regulations of the Constitution, whether they are State troops or United States troops, if their object be to preserve the peace and suppress insurrection, I have no objection to their being there.

Mr. BLAINE. Then will the honorable Senator vote for the amendment I have offered if I put in "except when regularly called out by order of the executive of the State?" Will the Senator agree when he is disarming the United States to disarm other persons at the polls so that the elections may be free from violent control, as he alleges it should be?

Mr. WITHERS. Will the Senator from Maine agree to vote for the bill if I do?

Mr. BLAINE. No; I will not.

Mr. WITHERS. Then I will not make a bargain all on one side.

Mr. BLAINE. I will not, but that is a very different position the Senator puts me in. I am perfectly willing that both shall be withdrawn; the honorable Senator is not. I am perfectly willing you may strike out the entire section, and I will withdraw my amendment; but the Senator wishes to disarm the United States at its own elections and leave not only the State, city, and county free to use force but all manner of ruffianism that chooses to be there armed with violent intent to do just what they choose. Why, Mr. President, it does seem to me to be something which a man can hardly argue with patience. I have asked, and I have never yet received an answer, and I deny that any answer has been made to my question; I deny that any Senator here can relate an instance in which a single citizen in the United States entitled to vote was ever deprived of that vote by the military, not one; and those citizens who have been deprived of their votes by red-shirted organizations of private or individual ruffians and by men who appeared with revolvers and bowie-knives at the polls are numbered by the thousands and the tens of thousands. And now we see a great move to provide legislation for an evil that does not exist and to leave the evil that does exist entirely unprovided for. There never has been any interference by troops with voters at the polls. The Senators from Indiana signally failed to make that out; for in the very year that the Senator from Indiana said democrats were prevented from voting his State threw a larger democratic vote than she ever threw before, and in the very year the Senator from Kentucky said men were not allowed to vote because of the interference of the Army, the democratic party threw twice and a half as large a vote as in the year when he said they were not interfered with by the Army. Mr. President, Senators on that side can vote my amendment down, as I am sure they will, but it will be heard of hereafter, and the gentlemen who take the ground that in a national election for National Representatives to the National Congress, the National Government can be warned off the ground and that every ruffian in the land can go there armed as he chooses to endanger the rights of other voters, can take that issue, and we will meet it before the people.

Mr. VOORHEES. Mr. President, in the order of Divine providence nothing is made in vain, and in the physical world every object has its sphere. This is eminently true in the world of men, and having known the Senator from Maine a long time I had assigned him a higher, a better, and a more useful sphere in public affairs than he seems determined to occupy. For many years I have looked upon him as fitted by nature to fill that place among men which the eagle occupies among the birds of the air. I have fondly hoped to see him soar toward the sun in the clear, upper atmosphere of an exalted statesmanship; but if as a matter of choice he adopts the part of the scavenger bird, hunts for offal, the cast-off and putrefying matter of past years, I may deplore but I cannot prevent such a course. If he prefers to abandon the pursuits of the lion, and follow the habits of the hyena, to dig into the graves of the past for loathsome and offensive things, I deeply regret it but it is a matter for him alone to decide.

Mr. BLAINE. Offensive to whom?

Mr. VOORHEES. Offensive to the public interests, if not to common decency. The Senator from Maine has seen fit to resurrect an old, stale, and exploded charge against an Indiana regiment on the field of Buena Vista.

Mr. BLAINE. No, sir. One moment. I disclaim the charge. It was a scandal against the Indiana regiment, and I showed that the southern friends of the Senator from Indiana were perpetuating that and teaching it to their children.

Mr. VOORHEES. I have no such southern friends, and I find no such miserable literature. I do not burrow in the sewers where such cast-off slanders are to be found. I never saw such a book as the Senator holds in his hand; I never heard of it until the Senator, a few moments ago, sought to rescue it from its anonymous and oblivious condition, and confer upon it a certain respectability by his public mention. A Senator of the United States can give a calumny, however gross, an air of probability without a direct indorsement, if he is simply willing to pollute his fingers by bringing it into this

presence. While the Senator from Maine may say that he does not make this charge against the troops of Indiana or indorse it, I know him too well to be deceived as to his purpose in parading it here.

Sir, it happened in the Mexican war—that great war which resulted in so much glory and wealth to this country—that one of Indiana's five regiments was placed in an exposed position on the field of Buena Vista; it was placed there before it was fully known, even by that great and sagacious military leader, Zachary Taylor, where the brunt of battle would fall. He was awaiting, not delivering battle. The Senator from Maine, although like myself wholly destitute of military experience, although like myself he fought the battles of his country by a substitute, (and I think mine was better than his from his account the other day,) must know how unexpectedly sometimes the full force of an enemy making attack falls on an exposed part of the line of battle. It happened so in this instance, and for the truth of history I appeal to the bloody record of that day. Within twenty minutes after battle was joined the Second Indiana Regiment suffered more in death and wounds than any other regiment that ever stood upon a field for no greater length of time. They were in a position that five regiments could not have held, their firing was rapid and determined, their ammunition almost exhausted; they broke. That is true. Some of them rallied afterward; a few did not. Of those who rallied was then Captain Nathan Kimball, afterward Major-General Kimball. With a large portion of the regiment he formed on one of the Mississippi regiments, perhaps the Fifth, I do not remember the numbers, and fought all through the conflict.

The Senator from Maine obtrudes that historical question here. Let me ask him why it is he presumes to criticize the conduct of Indiana troops, when there was not a single soldier there from Maine? Indiana behaved well, extremely, bravely well; and her blood bathed every battle-field in the subsequent war of the rebellion. She sent three times as many troops to the field in that war as Maine. The district that I represented in the other branch of Congress sent more troops than the entire State of Minnesota, from which we heard such a criticism through her Senator on Indiana last evening. Why does not the Senator from Maine learn a lesson of common prudence? Why does he not look behind him? Why does he not stop to inquire whether anybody represented Maine on that bloody and glorious field of Buena Vista, before he assails those who were there? Why, sir, not only Maine but New England was not there! All New England was absent with the exception of a regiment of regulars raised by the general act of Congress, of which that gallant and immortal spirit, now gone to his great reward, Thomas H. Seymour, was, as I remember, major—Thomas H. Seymour, whose counterpart for courage, high spirit, and fidelity to the Constitution is here on this floor in the person of the Senator from Connecticut, [Mr. EATON.] This is all, with the exception of a hired levy made in New York on money raised in Massachusetts by Caleb Cushing, who was then a democrat. Is it not a shame that Massachusetts and Maine and all New England were not better represented in that great conflict for national honor?

Mr. BLAINE. Where was Franklin Pierce, whom you made President of the United States?

Mr. VOORHEES. Ay, sir, how like retributive justice it sounds to hear the Senator from Maine call upon the name of Franklin Pierce to save the reputation of his own section! [Laughter.] I am rejoiced that New England is at last forced to shriek, "We had Franklin Pierce." I thought I would catch the Senator. I thought he would bite at the temptation of Pierce's name and services. I was waiting for him. [Laughter.] With what jeers and gibes and sneers this name has hitherto been mentioned by the Senator and his party; and yet, in his despair, like a noted character in ancient history who cried, "Help me, Cassius, or I sink," the Senator from Maine cries out, "Help me, oh, memory of Franklin Pierce, in the war with Mexico, or all New England sinks."

Mr. MORRILL. Will the Senator from Indiana allow me to remind him that he omits entirely a very gallant colonel from Vermont who lost his life, Colonel Ransom?

Mr. VOORHEES. In the regular Army?

Mr. BLAINE. No, sir.

Mr. MORRILL. The volunteers.

Mr. VOORHEES. Had Vermont altogether one volunteer soldier?

Mr. MORRILL. Certainly.

Mr. VOORHEES. I have examined this question at the Adjutant-General's office, and I say here, that with the exception of here and there a sporadic case not amounting to a whole regiment—I think not a company—all put together, there was no volunteering from New England.

Mr. BURNSIDE. The Senator from Indiana will allow me to state that from the State of Rhode Island I think there were as many soldiers in proportion to its size and as many officers as there were from the State of Indiana. Colonel Slocum, who was killed at the first battle of Bull Run, was an officer in a company from Rhode Island. General Pitman, who was in the late war, was captain of a company from Rhode Island. General Viall, one of the most prominent officers of the State of Rhode Island in the late war, was in a company from Rhode Island; and I think if the comparison was made, it would be found that Rhode Island sent as many soldiers and as many officers in proportion to its population to the Mexican war as the State of Indiana.

Mr. VOORHEES. I am sorry the Senator from Rhode Island comes.

to the rescue of my opponents. He was born in Indiana, and started on his illustrious career from that State. A stab from him now might properly extort from me the exclamation, "*et tu Brute!*" I say to him, however, and I say to every other Senator, that there were not one thousand volunteers from New England in the Mexican war. There were not half that number, nor one-fourth. There were regular soldiers from those States in the Army before the war with Mexico, and they behaved well. I repeat, there were no volunteer troops, as such, from the six States of New England. They had regular troops in the Army before the Mexican war broke out who did their duty and did it well, many of whom fell illustriously upon the field of battle; but when the question arises whether the popular heart of New England responded to the call of the country in a war with a foreign foe, history records in no uncertain phrase, in no doubtful language, that she did nothing of the kind.

Otherwise why would Cushing have raised a regiment in New York, I speak from the record, to be somehow credited to New England? He recruited with the use of money a regiment nearly one thousand strong. They illustrated their venal character afterward in the fact that 25 per cent. of them deserted the service in the face of the enemy in a foreign country. Well they might. They did not belong to the substantial and worthy element of the people of New York; they were hired, hired with money; and I repeat that 25 per cent. of them deserted the colors of their country in the face of the foe. When hereafter a Senator from New England is disposed to gibe at a broken, bleeding, reeling western regiment, driven from the field by a force of ten to one, I think he will pause to reflect whether any man from his own State was there, even as a sutler, a camp follower, a mule driver, in any capacity whatever. When the roll of the living and the dead for Buena Vista is called, there is no answer for Maine except in the voice of the Senator from that State, with daring hardihood criticising the troops that were there. I see before me the gallant Senator from Illinois, [Mr. LOGAN.] Although political differences have divided us, although the tide of political events have broken up ancient political ties, I never look on him without respect for a brave and gallant soldier. He was in Mexico. He knows whether it well becomes New England Senators to flout at the misfortunes occurring in a bloody day to an Indiana, or an Illinois, or an Ohio regiment, or to the regiment of any other Western State.

Mr. BURNSIDE. Mr. President—

Mr. VOORHEES. I do not wish to prolong this debate on the question of Mexico, because I have to go on. I have other work before me.

Mr. BURNSIDE. Will the Senator allow me?

Mr. VOORHEES. The Senator from Rhode Island knows how willingly and how readily I would yield to him if I did not feel that I must get along with some things that I yet desire to say.

Mr. BURNSIDE. The Senator from Indiana does not desire to misrepresent—

Mr. VOORHEES. Oh, no.

Mr. BURNSIDE. I want to correct him.

Mr. VOORHEES. I will hear the Senator. What does he desire to say?

Mr. BURNSIDE. The troops to which I referred were raised for the war and had nothing to do with the regular Army before the war. They were raised to enter the service for the war.

Mr. VOORHEES. What war?

Mr. BURNSIDE. The Mexican war, and they were not in the regular Army before that war.

Mr. VOORHEES. I say to the Senator in all frankness, and with perfect respect for his large military experience, that I will go with him to-morrow to the Adjutant-General's Office and if he can find even one full company of volunteers raised in New England under the call of the Government for volunteers to fight Mexico, I will state that fact hereafter on this floor. I think that is fair.

Mr. BURNSIDE. Very well; I will go to the Adjutant-General's Office with the Senator from Indiana to-morrow.

Mr. VOORHEES. All right; we will go together.

Mr. EATON. I know my friend will allow me one word.

Mr. VOORHEES. Certainly I will.

Mr. EATON. He does not desire, of course, to misrepresent New England at all. I know he does not. Now, I wish to say here, the Ninth Regiment, which was called a regular regiment, was a regiment of New England men, mainly gotten up through the influence of the gentleman spoken of by the Senator from Vermont, Colonel Ransom, and my friend Colonel Thomas H. Seymour, of Connecticut, who was one of its majors.

Mr. VOORHEES. But they were not volunteers. In fact and in law they were regulars.

Mr. EATON. They were volunteers in one sense, for they were the bone and sinew of New England. They were troops that were enlisted through the influence of New England men.

Mr. VOORHEES. They were on the roll of the Army as regulars raised, as I understand, under the ten-regiment bill, and not all from New England.

Mr. EATON. As the Ninth Regiment.

Mr. BURNSIDE. Will the Senator from Indiana allow me a word more?

Mr. VOORHEES. I beg pardon for declining, but I must go on.

Mr. President, there is a reason for this hostility to the Mexican

war which lies back even of that event. New England was never in favor of the extension of the boundaries of this country. The Mexican war grew out of the annexation of Texas. When I speak of New England my friend from Connecticut [Mr. EATON] must not understand that I am criticising the democracy of that section. I am assailing that nefarious sentiment which always opposed Jefferson, and the extension and glory of this Republic. The Puritan federalist of New England is the character I am speaking of. He opposed every step of progress the American people have ever taken.

The Mexican war grew out of one of the grandest progressive events the world has ever known. The annexation of Texas is really without a parallel in the history of nations, and arising out of that event behold what has happened since! We have acquired a wealth of States and Territories that rivals the grandest epoch of the Roman Empire. If, however, the predominant sentiment of New England had triumphed, nothing of this would have happened. Texas would either be to-day an independent government or subjugated to Mexico or some other foreign power. New Mexico would not be an American Territory; California, with her golden mines and silver mountains, would not be ours. San Francisco would belong to some distant nation; another flag would float upon the Pacific coast. All this would have happened if the policy of New England, whose brilliant representative is the Senator from Maine, had prevailed; and yet he feels it worthy of himself not merely aspiring to be, but actually believing himself and believed to be, a statesman—he finds it worthy of his public ideas to carp at and hold up to animadversion the conduct of one regiment on a glorious field where they struggled and bled to accomplish all the mighty results which have actually followed, while no man from Maine answered the roll-call on that stricken field either before or after the battle, either from the living ranks or from the dead. Maine was no such new-comer into the Union that she needed to be entirely exempted. She was admitted in 1820; she had enjoyed the protection of the laws of this country and the honor of its flag for more than a quarter of a century.

Sir, let us go back a little further. When Mr. Jefferson was President it was by his skill as a diplomatist, by his energy as an executive officer, by his prevision as a statesman, that the western boundaries of this country were extended from the Mississippi River to the Pacific Ocean. All that mighty region extending from the British Possessions to the Gulf of Mexico and from the Mississippi to the Pacific Ocean stands as an everlasting monument to the wisdom, foresight, and sagacity of Thomas Jefferson. The entire New England sentiment, however, now represented here by the Senator from Maine, denounced him and his policy. They would have left the mouth of the Mississippi River in the hands of a foreign power; they would have made us beg, dieker, and barter for our right of way down that great national channel if they had been successful.

Sir, there are no apologies to make for the Northwest, one of the central states of which is Indiana. We do not come here to bow down to those who come from the East, in many respects a more favored section. Last evening the Senator from Maine and the Senator from Minnesota vied with each other in disparaging the State of Indiana. The Senator from Maine saw fit to repeat to-day what he then said, that one Massachusetts regiment stampeded all the democrats in Indianapolis, and demoralized them. I have no reply to make to that.

Mr. BLAINE. I never said it at all.

Mr. VOORHEES. I so understood you; and my reply is that Indiana casts 165,000 more votes than Maine and Minnesota put together, and she sent twice as many troops to the field as both those States put together. She also casts more votes than Maine and Massachusetts put together, and she sent as many troops to the field as both Maine and Massachusetts. Allow me to say in this connection that the Senator from Maine does himself great injustice when he speaks, as he has often done, in derision of the influence which the presence of soldiers creates at the ballot-box or in any other part of a peaceful community. I once heard that well illustrated by a friend and kinsman of mine in New Orleans. I said to him, in view of the troubles there, "A single regiment can hold your State in absolute subjection." "Yes," said he, "not merely a single regiment, but one single soldier planting the flag, sticking the staff in the sand, with the flag aloft, will govern the State; the emblem of authority, the insignia of government is enough." The Senator from Maine knows this to be true as well as any Senator on this floor. He knows that his argument is spurious and absurd when he speaks of the paucity of numbers in connection with soldiers and free elections. One soldier as the emblem of power is as good as a thousand, and he knows it. When he rises here and repeats for the fourth or fifth time that it is absurd to cry out against the use of troops at the polls, because there are not enough to control all the elections, he commits a mockery, and there is not a fair-thinking man on this floor who does not know it. It is the merest trifling to say there are not enough troops to control all the elections, when we all know that the control is by virtue of the emblem of authority, and not by reason of the actual numerical force.

Mr. President, I turn now to another matter. The Senator from Maine, with his peculiar talent, thinking doubtless that nobody else would take the same pains, has, as it appears, hunted up the vote of Marion County, Indiana, for some years back. I will enlighten him still further on that point. He says that because in 1864 my col-

league, then the democratic candidate for governor of the State, received about 100 more votes—that is the result of his calculation, I believe—than Stephen A. Douglas in 1860, therefore there could have been no intimidation; therefore the alleged outrages committed by a military mob cannot be true. I have said there was a military mob in Indianapolis in the fall months of 1864. I repeat it. There was a disorganized, disorderly, demoralized military camp there at that time. Its condition can be accounted for from the fact that it was commanded by officers who never sought service at the front and who disgraced in many instances the uniform they wore. Those whom I mean will understand what I say. But let us examine the point raised by the Senator from Maine. I have facts here to submit. I have figures as well as he has. I have statistics here that the Senator from Maine would do well to attend to.

In 1862 the republican vote for secretary of State in Marion County was 4,844, and the democratic vote for the same office was 3,863, being a republican majority of 981 in that year. It is not long till we reach 1864. Two years is a brief period. Populations do not swell very enormously in that length of time. I will venture to repeat my statement of figures in order to emphasize conclusions.

In 1862 the vote in that county for the republican candidate for secretary of state was 4,844, for the democratic candidate 3,863, giving a republican majority of 981. In the year 1864, the year under discussion, the figures stand as follows: Governor Morton received 9,554 votes, and Senator McDONALD received 3,221 votes, making a republican majority swollen from 981 in 1862 to 6,333 in 1864. How is this to be accounted for? Solely on the ground stated by my colleague yesterday, that there was a vote given that did not belong there, making the aggregate vote larger than one-half the ascertained population of Indianapolis, men, women, and children included. The Massachusetts troops spoken of, and perhaps others, voted illegally and as often as they pleased. How was it also in the district which I then represented? The personal view of the matter is nothing; that is of no consequence. I accept defeat without depression and success without elation.

In 1862 I received as the democratic candidate for Congress in the county of Vigo, of which the city of Terre Haute is the county seat, 2,121 votes, and my competitor, Mr. Scott, received 2,068. In 1864 I received 2,265, an increase of 144 votes. This was a natural and legitimate increase in two years; but what is the showing for the republican candidate? The gentleman who ran against me in 1864 was by no means so strong in Vigo County as Mr. Scott, who made the race in 1862, yet he received 2,856 votes in that county, showing a republican increase in the space of two years of 788 as against a democratic increase of 144. I presume the Senator from Maine will find some way to explain these figures to his own satisfaction, but to nobody else's. They fasten but one conclusion on every fair mind. The republican party cast a false and spurious vote in Vigo County in 1864. The leaders of that party took advantage of the disorders then prevailing to import repeaters from other States, some in the guise of Massachusetts soldiers, and some from other quarters. They did not intimidate anybody at Terre Haute; they drove no one from the polls at that place, for we made that city a free shire during the war; but they voted themselves and repeated as often as possible.

But, Mr. President, while I am on my feet I desire to pay some attention to another matter. We have heard so much clamor and persistent outcry from republican leaders in regard to the alleged hostility of the democratic party to the Federal soldier that I propose to say a few words on that subject.

A short time ago the republican party of Ohio, in nominating as their candidate for governor a man who staid at home during the entire war and never exposed himself to a moment's danger, saw fit in connection with that nomination to indulge in a hypocritical gush against the abuse which Federal soldiers were receiving from the democratic party. They passed the following resolution:

Resolved, That the memory of our dead heroes who gave their lives to save the nation from destruction protests against the expulsion of their living comrades from public offices to gratify the partisan purposes of the dominant party in Congress.

Sir, it so happened when the present session of Congress was organized that it became my duty as a member of a committee to look into the number and character of the Senate employes. I supposed, and had a right to suppose, from the loud pretense of republican love for the soldier that at least every other man officially connected with the Senate was a discharged and wounded veteran. Sir, I here state the fact, and it shall go to the country, that when the Senate was turned over to the control of the democratic party we found just six wounded soldiers on its rolls, and no more. Out of one hundred and fifty men in employment at this end of the Capitol you had six, and only six, who were crippled in the service. I wonder that you had that many considering how easy it would have been to keep up the false pretense without any at all. But where are those six now under democratic rule? They are all here now. It afforded me great pleasure with my humble influence to recommend that each one of them should be retained for the sake of the blood he had shed, and they are all here. Every man who bled under the flag and who was here on the 4th of last March is here now.

Mr. FERRY. The Senator from Indiana does not wish to misstate. I remind him of the late Postmaster of the Senate, who is a wounded

soldier and has been discharged by the party of the majority in the Senate—

Mr. VOORHEES. He was not a wounded soldier. He may have been a soldier. He did not report himself as wounded.

Mr. FERRY. He is a wounded soldier, and was so reported and known as such.

Mr. VOORHEES. He was not so reported or known on this side of the Chamber. Every wounded soldier who reported himself as such is here to-day at these doors. I can name them all.

Mr. FERRY. I simply state that he is a wounded soldier, and his condition will prove the fact. Let that test the correctness of my statement.

Mr. McDONALD. He did not make any complaint on that ground.

Mr. VOORHEES. The police board, composed of men of both parties, has removed the Chief of Police; but his place is filled by another soldier as good. Does the Senator want to talk about particular cases?

Mr. FERRY. No; but when the Senator from Indiana makes the broad statement that there were none of the wounded soldiers who were dismissed, I simply rise to state that, so far as the State of Michigan is concerned, represented in the case of the late Postmaster Creary, he is a wounded soldier and was discharged. I simply want to correct the Senator.

Mr. VOORHEES. Then the late Postmaster has more to complain of in the conduct of the Senator from Michigan than he has of anybody else; for this is the first time that fact has been communicated. It was a subject of investigation for the purpose of not allowing a single man who had felt lead in his body on the field to be removed, and the Senator from Michigan can only congratulate himself in informing the Senate and the country too late to do the man any good.

Mr. FERRY. I but repeat the fact, and it was stated throughout the press at the time, and I think Mr. Creary is entitled to a great deal of credit for his service here not only in having commended himself so generally to the approval of members of the Senate, but in not making the point of his wounds to shelter himself from dismissal. There were many others who did state it before and at the date of dismissal, and the press took it up; but, so far as he was concerned, he quietly acquiesced in the order of the authority here in control, believing, as the democratic party had the majority here, it was their political pleasure, it was certainly within their power, to remove him, and he accepted the situation. But so far as the statement that he was not a wounded soldier is concerned, I state the fact to be so, and his condition as well as his statement, his military record, and that of the press, will substantiate what I say.

Mr. VOORHEES. I do not dispute the fact if the Senator says it is a fact; but his is only another instance of republican infidelity to a wounded soldier in not having disclosed that fact sooner.

Mr. FERRY. That was stated to the Senator's colleague before dismissal, and he replied that he was not disabled, which is not the point the Senator seeks to make.

Mr. VOORHEES. I cannot yield further. My time will not permit.

Mr. FERRY. As I noticed the Senator's colleague [Mr. McDONALD] was rising, I only wished to add that the reply of his colleague was that he was "not a disabled soldier." That, I repeat, was not the point. The point stated by the Senator from Indiana before me was that no wounded soldier was discharged.

Mr. CONKLING. Other disabled soldiers were discharged.

Mr. McDONALD. I very cheerfully bear testimony to the fact that Mr. Creary, late postmaster, was a good officer, but he was not known as a wounded soldier until after this question had passed beyond the control of the committee to which it belongs. He did not make any claim on that ground at all.

Mr. FERRY. Mr. Creary has never paraded his wounds, has never boasted of his services; but when the chairman of the committee, the Senator from Pennsylvania, [Mr. WALLACE,] stated in his remarks prior to his dismissal that it was not the design of the democratic party to remove any wounded soldier, notwithstanding, Mr. Creary was removed on the next day, or the next day but one, it certainly then became generally known, if not before, that he was a wounded soldier; and inasmuch as such a statement had been made, it was a surprise not only to him, but to his friends and the country, that he, being a wounded soldier, had been dismissed. Since the Senator from Indiana [Mr. VOORHEES] has singled out the State which I in part represent, I desire to add, in justice to Michigan, that of the six employes of her citizens in this Capitol, kept in office by the republican party, four of the six were wounded soldiers—one, the late Postmaster of the House, (Mr. Sherwood,) having lost one leg; another, Mr. Bishop, having lost an arm; another, Mr. Coleman, with one arm, and the other, Mr. Creary, late Postmaster of the Senate, wounded defending the flag of the Union; and all these four wounded, and all have been dismissed from employment by the party now holding the majority in both Houses of Congress.

Mr. McDONALD. It takes nothing from the statement of my colleague that this committee did make a thorough investigation for the express purpose of retaining every wounded soldier who was then in the employ of the Senate unless he should be removed for cause, and that fact was not known to them nor to the members of the majority on this side until the order for his removal had gone forth.

Mr. VOORHEES. The facts being as stated by the Senator from

Michigan, of which I have no doubt, he has only to blame himself for this removal because he did not do sooner what he has done today. Enough on that point.

In regard to the employes of the House I submit the following:

DOORKEEPER'S OFFICE,
HOUSE OF REPRESENTATIVES, UNITED STATES,
Washington, D. C., June 6, 1879.

I certify on honor that there are now upon the rolls of the Doorkeeper's department, House of Representatives, my appointees, twenty gentlemen who served in the "Union Army" during the late war. Of this number is Colonel Baker, chief of document-room, one of the most responsible positions in the House; a second is Captain Knight, assistant doorkeeper, appointed by me to that place for the reason that he was a Union soldier and fought against me during the war.

CHARLES W. FIELD.

ENGINEER'S DEPARTMENT, HOUSE OF REPRESENTATIVES,
June 5, 1879.

There are employed in the engineer's department of the House of Representatives two persons who served in the war for the Union, namely, William Lannan, chief engineer, who served in the Navy, and S. J. Davenport, who served in the Army.

WM. LANNAN,
Chief Engineer House of Representatives.

CLERK'S OFFICE,
HOUSE OF REPRESENTATIVES, UNITED STATES,
Washington, D. C., June 6, 1879.

There are employed in the office of the Clerk of the House of Representatives five ex-Union soldiers, among whom are Hon. George M. Adams, Clerk of the House, and Henry H. Smith, journal clerk.

GREEN ADAMS,
Chief Clerk House of Representatives.

Sir, the soldier roll at this hour, with the democratic party in the ascendancy in both branches of Congress, under the control, if you please, to use a hackneyed phrase, of "confederate brigadiers," shows a better patronage bestowed on the Union soldier than it did when the republican party had unlimited sway.

But I come to another feature of this subject which constantly confronts us. I listened, as we all did, some time ago to the brilliant speech of the Senator from New York in which he fiercely arraigned the democratic party on account of the present composition of the Senate. Because a number of gentlemen on this side served in the confederate army and a less number on the republican side served in the Union Army, therefore in his opinion the democratic party was largely to blame, and therefore he launched all his powerful invective against us.

I call attention to the passage to which I allude in the speech of the Senator from New York. He said upon that occasion:

Twenty-seven States adhered to the Union in the dark hour. Those States send to Congress two hundred and sixty-nine Senators and Representatives. Of these two hundred and sixty-nine Senators and Representatives, fifty-four, and only fifty-four, were soldiers in the armies of the Union—

He is now speaking of the House as well as the Senate—

The eleven States which were disloyal send ninety-three Senators and Representatives to Congress. Of these, eight-five were soldiers in the armies of the rebellion, and at least three more held high civil station in the rebellion, making in all eighty-eight out of ninety-three.

Let me state the same fact, dividing the Houses. There are but four Senators here who fought in the Union Army. They all sit here now; and there are but four. Twenty Senators sit here who fought in the army of rebellion, and three more Senators sit here who held high civil command in the confederacy.

He says there are four Union soldiers sitting now on that side. I can count but three, but I will take his count.

Mr. CONKLING. Which three does the Senator mean?

Mr. VOORHEES. I count the Senator from Illinois, [Mr. LOGAN,] I count the Senator from Rhode Island, [Mr. BURNSIDE,] I count the Senator from Kansas, not now in his seat, [Mr. PLUMB,] and I never heard of anybody else. I do not know who the other is. Will the Senator from New York tell me? If I am doing any man injustice, let me know it; I would not do so for any consideration whatever. Shall I treat it as three or four? The Senator from New York says "four" in his printed speech, and there are four I am now told who were under the colors of the Union in the late war. Be it so. With powerful force, with vehement voice and gesture, and with a look of lofty reproach and menace, the Senator from New York called us to account for that state of affairs. He assailed us until we sat here looking at each other in a sort of bewildered way wondering which one among us was most to blame because there were not more members of the Senate on the republican side, chosen by republican Legislatures, who had served their country under the flag in the time of danger. The Senator so amazed me, and arrested my attention so thoroughly that I have looked into the subject somewhat since. Sir, I am the last man to indulge in a wanton personality; but the Senator from New York cannot complain—I will not say complain, for that he never does—but he cannot charge me with a want of fairness when I remind him, as I do now, that since the war closed there have been four Senators elected in the State of New York by republican Legislatures. Each time the party of which the Senator is so brilliant and distinguished a leader and ornament had an opportunity to send somebody here who had shed his blood or offered to shed it in the war for the Union. Four times they refused to do it, three times by sending the Senator himself, and once in sending a gentleman whom I presume I may mention as once his colleague, Mr. Fenton. Four times the party of which the Senator is leader and king in his own State had a chance to select as Senator some soldier who had

adorned the history of New York by his valor, who had been conspicuous by his heroism, who had faced the belching batteries of the enemy, and yet each time the towering figure of the Senator himself intercepted the soldier's hopes. Those who wore the blue went to the rear while the tall plume of the civil chieftain went to the front; and yet he now rails at us for not filling the republican seats on this floor with Union soldiers! Amazing spectacle!

Was ever such daring displayed before in the Senate? Does the Senator assume that our forbearance is illimitable? Behold him; the representative of a State which four times has had the opportunity to send some one of her many soldiers to this place, and which has persistently refused, arraigns others in that regard! The Senator from New York said and said well, as he says everything well, that New York sent a half million of her men to the field. So she did. I claim an interest in the glory of New York. She is the great metropolitan State of this Republic. New York City is the great commercial outlet for us all. The Senator from New York can never utter one word of praise adding to the distinction and glory of his State that will not meet with a warm response from me and from the western people. And I insist that in the vast population of that great State there are many soldiers who would make good Senators if the republican party would only give them a chance.

Firmly persuaded, however, Mr. President, that the Senator from New York by this time feels convinced and convicted in his own mind of his errors upon this point, I will pass to another State, a very busy State on this floor through its great-brained and warm-hearted Senator. If I have not heard the exact words fall from his lips which we heard from the Senator from New York, yet the same spirit has pervaded all he has said. He has made constant assault on the democratic party for its alleged hostility to Federal soldiers. He too has been disturbed because there are so many men on one side of this Chamber who periled their lives in battle and so few on the other. If this fact is to be deplored, then I ask why comes the Senator from Maine [Mr. BLAINE] here? Why does he not yield to some gallant soldier from the Pine Tree State? The Senator from Maine was just as good a soldier as I was, and no better. We both staid at home, and kept our seat in Congress; we paid our money to fill the quotas of our townships and in this way hired substitutes. Some of my kindred, perhaps it is not proper for me to say also some of my wife's kindred, went to the front, and some of them died from wounds in battle. How that may be with the Senator from Maine I seek no further to disclose.

But there have been in the State of Maine five elections for Senator since 1865, each time resulting in the choice of a republican Senator. Are there in fact no soldiers in that State to send to the Senate? Is there nobody there fit to be a member of this body who wore the blue during the war? If there is and he has been jostled aside by the superior ability and I will not say artifice but ingenuity of the Senator from Maine, certainly that Senator ought not to come here and reproach us for his own grievous fault. Five times the State of Maine has had the chance to do honor to some soldier in her borders, and five times she has done nothing of the kind, and thus she has added five conspicuous illustrations of the dire hypocrisy, the vile sham, and black, false pretense of the republican party in its pretended love for the Federal soldier.

We have now and then heard a rush of fervid sound from the State of Michigan. It comes sometimes as a hurricane of wrath. It invokes all the bloody memories of the past and wishes the country to feed on them. The Senator from Michigan [Mr. CHANDLER] is especially incensed at the presence of a democratic majority, and at the presence of more Senators who fought in the confederate than in the Union Army. The confederate soldier was sincere, for no man can deny the good faith of those who freely die for their principles. When such men pledge themselves to the Government, as they have since the war, I believe in their manhood and honor.

But what right has the Senator from Michigan to complain that Union soldiers are not here to meet them as Senators as they often did on the field?

Since 1865, the close of the war, four elections in Michigan have taken place for Senator. What soldier has been honored? Not one. My friend who sits opposite me [Mr. FERRY] knows that I am not complaining that he is here, or criticising the wisdom or the judgment of the Legislature that sent him; nor will the other Senator, [Mr. CHANDLER,] junior in rank but senior in years, misunderstand me. I intend, however, to silence those who reproach the present composition of the Senate, or compel them to explain why it is that their own States have so universally ignored the Federal soldier and sent men here who staid at home, never confronted the enemy nor encountered danger during the war. How well the gallant and brave Senator from Illinois [Mr. LOGAN] understands this. I think I can at this moment read his thoughts. The "home guards" are here in force. We see them all around us. The proper order of things is here reversed. The rear ranks are to the front, and the front ranks have gone to the rear. And now these rear men in war and front men in peace fill all the air with a dismal cry over the injustice which they themselves have inflicted on the soldier.

Mr. FERRY. Will the Senator allow me a moment?

Mr. VOORHEES. I do not believe that you ought to want to interrupt me, but I will yield of course.

Mr. FERRY. Since the Senator has volunteered allusion to the State of Michigan, which I have the honor in part to represent, I

would suggest to the Senator from Indiana that it is hardly in taste that he should criticize that State and other States as represented on this side of the Chamber when he does not himself as the representative of his State set an example. I fail to discover a Union soldier representing the State of Indiana now on this floor.

Mr. VOORHEES. I am as good a one as you were.

Mr. FERRY. The Senator will allow me—

Mr. VOORHEES. That is a fine point for a man to make who staid at home with such fidelity as the Senator from Michigan did. [Laughter.]

Mr. FERRY. I was not the one who raised the point. The Senator from Indiana made the criticism, and I will not follow him in that respect. I may, however, add that the Senator himself has no laurels earned on the battle-field. Nine-tenths of the Union soldiers of Michigan united in choosing me to represent them on the floor of the Senate, and that is more than the Senator from Indiana can say of the Union soldiers of his own State. I am merely replying to him and saying that it is not in good taste for the Senator from Indiana to criticize the State of Michigan and other States when there is not a man who served in the Union Army representing the State of Indiana; and more than that, I would state to the Senator that I have scanned the Senators who now face me, and there is not a Union officer or a man who served in the Union Army on the democratic side, and they are now in the majority on this floor.

Mr. VOORHEES. Mr. President, I did not raise this point; it was raised in enormous proportions by the Senator from New York and others on that side. The Senator from Michigan could not have misunderstood me. I stated that I had heard complaint from his own State on this subject. There is where the point came from. I am not for the first time raising it.

Mr. FERRY. When was it?

Mr. VOORHEES. I beg pardon. I cannot yield further. The point was raised by your own party in fierce declamation here with an appeal to the country against this side of the Chamber, and on account of what? On account of a state of things which was within your own party's control; on account of the fact that you have but four men in the Senate who were ever under the flag. I am pointing out that in common decency you ought to be silent on the subject, because you have had a hundred chances, taking all the States throughout the North together, to remedy the very evil you rail about, and you have not done it. The Senator from Michigan says that no Union soldier has been elected from Indiana. I reply, which is good enough as far as it goes, that I am as good a soldier as ever he was, and my colleague I will put against his colleague. So honors are easy in that regard.

Mr. FERRY rose.

Mr. VOORHEES. I cannot yield now. The Senator knows I do not decline out of personal disrespect, but I cannot go into a running controversy further on this point.

Mr. FERRY. But when the Senator from Indiana—

Mr. VOORHEES. The Senator from Michigan knows when I decline to yield he ought not to insist.

The PRESIDING OFFICER. The Senator from Indiana declines to yield.

Mr. VOORHEES. I do it without the slightest personal disrespect, but I laid out for myself a work this afternoon much of which yet remains to be done. A word more, however, in response to the Senator's remarks in regard to the fact that Indiana is not represented here at this time by Federal soldiers. Nor was she so represented when your party had the Indiana Legislature and sent Oliver P. Morton, Daniel D. Pratt, and that class of statesmen. The republican party in Indiana, with all its clamorous outcry about the soldier and its love for the soldier, always pushed the soldier aside, and sent men here who never faced the enemy. The Union Army is as well represented on this floor to-day, so far as Indiana is concerned, as it ever was. When the republican party was in power, before it was broken down by its crimes, its shams, and its hypocrisy, when it controlled Legislatures in that State it sent here men of ability and of whom I speak with entire respect, but they were just such distinguished veteran soldiers as the Senator from Maine and the Senator from New York, neither better nor worse. But to proceed.

Mr. BLAINE rose.

Mr. VOORHEES. I suppose I shall have to yield.

Mr. BLAINE. Do I understand the Senator from Indiana to maintain that himself and his colleague represent the soldier vote of Indiana just as much as Senator Morton did?

Mr. VOORHEES. Yes, sir, just as much.

Mr. McDONALD. I think more.

Mr. BLAINE. We doubt on that.

Mr. VOORHEES. Just as much, did as much individually for the safety and comfort of soldiers in hospital and field, more out of our own means; certainly as much as any other two men in the State, and I am willing for that statement to go home.

But let us go on. The senior Senator from Vermont [Mr. EDMUNDS] is not here. I hope prosperous gales are attending upon the ship that is bearing him abroad. I took a kindly leave of him, and I wish him a pleasant and safe voyage; yet if he were here I doubt not his voice would be swelling the chorus of assault, because there are more military men on this side of the Senate than on the other side. Sir, Vermont has held seven senatorial elections since the war

closed. There could not have been any soldiers, I think, in that State, or some one might have been found in seven trials. The State is not large, the population is not extensive. Seven times a Senator was called and seven times a civilian answered and was chosen. Seven times the roll of public merit has been called of those who deserved well of their country; and seven times the eager, hungry, stay-at-home, home-guard politician has rushed to the front, seized the prize, and the soldier has staid at home. He comes not here from Vermont.

What I say of Vermont is likewise eminently true of the Old Bay State. There have been six senatorial elections in Massachusetts since the war, and where is the face of the bronzed veteran on this floor? Why comes he not? Why does he remain away from these Halls? Massachusetts sent, I believe, one hundred and fifty thousand troops to the field, and yet not one is honored by a seat on this floor, and the hearts of the two Senators from that State beat in unison with the heart of the bold Senator from New York as they all together charge on the democratic party in hot anger because the republican party, almost omnipotent all over the North, has sent here but four men who were Union soldiers, while the South has sent twenty or thirty—I do not know how many, nor do I care—who were soldiers on the other side.

Sir, I think perhaps I have illustrated this phase of hypocritical politics sufficiently for the present, and, if so, I may pass to another feature of the same general fraud. The cry is not only that there are too few soldiers of the Federal Army in Congress, but there is a great panic because there are too many of what are called confederate brigadiers. They are painted as very dangerous characters; they are held up to the country for the purpose of alarming it. We are to have a shrieking campaign in Ohio; it has now commenced in favor of a man who staid at home and put money in his purse, against two Federal soldiers traveling on three legs between them, and the issue is the danger of confederate brigadiers!

That is to be the battle-cry of the republican leaders in the great Ohio contest between two Union soldiers on the democratic side with three legs, and a "home-guard" who got rich by the opportunities of the war on the other side, the leader of the republican hosts. What a campaign it will be! I can see it now. With banners uplifted, with songs and battle-cries, drum and fife, it is expected to affright the souls of all the good people of Ohio into the support of Foster for fear the election of EWING and Rice will give over the State to the confederate brigadiers.

Let us see a little further, however, about this dangerous person called the confederate brigadier. Who first brought him here? Who is responsible for the introduction of the confederate brigadier to the theater of national politics? Southern gentlemen around me on this floor are here because they thought the country was restored to its normal relations; that the States were rehabilitated under the Constitution; that each State had the right to select its own representatives in both branches of Congress, and that they were not compelled to ask leave to come of any set of men from any part of the country.

Gentlemen, I welcome you. You are right in being here. You are met, however, by a party with a violent unwelcome, with abuse and denunciation hurled as a key-note to party warfare by the great Senator from New York, and followed up by all the Senators on that side of the Chamber. Sir, there is something due to history on this subject. Is the confederate soldier unfit to take part in the affairs of this Government; or is it in fact only the confederate soldier who votes the democratic ticket to whom you object? Is it the confederate soldier *per se*, or does the objection to him only arise when he votes the democratic ticket? If a confederate soldier votes the republican ticket, and indorses all the rascality that overwhelmed the South as a deluge during carpetbagging, do you not embrace him? Tell me when you have ever spewed such a one out of your mouths. Tell me where you ever repulsed him from your warmest and most affectionate political embrace. None such have ever been cast out by the republican party. On the contrary, all such have had seats of dignity and robes of honor assigned.

It is but a little while ago since a confederate brigadier first took part in the control of public affairs. He was invited to do so by the candidate of the stalwarts for the next Presidency, General Grant. Grant appointed Brigadier-General Amos T. Akerman, of Georgia, to a seat in his Cabinet. A majority of the republican Senators sitting here to-day on their oaths voted to confirm him as the first law officer of this Government. They gave it to him to construe the Constitution, to interpret the laws, to render decisions binding for years, and perhaps for all time. General Grant put into the hands of confederate Brigadier-General Amos T. Akerman the portfolio of justice, and a republican Senate confirmed him; and why? Not because he was greatly learned in the law. Nor did they object that he had carried a sword, and killed whom he could, under the confederate flag; he voted the republican ticket, and that was enough; it washed away all his sins, and made him clean and pure in their eyes, though his sins had been as scarlet before.

Another instance nearer home in time and place occurs next to my mind. I know what profound satisfaction I will afford to the Senator from New York [Mr. CONKLING] when I pause for a moment to pronounce an eulogy upon the present Administration. I know the appreciation which his robust intellect has of the patriotic and comprehensive capacities of the Administration now in power. I know, therefore, he will be grateful to me for calling attention to the fact that

although he has arraigned us for the disproportion of confederate brigadiers in this body to the Union brigadiers or major-generals, yet this favorite Administration of his has confided one of its very important Cabinet portfolios to another confederate brigadier, General Key, of Tennessee. I have no word of disparagement for General Key or General Akerman. I am not here to abuse or denounce these men for changing their politics; they had a right to do so. I do say, however, that Senators on the other side, after voting to confirm these men for positions of the very highest public importance, have not the shadow of a right to assail us for welcoming the southern Senators who are on this floor.

General Key drew his sword under the flag of the South and fought through the war. He then came to the Senate, and while here made a speech. I refer to it now principally to show how much the Senator from New York has forgiven, to exhibit that gracious phase of his character which some do not know of as well as I do, to illustrate that his forbearance and charity are as broad as the mantle that covers all sin. General Key spoke just before he was appointed to the place he now holds. Commenting upon that very memorable field of testimony wherein Eliza Pinkston covered herself and the republican party with infamy, and while arraigning John Sherman for being the patron of that paragon of falsehood, the present Postmaster-General on this floor, on the 18th day of December, 1876, used this language:

And on this testimony, the falsehood of which is so apparent on its face, a State is to be disfranchised, and a President, whom the people never elected, is to be placed in office.

I told you, Mr. President, I would prove how generous the charity of the Senator from New York has been. Within but a few days of his appointment and confirmation, the present Postmaster-General not only announced that the present President of the United States was not elected President by the people at all, but further, that there was a plot to foist him into that office by disfranchising a State through the instrumentality of wholesale falsehood. He has never recanted this truthful statement that I know of. I suppose he has agreed to vote the republican ticket, and doubtless he does so. I presume it was on that condition that a republican Senate confirmed this confederate brigadier with an additional handicap in the shape of the speech I have read from.

Mr. CONKLING. How does the Senator stretch my charity over that?

Mr. VOORHEES. Because I have never heard that ringing voice which God has given the Senator from New York in denunciation of that appointment. I therefore supposed he had condoned the offenses enumerated by me. I think the word "condone" a fitter word in this connection, all things considered, than "forgive." The Senator has been unsparing in his assaults because of our affiliation with the men of the South, while the Administration of his party appoints not merely a confederate brigadier, but one who in this presence said that your President never was elected by the people, that his claim to that great office rested on wholesale falsehood and threatened the disfranchisement of a State.

Passing on, however, I invite Senators to take a walk with me through the South, starting from the Potomac. I will promise still further to illustrate the shameless, bare-faced, false pretensions of the republican party on this subject. As soon as we cross the Potomac we at once find a Federal judge holding an office for life in Virginia. I shall not seek to disparage his ability or his character, but he was an original secessionist and the editor of a secession paper when the war broke out. I allude of course to Judge Hughes. He is now where he construes the laws of the United States throughout a wide expanse of country and over a large and intelligent population. He was appointed by a republican Administration, confirmed by a republican Senate, confirmed by the voices of those who have since hurled their anathemas in our ears because we welcomed you, and you, Southern Senators, to this floor. They have welcomed confederate officers to the bench and to the cabinet; they have welcomed them to foreign missions; they have welcomed them to official positions of every description, on the one sole condition that they would vote the republican ticket. Party politics controls this whole matter. When they vote the republican ticket they are your brigadiers; when they vote the democratic ticket they are our brigadiers.

My purpose must not be misunderstood. I am not producing any of these names here to assault them; I am simply using them to illustrate a policy so crooked and so outrageous that it deserves exposure, and it shall have it.

Here, next, is another Virginian, John S. Mosby. Who was John S. Mosby? I know him well. I speak no unkind word of him, yet I can remember when it was a question whether his surrender would be received, whether he would be accepted as a prisoner of war, or whether he should be outlawed from that general amnesty which the Government was then extending. There was a time when the name of Mosby shook the fears of men in this Capitol. There was a time when it was supposed he fought under a black flag, and that it could sometimes be seen from the Dome in the soft sunlight of an afternoon. It was thought that his warfare partook of the nature of the guerrilla, and such a belief largely prevails to this hour. But all is forgiven now; not only forgiven, but verily this most offensive confederate warrior has his rich reward. He embraced radicalism, and it in turn embraced him. Instead of some wounded Federal soldier occupying the position this republican Senate has confirmed John S. Mosby as

consul at Hong-Kong, and he is now an American representative to the oldest empire on earth; he is among the Celestials.

The traveler in passing through Virginia naturally visits North Carolina next. We will do the same. Thomas Settle, of North Carolina, is now a district judge of the United States, a life office of rank and importance. It is doubtless true that Judge Settle is a competent man; I am told he is by both the Senators from that State, but he was an officer of the confederate army. He was a secessionist; he fought the battles of secession; he turned to be a republican, and was made president of the republican national convention which nominated Grant, in 1872, at Philadelphia. Afterward he was made minister to Peru, and he now occupies a high judicial station. I proclaim here, as far as my voice will go, that the most profitable speculation a man who fought in the confederate army can now engage in is to advertise himself ready to enter the ranks of the republican party at a fair compensation.

Governor Holden, of North Carolina, was an original secessionist and a signer of the ordinance of secession which took North Carolina out of the Union. The republican party, as soon as he joined its ranks, its unhallowed ranks down there—I will not quite apply that word to it up here—made him governor of the State. He remained governor until he was impeached; but proven crimes did not seem to disgrace him with republicans. Since then he has been appointed postmaster at Raleigh and confirmed by the Senate, and he is there now at a good, wholesome salary. Every weak or treacherous man in the South who for shame or for love of gain desires to abandon his friends and prey upon his own people is thus rewarded.

Take the Barringers; one of them is a United States judge in Egypt. They were confederates; they are republicans now, and they are cared for.

The United States district attorney of North Carolina, Mr. Lusk, was an officer in the confederate army, and he was confirmed here. He was confirmed by Senators whose souls shrink from contact with a confederate officer unless he is a republican. Mr. Young was a confederate officer and he is now one of the revenue collectors of that State.

Going on down the Atlantic coast and we strike South Carolina, the land of the Marions, the Sumpters, the Hamptons, the Prestons, the Rutledges, the Butlers; the land of chivalric men. What has occurred here? James L. Orr was once Speaker of the House of Representatives and I speak of him with respect; he is dead. I knew him well. He went into secession, and armed rebellion, and was a confederate officer. He afterward joined the republican party; and what a place they gave him! They made him minister to Russia. If not one of the first-class missions, it is the foremost of the second-class. I believe it does not rank with the first.

Mr. CONKLING. It does.

Mr. BLAINE. It does now.

Mr. VOORHEES. Then it was one of the four first-class missions, England, France, Germany, and Russia; and this confederate officer received it as his reward for joining the republican party. I know what my friend from Illinois [Mr. LOGAN] is saying to himself. He is mentally exclaiming, "Would to God that some of my comrades who fought under the old flag could have a great place like that." I cannot be mistaken as to what is going on in the breast of that hard-fighting Federal soldier. I think even my genial friend from Rhode Island [Mr. BURNSIDE] has his conscience somewhat quickened if not entirely aroused on the subject by this time.

Colonel Northup, of South Carolina, is now United States district attorney; he was an officer in the confederate army.

We move on again and pause next in Mississippi, the land of the brave and the warm-hearted, as I know, for I have been there; the land of genius, because the Senator from Mississippi sitting behind me [Mr. LAMAR] has his home there. Let us see how the republican party has managed its affairs in that State. Major Morphis was the most prominent scout of General Stephen D. Lee's command and he is now the United States marshal for the northern district of Mississippi.

Captain G. W. Hunt was an aid to General Hardee, and he is now the United States marshal for the southern district of Mississippi. Ah! how the good things come to the regenerate! Thomas Walton—I knew him; he is in his grave, and peace to his ashes—was an aid to General Longstreet. He was appointed United States district attorney; and after his death he was succeeded by Green Chandler, a confederate officer who was at that time United States mail agent, and is now United States district attorney in the place of Walton deceased.

Colonel G. W. Henderson was a colonel of cavalry in General Chalmers' division. He is now receiving the reward of his services as a United States revenue collector; and in order to make you feel proud of your party in Mississippi and to finish up my work properly it only remains for me to state that the republican candidate for State auditor in 1875 was Captain Buchanan, captain in the Second Missouri Cavalry at Fort Pillow. He is said, according to all accounts, to have fought fiercely in that memorable battle. Yet he received all the votes the republican party had to give as well as the prayers of his northern friends who could not get to the polls to vote for him. With what devout aspiration the Senator from Maine hoped for his success, and I have no doubt he could get up now and prove that he would have been elected if his supporters had not been bulldozed. Yes, he was a captain fighting at Fort Pillow under the confederate flag. The leaders of the republican party standing here as the representatives of indignant loyalty against confederate brigadiers take to

their bosoms this confederate officer who bathed his sword in the blood of Fort Pillow!

I have heard of the means of grace. I used when a boy to attend camp-meetings. I have heard the richest outpourings of the gospel. I have heard grace described as a fountain flowing in boundless beauty and eternal and illimitable wealth. I have listened when it was claimed that this grace washed away all stains, cleansed the murderer's soul on the gallows, purified and gave peace to the guiltiest conscience ever called shivering and quaking with fear from this world to the world beyond; but I have never before heard of a fountain of grace so wide, so deep, so exhaustless, so spontaneous in its unceasing flow as that of the republican party to confederate officers if they will only vote the republican ticket!

Take next Louisiana, that fated region of riot, disorder, and stupendous unverity. We have known it long as the land of the magnolia and the cypress; we know it now as the land also of stalwart liars, as disclosed within the last few weeks in this Capitol. Let the curtain be raised and let us look at some Federal officials in Louisiana. We see one who was long in office there and who has made a great and bloody figure in history; a man of commanding military capacity—General James Longstreet. General Grant made him surveyor of the port of New Orleans, took his bloody hand in his, not only forgave but rewarded him, not only welcomed him but said, "Come up higher." Who was Longstreet? I have heard one who commanded a corps in the Wilderness speak of that dreadful shock of battle when his corps encountered Longstreet's, and the blood ran in rivulets. No braver, harder fighter ever drew sword or encountered an enemy than Longstreet. He was educated for a soldier by his Government, and he cost it more lives than any other one man who commanded no more than a corps in the confederate army. Who was Longstreet at Gettysburgh and at Antietam? An educated American soldier fighting with desperate courage to establish an independent government.

When the history of the late sectional war shall be written, alongside of the names of GORDON and Stonewall Jackson, of JOSEPH E. JOHNSTON and Albert Sidney Johnston, will be written in living letters the military achievements of James Longstreet. Yet nothing stood between him and civil preferment the moment he was willing to turn his back upon his old comrades who had shared with him the bloody charge, the nightly bivouac, and the overwhelming disaster that fell upon them all at the close. And am I to sit still in my seat and hear hourly reproaches from the mouths of men who confirmed James Longstreet to a civil office because this side of the Chamber is composed in part of those who were in the same contest by his side? No, sir, I do not propose to do it. I propose to appeal for fairness, for common honesty, and common decency to the country upon this question. I do not intend that the record shall be made up in the interest of injustice. It is not in the power of republican Senators to make it up in the way they propose, for the truth is not their way. Their accusations shall recoil on their own heads. Their charges rest upon false foundations. If there is guilt at all on this subject the leaders of the republican party are themselves the guilty parties. Other officers may be cited in Louisiana. Colonel Wharton is United States marshal. He was a confederate officer. Colonel William H. Hough is a district judge, Mr. Leonard is a United States district attorney, Colonel Smith is postmaster at Baton Rouge, George B. Johnson was late auditor, Alexander Boardman is United States judge, General P. O. Hebert was in office as one of the levee commissioners under General Grant. All these were officers in the confederate army.

I cannot dwell, however, longer on Louisiana. I turn for a moment to Alabama. Who was Judge Humphreys, who is now of the judiciary of this District? Is there any office of more importance than a judicial office? Who was Judge Humphreys? He raised a regiment for the confederate service. He had, however, only to join the republican party and he was at once appointed one of the judges of the supreme court of this District, where he now sits. He was confirmed by republican Senators, who now prate about the presence of confederate brigadiers in the public service.

I could proceed on this theme almost without limit. I could dwell upon Federal appointees in other States and Territories, but I shall forbear for the present. Some days ago I received a newspaper, published at my own home by a gentleman whose birth, training, and education all make him a republican upon every issue between the North and South. He was himself a soldier, and no braver or better one than Major Smith went to the front from Indiana. He tasted all the horrors of the war on the field and in prison. In speaking of the political issues now presented he indulges in the following article, which I will venture to read:

THE CONFEDERATE BRIGADIER.

The confederate brigadier is looming up to considerable importance as a political issue in the North. Republican politicians are urging it with as much persistence as they did the false issue of "southern war claims" a few years ago. The timid ones—those who staid at home during the war and, on Government contracts, furnished the soldiers at the front with stale rations and shoddy clothing at full price—greatly fear the confederate brigadier. As all this trumpery about paying the rebel debt and pensioning the rebel soldiers was made use of in the political campaigns of the past, so will the confederate brigadier be utilized in those of the future. The campaigning on confederate brigadiers is a new style of bloody shirt—a new political issue intended for those whose fear, not understanding, influences their votes.

The fact that there are more rebel soldiers in Congress than Union soldiers shows that the South thinks more of her military heroes than the North does of hers.

The North has as many brigadiers as the South, men, too, of eminent ability, and if she does not send them to Congress it is her own fault.

That is what I have been trying to impress on my patient listeners.

If there is danger to be apprehended from the southern brigadier in Congress, why not send the northern brigadier there to meet him? The northern brigadier met him successfully on the battle-field, and his ability to meet him in Congress cannot be doubted. But the North prefers to send national bankers to Congress to face them, and then cry "confederate brigadier" in the ears of the timid and ignorant.

The North has forty-four members in the Senate, and only four of them Union soldiers; the South has thirty-two, and nineteen were rebel soldiers. For a long time the North only had two Union soldiers in the Senate, and this, too, when she has so many whose abilities entitle them to any position. The North has only 9 per cent. of her representation in the Senate soldiers, while the South has 59 per cent. of hers. And a republican President has appointed nearly as many rebel soldiers to his Cabinet as he has Union soldiers.

Just the same in the Cabinet, one to one—the Interior and Post-Office Department. The head of one was in the Federal Army and the other in the confederate army.

Mr. CONKLING. What do you say of the Attorney-General?

Mr. VOORHEES. What do I say?

Mr. CONKLING. Of General Devens?

Mr. VOORHEES. I never heard of his doing anything particularly except returning a fugitive slave, for which Wendell Phillips scored him so unmercifully afterward.

Mr. BURNSIDE. General Devens was one of the most distinguished soldiers in the Army.

Mr. VOORHEES. He was? Then I beg his pardon and credit this Administration with having a majority of Federal soldiers in the Cabinet; that is a majority over the confederates. If there is any comfort in that, take it. This writer continues:

The chief inference to be drawn from this is that the republican party has not been extremely solicitous to put the Union soldier in office.

I think not. That is what I have been saying, and that all the outcry on the subject from republican sources is a sham:

The sure republican States have the smallest number of soldiers in Congress. Maine, Massachusetts, Rhode Island, New Jersey, Nevada, Colorado, Oregon, and Delaware have no soldiers in the House of Representatives, nor in fact in Congress at all, except Rhode Island, which persists in keeping BURNSIDE in the Senate.

Mr. BURNSIDE. One of the members in the House from Rhode Island was in the Army.

Mr. VOORHEES. All right. This writer continues:

It will be noticed that all but two of these States are republican, solidly so, and in them the soldier is pushed aside for the lawyer and the banker. New York, Massachusetts, and Rhode Island have a greater number of lawyers and bankers in Congress in proportion to representation than any other State.

Now I desire at this point to say a word for the comfort of my friend from Rhode Island. Of all the six New England States the little State of Rhode Island is the only one that does herself the honor to send a soldier to this body. I am glad to see him here; he adorns the position he occupies. It is refreshing in view of the conduct of republican Legislatures in New England that Rhode Island does send a soldier here. I have a kind feeling for Rhode Island for two reasons: She sheltered Roger Williams when he fled from the barbarism of bigotry in Massachusetts. Under his inspiration she established religious liberty, and maintained it afterward. This can only be said of the early history of two other States—Catholic Maryland and Quaker Pennsylvania. Roger Williams established the Baptist Church and free worship for all in Rhode Island. This is one reason for liking that State. The other is that she has sent my friend to the Senate, a conspicuous illustration of the general infidelity of the republican party in New England toward the Union soldier, for none comes from any other State.

Mr. President, I have detained the Senate much longer than I desired to do; but I did not intend, if I could help it, that this session should terminate until the country had placed before it, in my poor humble way though it be, the actual facts in regard to the treatment of the soldiers of both the Federal and confederate armies by the republican party. You have appointed a fewer number of Federal soldiers to office than the democratic party when it has had the power. There are more Federal civil officers to-day from the confederate army than there are Senators on this floor who served in that army, and they were appointed by republican administrations and confirmed by republican Senators.

Mr. CARPENTER. Mr. President—

Mr. ALLISON. I ask the Senator from Wisconsin to yield that I may make a motion to adjourn.

Mr. BLAINE. I want a few moments before that motion is made. I do not wish to occupy the floor to the exclusion of other Senators, but if no one else desires it now I will occupy it for a few minutes.

The honorable Senator from Indiana [Mr. VOORHEES] was not willing that I should interrupt him during his speech, or I should have made a correction in the body of his remarks. I know his speech is made for extensive circulation in Indiana, and I would have been glad to have inserted in the body of it by an interruption, had he permitted, a correction of a most obvious misrepresentation of what I stated in regard to the Indiana regiment. The Senator chose to hold me answerable for making an attack upon the Indiana regiment, when I expressly disclaimed it; and I expressly stated my disbelief in it. But such is the entire delusion of that Senator touching the southern men that he overlooks anything whatever that is said in the South touching Indiana, and when I read to him that his State was libeled in the prominent school literature of the South, and that the

military fame of Jefferson Davis was attempted in those books to be elevated and enhanced at the expense of Indiana, he entirely overlooks the actual source of the attack, and holds me answerable for making it. He will not escape in that way. I tell the honorable Senator that right at his door school-books are circulating holding up the soldiers of Indiana as having behaved in a cowardly manner, and representing Jefferson Davis as the man who came to their relief with a Mississippi regiment. I declare that it was a falsehood, and that is more than the honorable Senator has stated. The honorable Senator has not made that declaration for his State. I believe it to be, warp and woof, a falsehood; but it shows the extent to which a little capital would be made against any portion of the North by a misrepresentation of this kind; and I wish the honorable Senator would show some of his spirit in resenting the insult against the source from which it came.

Mr. President, the honorable Senator gave a very long list showing that he had been mousing around with a great deal of care for a very long time. He gave a long list of the men in the South who, having taken part in the confederate service, either civil or military, had since been rewarded with republican appointments at the hands of a republican administration. I thank him for it, and for two reasons. In the first place it answers conclusively the wide-spread accusation that the republican administration, particularly of General Grant, in the interest of the republican party had persecuted southern men. On the contrary, the Senator from Indiana has himself proved that any southern man at all who was willing to unite his fortunes with the republican party had no discrimination made against him on account of his previous record. On the other hand, the side of the picture which the Senator did not present was this, that the moment a southern man of any rank and standing ventured to change his political relations he was persecuted beyond human endurance. I ask the honorable Senator from Indiana to put General Longstreet on the stand. I ask him to put any conspicuous man in the South who having taken part with the confederate cause afterward took prominent part with the republican cause, and you will hear of a series of persecutions impossible to believe under a republican government and among a free people. Social ostracism; exclusion from all forms of business; disrespectful treatment, personal detraction, persecution, slander, and oppressive acts in every direction, until many have been compelled to flee the country as martyrs to the cause of free thought and free speech. That is a side of the question which the honorable Senator from Indiana takes care to exclude from the long list he has given. It is not in the power to-day of any Senator on that side of the Chamber from the South, high as they stand in the opinion of white men in their several communities, it is not in the power of any one of the democratic Senators on that side of the Chamber to change his political views and change his political affiliations and remain in the community that he now represents in this great body, or if he remains it will be with a social ban and degradation upon him that is worse, far worse, than exile.

And now the honorable Senator comes here with a taunt that a republican administration, seeing men who, having taken part in the rebellion, had come back to their senses and to their loyalty and were willing to let by-gones be by-gones—that a republican administration, seeing all this, was willing to go further and give them the hand of fellowship against the persecutions which they met at home. I trust a republican administration will always be ready to do that. I trust a republican administration will always be as magnanimous as the honorable Senator from Indiana has represented it to be, and I trust that the petty persecutions of falsehoods, of slanders, of outrages against men who merely want freedom of opinion and freedom of political action will be left to the democratic party, where they have always belonged. I trust that a republican administration will hold high the banner of free thought and of free speech, and that it may be exercised by every American citizen, whether he was in the Union Army or whether he was in the confederate army. If he will be tolerant of opinion, tolerant in others of the same liberty he asks for himself, he is a fellow-citizen to be embraced in the faith of American nationality and to be welcomed on the platform of equal rights the world over.

The Senator from Indiana in going through his long schedule about who was appointed here and who was appointed there, I think, read a document—I should be glad if he would send it to me—from a democratic officer of the House of Representatives, a Mr. Field, and Mr. Field sends the document to the Senator, and coming to one man's name, he could not remember exactly who, says, "I think he fought against us." "Us!" Whom did the Senator mean by "us?" Whom did his correspondent mean when he said "us?"

Mr. VOORHEES. General Field, with the frankness that becomes a soldier, wrote as having been in the confederate service; which is the fact.

Mr. BLAINE. Exactly, the officer of the House of Representatives, making out a minute for the honorable Senator to produce here as to the distribution of patronage, says "I think this man fought against US!"

Mr. VOORHEES. The Senator from Arkansas, [Mr. GARLAND,] who is more familiar with the handwriting of General Field than I am, corrects my reading of this letter. It was "against me," instead of "against us." I will hand it to the Senator.

Mr. BLAINE. Then he represented the whole southern confederacy.

Mr. VOORHEES. I will send it to you, and you can read it as you please. I do not dwell long on little things like that.

Mr. BLAINE. I do not myself, but we ought to dwell long enough on personal explanations to be correct.

Mr. VOORHEES. I thought it was "us," but I do not care.

Mr. BLAINE. I cannot myself make out which it is, but I do not see the sense of the Doorkeeper of the House of Representatives speaking about a Union soldier as "fighting" against "me." The honorable Senator does not deny that he read "us?"

Mr. VOORHEES. I did read it that way.

Mr. BLAINE. I think that it is the natural way to read it. I think it is a very extraordinary proceeding in the Senate of the United States that a confederate soldier, an officer of the House of Representatives, making up a series of political tables for a Senator to use for a campaign document, says in regard to this man: "I think he fought against us." It is a queer technology to introduce, the honorable Senator will pardon me for saying.

Mr. President, I have a telegram on my table, just come, from Indiana, in which Mr. E. B. Martindale—and both Senators know him—makes express denial that the Massachusetts regiment was in Indianapolis at all, and the documents can be produced to show it.

Mr. McDONALD. We will have the documents on both sides. I aver that they were there; and in that same connection I should like to ask the Senator if he examined the figures. I have been to the Library, and there learned that the Senator had been examining them. Can he state the increase from 1862 to 1864 of the republican vote in Indianapolis?

Mr. BLAINE. The honorable Senator from Illinois here [Mr. LOGAN] wants to make a suggestion, but I will make one first on my own account. In 1862 the republican vote was very small throughout the Union; it was very small everywhere; it was a bad year for us; it was a good year for the democratic party; because the Union cause was at a low ebb; our armies had been beaten in the field.

Mr. McDONALD. Let me ask—

Mr. BLAINE. I will answer one question at a time.

Mr. McDONALD. Let me ask the Senator if he supposes that the 9,554 votes cast for Governor Morton in 1864 in Marion County, when no more votes had ever been cast in that county for the republican ticket before that time than 4,942, were honest votes?

Mr. BLAINE. I do not know. The honorable Senator from Indiana and his colleague dwelt a good deal on that point.

Mr. McDONALD. I ask if that increase in two years of 4,710 votes in that county for the republican ticket was in the Senator's opinion an honest increase of vote?

Mr. BLAINE. I will answer that this way: Yesterday the accusation was that these soldiers had prevented democrats voting. Now, the figures show that that could not be so, because the democratic vote, as the honorable Senator himself stated it, was just as large as the most popular democrat in the United States had received. Now the Senator comes around and asks me to account, not for the decrease of the democratic vote, but why the republican vote was increased.

Mr. McDONALD. The democratic vote in 1864 was less than it was in 1862. The democratic vote was less in 1864 than it was in 1862. The republican vote was increased 4,700.

Mr. BLAINE. Well, I can very well imagine that in a great war excitement like that and in the overwhelming importance that hung on the election of 1864 the increase might come at a great business and military center like Indianapolis.

Mr. McDONALD. I will tell you how it was. It was because these soldiers of which I spoke voted not once, but as often as they pleased. A distinguished member of the House who was at that time in the military service, and who is now here in this Chamber, knows the fact and saw them vote.

Mr. BLAINE. I do not care about that.

Mr. McDONALD. I have said that what was stated by me was from my own view, and it makes no difference to me who undertakes to make a contradiction. But in addition to that, I am able to say that now in the Chamber is a distinguished officer of the United States, in the military service of the United States at that time, who was in Indianapolis on that day. He is now a distinguished member of the other branch of this Congress, and he knows that what I have stated is far less than the truth, the telegram to the contrary notwithstanding.

Mr. BLAINE. Very well. Nevertheless, the Senator does not wipe out this fact, that right in 1864, when all these oppressions were going on, when he says democrats were deprived of the right to vote, there was a heavier vote cast for him in Indiana than ever had been given to a democrat before in that State.

Mr. McDONALD. I will state to the Senator that notwithstanding I received in the election of 1864 some 10,000 votes more than were cast for the highest democrat in 1862, when we carried the State, yet I was beaten 20,000 votes.

Mr. BLAINE. That was a very natural and a very happy result, in my judgment, for the union of the States. But nevertheless the Senator cannot allege that he was greatly maltreated in the election of 1864, for he comes forward himself and acknowledges that he had ten thousand increase over the election of two years before when there was no attempt made to stop democrats voting. The figures are a little too strong for the honorable Senator. He may have a good many

figments in his imagination, he may have a good many dreams floating around in the upper chambers of his memory, but there stand the stubborn figures of the election returns, and they conclusively disprove the whole theory that anybody was prevented from voting.

Mr. McDONALD. I state again, and the Senator has the figures before him, that in that county the vote cast for me in 1864 was less than the vote cast for our secretary of state in 1862. It was a reduction, while the vote cast for Governor Morton in 1864 was 4,710 greater than that cast for the republican candidate for secretary of state in 1862.

Mr. BLAINE. Only 4,000?

Mr. McDONALD. In the county of Marion—we are talking now of one county, and of the vote at Indianapolis—I say again that there was a decrease of the democratic vote at that poll, although there was an increase in the State to the extent I have stated. There was a decrease of the democratic vote at the poll at Indianapolis in 1864, and an increase of nearly 5,000 votes on the republican poll; and the Senator from Maine had the books before him this morning when he was reading these figures, but he did not read them here.

Mr. BLAINE. Did not read what?

Mr. McDONALD. The vote.

Mr. BLAINE. I read as far as applied to the case. I read on the points that were in dispute; and I still say that the honorable Senator himself received the highest vote that up to that time had ever been given for a democratic candidate for governor. He says now that some subordinate officer running two years before had a higher vote.

Mr. McDONALD. No, sir.

Mr. BLAINE. I think the Senator is mistaken in regard to the figures.

Mr. McDONALD. I say he had a higher vote in Marion County.

Mr. BLAINE. Not in the State?

Mr. McDONALD. Not in the State.

Mr. BLAINE. Then it does still stand as the fact recorded of history that the honorable Senator in the year when the military oppressions were so great received the heaviest democratic vote that up to that time had ever been cast in Indiana for anybody. Is that so?

Mr. McDONALD. Yes, sir.

Mr. BLAINE. That is so. That is a very important admission.

Mr. McDONALD. And the republican vote was miraculously increased some twenty thousand greater than that party had ever received.

Mr. BLAINE. Oh, well, the grief of the Senator is that although he got the vote up so high, somebody else got a higher one. Well, I have been there myself. [Laughter.] I know how disagreeable that is; but I never yet turned around and disputed the accuracy of the returns, or fought the arithmetic. The best thing for a man to do when he is beaten is to submit, and I commend the honorable Senator to that grace, even fourteen or fifteen years after his defeat. I should hope the ache had quit hurting by that time. He was beaten by a man who at that day was irresistible in Indiana; and the Senator from Indiana who spoke at length this afternoon, [Mr. VOORHEES,] states that which is virtually farcical in the eye of history; states that which is so laughably ludicrous that I do not stop to contradict it seriously, when he pretends before the American people that the soldiers of Indiana are as cordial in their support of himself and his colleague as they were for Oliver P. Morton. Sir, I repeat, it is laughable and it is ludicrous; it is not worthy of serious contradiction. It would be laughed at in Indiana. In pronouncing it so, I am sending a good joke out there. It is not fair to be treated as anything else than a joke, absolutely not. It would be reversing the whole history of Indiana's great record in the war. It would be reversing the historical facts that are known, read, and believed everywhere. Oliver P. Morton, whoever may have liked him or disliked him, whatever may have been his faults or his virtues, however people may have agreed or disagreed with his political record in the Senate or as governor, I say Oliver P. Morton had the confidence, the attachment, almost the idolatry of the soldiers of Indiana; had all these in a greater degree than any governor that was in the gubernatorial chair of any State during the war. To come here now and pretend, on the part of the honorable Senator or his colleague, that the soldiers of Indiana are supporting them as they supported Morton, is to assert what will not be believed by any intelligent human being in the wide world.

Mr. McDONALD. The Senator from Maine will allow me to say that in this very canvass of 1864 the candidate on the ticket with me for lieutenant-governor was General Manson, who was then so far in the front that he could not get home to vote. He was with the Army in Tennessee. The candidate for Congress on our ticket on that day was General John Love, who was commander of the Indiana Legion, an organization for the purpose of protecting the Indiana border. I will say further to-day that of the State officers in Indiana our lieutenant-governor was a soldier in the war, Colonel Gray.

Mr. BLAINE. I am willing to let the honorable Senator occupy my time if he will tell me the bearing of all this.

Mr. McDONALD. I am merely showing that this adoration of which the Senator speaks of the soldiers of Indiana for Governor Morton and the republican party does not apply to a very large number of the soldiers and officers of that State.

Mr. BLAINE. When I speak of two hundred thousand men rally-

ing with a wonderful unanimity to the support of one man, I do not mean that every solitary human individual of the two hundred thousand was there. The Senator will prove my rule by quoting a few exceptions; that is all.

Mr. McDONALD. But the gentleman will find that in that State the majority of the soldiers who were in the service are with the democratic party.

Mr. BLAINE. The honorable Senator cannot come into the Chamber, nor can his colleague, and reverse history. You might as well come in here and tell us that George Washington did not have the support of the people of the American colonies when he was fighting the battles of the Revolution as to tell this country that the soldiers of Indiana that were fighting for the Union did not support Morton. It is absurd; with all due respect to the honorable Senator, it is positively absurd, and nothing short of it. But when the honorable Senator from Indiana [Mr. VOORHEES] was going over his list which he seemed to think, from the amusement it afforded himself, was very conclusive and very cutting, that there were Senators on this side sitting here who were no more in the war than he, using me more than any other Senator at the moment, as an illustration, I wanted to remind him that, however that may be numerically as to the Senators that are here, it is true of the republican Senators that they have behind them in the proportion of seven out of ten, or even larger in many of the States, the soldiers who were in the Union Army, and if they are here as civilians they are here because those very soldiers chose them to come, chose them of their own right and their own free will.

Sir, I never twitted any Senator about his presence on this floor. The honorable Senator from Indiana has a right to come here with his votes, and so has any other Senator to come here with his votes. When a Senator has been voted in here, I consider it then to be the part of propriety to recognize his right to his seat, although I am sorry to say that is not the standard of conduct on the other side; and because of its violation to-day we are witnessing in one of the committee-rooms of this Capitol one of the most extraordinary spectacles ever seen since the history of the United States began. Sir, I challenge no man's right to his seat, and I permit no man to challenge mine; and if the Senator from Indiana had behind him the votes of the men who upheld the flag of the Union in the war as much as with confidence I know I have of the same class in the State I represent, I would congratulate him. But, sir, he has not. In all sincerity I tell him, he has not.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House insisted upon its disagreement to the first amendment of the Senate to the bill (H. R. No. 2252) making appropriations for certain judicial expenses, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. J. A. McMAHON of Ohio, Mr. T. R. COBB of Indiana, and Mr. JAMES MONROE of Ohio, managers at the said conference on its part.

HOUSE BILLS REFERRED.

The bill (H. R. No. 2330) to correct an error in "An act making appropriations for the construction, repair, preservation, and completion of certain works on rivers and harbors, and for other purposes," approved March 3, 1879, was read twice by its title, and referred to the Committee on Commerce.

The joint resolution (H. R. No. 104) defining the meaning of section 2 of the act of Congress entitled "An act making appropriations for the payment of arrears of pensions," granted by act of Congress approved January 25, 1879, was read twice by its title, and referred to the Committee on Pensions.

ARMY APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 2175) making appropriations for the support of the Army for the fiscal year ending June 30, 1880, and for other purposes.

Mr. CARPENTER. Mr. President—

Mr. CONKLING. Will the Senator from Wisconsin yield to a motion to adjourn?

Mr. CARPENTER. Certainly.

Mr. CONKLING. I will make that motion; but as the motion is not debatable I will say before making it that I take it for granted that after the Senator from Kentucky [Mr. BECK] who held the floor by right this morning, and the Senator from Indiana [Mr. VOORHEES] have occupied nearly the whole of the day, every moment of it when this bill has been considered except so far as one Senator on this side has participated in the debate, there will be no attempt made to hold the Senate here this evening, and to prevent Senators on this side, of whom there are several, who wish to speak not to the topics which have been discussed to-day but to the merits of this bill, having free opportunity to do so. No doubt we shall be able to get a vote in the course of to-morrow; but I hope the Senator from Virginia will not think now after six o'clock of resisting a motion to adjourn.

Mr. WITHERS. I ask the Senator to withdraw the motion a moment, until I make a statement.

Mr. CONKLING. Certainly.

Mr. WITHERS. I will take advantage of the opportunity to say

that the Senator from New York this morning, apparently with a good deal of irritation, to use his own term, stopped me in the midst of a sentence which I desired to complete, when I notified him that it was useless to appeal to my sense of courtesy in regard to this matter. I purposely used that expression, because I represented not myself but the committee of which I was the mouth-piece. The Senator's interruption of course prevented my saying that.

I wish now to say that I am not unmindful of the fact to which the Senator from New York has alluded, nor do I desire to suppress in any degree the legitimate discussion of the question which is now before the Senate. The day has been consumed, as I conceive, in discussion outside of the bill. I should be very glad to accommodate my friends on the other side of the Chamber by giving them such opportunity as they might desire to express their views on the subject; but acting as I do as the mouth-piece of the committee and in accordance with the wishes of a large majority if not every one of my party friends, and the notice previously given and repeated on two different days, I do not feel authorized to consent to a motion to adjourn now unless an hour can be fixed to-morrow at which the vote shall be taken and the debate closed. With that understanding, I shall be willing to consent to an adjournment.

Mr. CONKLING. Mr. President, I address the Chair for the purpose of saying that did I feel the irritation imputed to me, and incorrectly imputed by the Senator from Virginia, I might not seek by negotiation or appeal to prevent being driven myself and seeing others driven by discourtesy into a night session. If I felt irritated about this, I say to the Senator from Virginia that I think I have ingenuity enough to prevent the majority of this Chamber as it is situated at this moment, from attempting successfully such an act of discourtesy and aggression as would be done if after occupying the whole of the only day given to debate this bill, they should attempt to exclude Senators, almost as numerous as they are themselves, from any opportunity of debate. But I feel no irritation, and I hope neither I nor any other Senator will be driven to his reserved rights, whatever they may be, in order to get that opportunity supposed to exist in the Senate by reason of the absence of a previous question.

Therefore I will assume, having had that assurance from several democratic Senators, that they will vote for a motion to adjourn after what has occurred, notwithstanding the previous impression that the bill might be concluded to-night. I will submit a motion to adjourn and say to the Senator from Virginia that I am not willing for one to fix an hour to vote to-morrow although I am quite willing to vote to-morrow in the course of the day. We have tried that once or twice. I have myself several amendments that I want to offer to this bill, and I wish them to be fairly considered, and I do not care to bind myself, as I have done once or twice before, to an agreement to vote at a certain hour with some Senator taking the floor and speaking up to that time, and then being compelled to offer amendments without an opportunity to say one word in explanation of them.

So I think we had better leave it, there being a very strong probability, almost a certainty that we may conveniently vote during the day to-morrow unless my eloquent friend from Indiana or the Senator from Kentucky shall come in to-morrow and occupy another day by discussing matters which, with great respect to them, seem to me to have nothing in the world to do with the pending bill. But if to-morrow shall be occupied by listening to two more political speeches intended to be campaign documents on the democratic side, then we may not vote; but if Senators will allow us to discuss the bill, we can do so.

I move, Mr. President, that the Senate do now adjourn.

Mr. WITHERS. On that motion I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. HEREFORD, (when his name was called.) I am paired with the Senator from Massachusetts, [Mr. HOAR.] If he were here, I should vote "nay."

Mr. McMILLAN, (when his name was called.) I am paired with the Senator from New Jersey [Mr. MCPHERSON] on political questions. If this is a political question, as it seems to me, I must observe that pair. I would vote "yea" if the Senator from New Jersey were present.

Mr. PADDOCK, (when his name was called.) I am paired with the Senator from Tennessee, [Mr. BAILEY.] If he were here, I should vote "yea."

The PRESIDENT *pro tempore*, (when the name of Mr. THURMAN was called.) I am paired with the Senator from Vermont, [Mr. EDMUNDS.]

Mr. VOORHEES, (when his name was called.) I ask permission to make a single word of explanation. I am entirely willing to stay here; but I have occupied this afternoon longer than I expected; I have occupied two hours of the time of the Senate; and I do not think it would be personally fair toward gentlemen on the other side who desire to be heard for me to vote against an adjournment. I shall therefore vote "yea."

The Secretary concluded the roll-call.

Mr. HARRIS. I desire to say that my colleague, [Mr. BAILEY,] as already announced by the Senator from Nebraska, [Mr. PADDOCK,] is paired with him. If he were present, my colleague would vote "nay."

The result was announced—yeas 22, nays 25; as follows:

YEAS—22.

| | | | |
|------------------|--------------------|-------------------|-----------|
| Allison, | Chandler, | Hill of Colorado, | Rollins, |
| Blaine, | Conkling, | Ingalls, | Saunders, |
| Booth, | Davis of Illinois, | Kirkwood, | Voorhees, |
| Burnside, | Dawes, | Logan, | Windom. |
| Cameron of Wis., | Eaton, | Morrill, | |
| Carpenter, | Ferry, | Platt, | |

NAYS—25.

| | | | |
|------------------|-------------------|-----------|----------|
| Bayard, | Hampton, | McDonald, | Walker, |
| Beck, | Harris, | Morgan, | Wallace, |
| Call, | Hill of Georgia, | Randolph, | Whyte, |
| Coke, | Jonas, | Ransom, | Withers. |
| Davis of W. Va., | Jones of Florida, | Slater, | |
| Garland, | Kernan, | Vance, | |
| Groome, | Lamar, | Vest, | |

ABSENT—29.

| | | | |
|-----------------|-----------|------------------|------------|
| Anthony, | Farley, | Jones of Nevada, | Saulsbury, |
| Bailey, | Gordon, | Kellogg, | Sharon, |
| Bell, | Grover, | McMillan, | Teller, |
| Bruce, | Hamlin, | McPherson, | Thurman, |
| Butler, | Hereford, | Maxey, | Williams. |
| Cameron of Pa., | Hoar, | Paddock, | |
| Cockrell, | Houston, | Pendleton, | |
| Edmunds, | Johnston, | Plumb, | |

So the Senate refused to adjourn.

Mr. CHANDLER, (at six o'clock and twenty minutes p. m.) I move that the Senate proceed to the consideration of executive business, and on that motion I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

The PRESIDENT *pro tempore*, (when Mr. THURMAN's name was called.) I am paired with the Senator from Vermont, [Mr. EDMUNDS.]

The roll-call was concluded; and the result was announced—yeas 4, nays 30; as follows:

YEAS—4.

| | | | |
|----------|---------|--------------------|---------|
| Allison, | Blaine, | Davis of Illinois, | Windom. |
|----------|---------|--------------------|---------|

NAYS—30.

| | | | |
|------------------|-------------------|------------|----------|
| Bayard, | Hampton, | McDonald, | Vance, |
| Beck, | Harris, | Maxey, | Vest, |
| Call, | Hill of Georgia, | Morgan, | Walker, |
| Coke, | Houston, | Pendleton, | Wallace, |
| Davis of W. Va., | Jonas, | Randolph, | Whyte, |
| Eaton, | Jones of Florida, | Ransom, | Withers. |
| Garland, | Kernan, | Saulsbury, | |
| Groome, | Lamar, | Slater, | |

ABSENT—42.

| | | | |
|------------------|-------------------|------------------|-----------|
| Anthony, | Cockrell, | Hoar, | Platt, |
| Bailey, | Conkling, | Ingalls, | Plumb, |
| Bell, | Dawes, | Johnston, | Rollins, |
| Booth, | Edmunds, | Jones of Nevada, | Saunders, |
| Bruce, | Farley, | Kellogg, | Sharon, |
| Burnside, | Ferry, | Kirkwood, | Teller, |
| Butler, | Gordon, | Logan, | Thurman, |
| Cameron of Pa., | Grover, | McMillan, | Voorhees, |
| Cameron of Wis., | Hamlin, | McPherson, | Williams. |
| Carpenter, | Hereford, | Morrill, | |
| Chandler, | Hill of Colorado, | Paddock, | |

The PRESIDENT *pro tempore*. There is not a quorum voting.

Mr. EATON. I move a call of the Senate.

Mr. CARPENTER. I move that the Senate do now adjourn.

Mr. EATON. I move a call of the Senate.

The PRESIDENT *pro tempore*. The motion to adjourn takes precedence.

Mr. CARPENTER. I move to adjourn.

Mr. CONKLING. It does not take a quorum to adjourn.

Mr. EATON. Well, I call for the yeas and nays on that. I think I am right.

Mr. CONKLING. Very well, let us have the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. McMILLAN, (when his name was called.) I am paired on political questions with the Senator from New Jersey, [Mr. MCPHERSON.] If he were here, I should vote "yea" and he would vote "nay."

Mr. PADDOCK, (when his name was called.) I am paired with the Senator from Tennessee, [Mr. BAILEY.]

The PRESIDENT *pro tempore*, (when Mr. THURMAN's name was called.) I am paired with the Senator from Vermont, [Mr. EDMUNDS.]

The Secretary concluded the roll-call; and the result was announced—yeas 21, nays 30; as follows:

YEAS—21.

| | | | |
|------------------|--------------------|-------------------|-----------|
| Allison, | Carpenter, | Hill of Colorado, | Saunders, |
| Blaine, | Chandler, | Ingalls, | Voorhees, |
| Booth, | Conkling, | Kirkwood, | Windom. |
| Burnside, | Davis of Illinois, | Logan, | |
| Cameron of Pa., | Dawes, | Morrill, | |
| Cameron of Wis., | Ferry, | Platt, | |

NAYS—30.

| | | | |
|------------------|-------------------|------------|----------|
| Bayard, | Hampton, | McDonald, | Vance, |
| Beck, | Harris, | Maxey, | Vest, |
| Call, | Hill of Georgia, | Morgan, | Walker, |
| Coke, | Houston, | Pendleton, | Wallace, |
| Davis of W. Va., | Jonas, | Randolph, | Whyte, |
| Eaton, | Jones of Florida, | Ransom, | Withers. |
| Garland, | Kernan, | Saulsbury, | |
| Groome, | Lamar, | Slater, | |

ABSENT—25.

| | | | |
|---|---|---|---|
| Anthony, Bailey, Bel, Bruce, Butler, Cockrell, Edmunds, | Farley, Gordon, Grover, Hamlin, Hereford, Hoar, Johnston, | Jones of Nevada, Kellogg, McMillan, McPherson, Paddock, Plumb, Rollins, | Sharon, Teller, Thurman, Williams. |
|---|---|---|---|

So the Senate refused to adjourn.

Mr. CONKLING. I move that the Senate now proceed to the consideration of executive business, and on that motion I demand the yeas and nays.

The PRESIDENT *pro tempore*. It is moved that the Senate do now proceed to the consideration of executive business, and on that motion the yeas and nays are demanded.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. VANCE, (when Mr. ROLLINS's name was called.) I am paired with the Senator from New Hampshire, [Mr. ROLLINS.] I was paired on the last vote, but forgot it. I ask leave to withdraw that vote, apologizing to the Senate for casting it, as I was paired.

The PRESIDENT *pro tempore*, (when Mr. THURMAN's name was called.) I am paired with the Senator from Vermont, [Mr. EDMUNDS.] The roll-call was concluded.

Mr. HEREFORD. I am paired on all political questions with the Senator from Massachusetts [Mr. HOAR] who is absent. I have just informed his colleague [Mr. DAWES] that in order to form a quorum I am entitled to vote. For that reason, I now vote "nay."

The result was announced—yeas 4, nays 30; as follows:

YEAS—4.

| | | | |
|-----------------|--------------------|----------|-----------|
| Cameron of Pa., | Davis of Illinois, | Morrill, | Voorhees. |
|-----------------|--------------------|----------|-----------|

NAYS—30.

| | | | |
|---|---|--|---|
| Bayard, Beck, Call, Cockrell, Coke, Davis of W. Va., Eaton, Garland, | Hampton, Hereford, Hill of Georgia, Houston, Jones of Florida, Kernan, | Lamar, McDonald, Maxey, Morgan, Pendleton, Randolph, Ransom, Saulsbury, | Slater, Vest, Walker, Wallace, Whyte, Withers. |
|---|---|--|---|

ABSENT—42.

| | | | |
|---|---|---|---|
| Allison, Anthony, Bailey, Bell, Blaine, Booth, Bruce, Burnside, Butler, Cameron of Wis., Carpenter, | Chandler, Conkling, Johnston, Edmunds, Farley, Ferry, Gordon, Groome, Grover, Hamlin, Hill of Colorado, | Hoar, Ingalls, Jones of Nevada, Kellogg, Kirkwood, Logan, McMillan, McPherson, Paddock, Platt, | Plumb, Rollins, Saunders, Sharon, Teller, Thurman, Vance, Williams, Windom. |
|---|---|---|---|

The PRESIDENT *pro tempore*. There is not a quorum voting.

Mr. WITHERS. I move a call of the Senate.

The PRESIDENT *pro tempore*. The Senator from Virginia moves a call of the Senate.

Mr. CONKLING. On that I demand the yeas and nays.

Mr. CARPENTER. I move that the Senate adjourn.

The PRESIDENT *pro tempore*. In the opinion of the Chair a motion for a call of the Senate is not necessary, but it is the duty of the Chair to order a call of the Senate.

Mr. CARPENTER. Pending which, I move that the Senate adjourn.

Mr. WHYTE. That motion is out of order. There has been no business transacted since the last motion to adjourn.

The PRESIDENT *pro tempore*. It is always in order to move to adjourn.

Mr. WALLACE. Is it in order to move to adjourn until you learn that there is a quorum or not?

The PRESIDENT *pro tempore*. But there is no quorum voting.

Mr. WALLACE. How is the Senate to determine that question?

The PRESIDENT *pro tempore*. The Chair understands that a motion to adjourn is always in order. It is moved that the Senate adjourn.

The question being put, it was declared that the noes appeared to prevail.

Mr. CARPENTER. I call for the yeas and nays.

The PRESIDENT *pro tempore* asked for a second to the call, and four Senators responded.

Mr. SAULSBURY. I rise to a point of order. The Chair announced that the noes had it before the yeas and nays were asked for. Is it proper to call for the yeas and nays after the decision has been announced by the Chair?

The PRESIDENT *pro tempore*. The custom of the Senate has been otherwise. It has universally been the custom of the Senate even after a vote is taken by sound or by a division that the yeas and nays may be demanded; but the demand for the yeas and nays was not seconded in this case.

Mr. CARPENTER. I called for the yeas and nays.

The PRESIDENT *pro tempore*. But there was no second, only four Senators rose.

Mr. CARPENTER. I understand that the hands up were enough.

The PRESIDENT *pro tempore*. There were only four up before.

The Chair will put the question again. [Several Senators rose.] There is a second now, it seems. The Secretary will call the roll on the motion to adjourn.

The Secretary proceeded to call the roll.

Mr. VANCE. I am paired with the Senator from New Hampshire, [Mr. ROLLINS.] To keep the pair I shall not vote even to make a quorum as republican Senators do not seem to be voting.

The PRESIDENT *pro tempore*. Does the Senator wish his name called?

Mr. VANCE. No, sir.

The result was announced—yeas 2, nays 28; as follows:

YEAS—2.

| | |
|-----------|--------------------|
| Burnside, | Davis of Illinois. |
|-----------|--------------------|

NAYS—28.

| | | | |
|--|---|--|---|
| Bayard, Call, Cameron of Pa., Coke, Davis of W. Va., Eaton, Garland, | Groome, Harris, Hereford, Houston, Jones of Florida, Kernan, | Lamar, McDonald, Maxey, Morgan, Pendleton, Randolph, Ransom, | Saulsbury, Slater, Vest, Walker, Wallace, Whyte, Withers. |
|--|---|--|---|

ABSENT—46.

| | | | |
|--|---|--|--|
| Allison, Anthony, Bailey, Beck, Bell, Blaine, Booth, Bruce, Butler, Cameron of Wis., Carpenter, Chandler, | Cockrell, Conkling, Dawes, Edmunds, Farley, Ferry, Gordon, Grover, Hamlin, Hampton, Hill of Colorado, Hill of Georgia, | Hoar, Ingalls, Johnston, Jones of Nevada, Kellogg, Kirkwood, Logan, McMillan, McPherson, Morrill, Paddock, Platt, | Plumb, Rollins, Saunders, Sharon, Teller, Thurman, Vance, Voorhees, Williams, Windom. |
|--|---|--|--|

The PRESIDENT *pro tempore*. The Senate refuses to adjourn, but the vote discloses the lack of a quorum. The second rule reads as follows:

If either at the commencement of any daily session of the Senate, or at any time during its daily sessions, a question shall be raised by any Senator as to the presence of a quorum, the presiding officer shall forthwith direct the Secretary to call the roll of Senators, and shall announce the result to the Senate; and these proceedings shall be without debate.

Under this rule, in the opinion of the Chair, it is not necessary by a vote to order a call of the Senate, but it being suggested that there is not a quorum present the call must be made. The Secretary will proceed to call the Senate.

The Secretary proceeded to call the roll.

Mr. BURNSIDE. My colleague [Mr. ANTHONY] was called home to-day by the death of a friend.

Mr. HARRIS. I desire to say that my colleague [Mr. BAILEY] has retired to his room because of indisposition. He is paired on this bill with the Senator from Nebraska, [Mr. PADDOCK.]

On the call of the roll the following Senators answered to their names:

| | | | |
|---|---|---|--|
| Bayard, Burnside, Call, Cameron of Pa., Cameron of Wis., Carpenter, Chandler, Cockrell, Coke, Davis of Illinois, Davis of W. Va., Eaton, | Ferry, Garland, Groome, Harris, Hereford, Hill of Colorado, Houston, Ingalls, Jones of Florida, Kernan, Kirkwood, Lamar, | Logan, Maxey, McDonald, McMillan, Morgan, Morrill, Paddock, Pendleton, Platt, Randolph, Ransom, Saulsbury, | Saunders, Slater, Thurman, Vance, Vest, Voorhees, Walker, Wallace, Whyte, Windom, Withers. |
|---|---|---|--|

The PRESIDENT *pro tempore*. Forty-seven Senators have answered to their names. There is a quorum present.

Mr. CARPENTER. I suppose the pending question is on the motion to go into executive session.

The PRESIDENT *pro tempore*. The Senator from Wisconsin moves that the Senate proceed to the consideration of executive business.

Mr. CARPENTER. I did not make that motion, but I ask if that is not the pending question? It was upon that question that it was ascertained there was no quorum. I suppose, as a quorum has been ascertained to be present now, the question is, Will the Senate proceed to the consideration of executive business?

The PRESIDENT *pro tempore*. The Senator is entirely right; but as it happened, in the confusion, after the motion had been made, it was ascertained there was no quorum, and then a motion to adjourn disclosed a quorum. Upon a quorum being disclosed, the Chair should have put the question upon the motion that had been previously made, but the Senator from New York moved that the Senate proceed to the consideration of executive business, and that question was put. The only difference is a mere matter of form. The Chair should have put the question on the motion of the Senator from Michigan instead of upon the motion of the Senator from New York.

Mr. CARPENTER. It is the pending question in either case.

The PRESIDENT *pro tempore*. It is not the pending question now, because it has been voted upon.

Mr. CARPENTER. Then I move to proceed to the consideration of executive business.

Mr. CONKLING. How is that, may I inquire? Did not the roll-

call on the motion to proceed to executive business disclose the absence of a quorum?

The PRESIDENT *pro tempore*. It did.

Mr. CONKLING. Does not that motion, then, no matter by whom made, remain the pending question before the Senate?

The PRESIDENT *pro tempore*. The Senator from New York probably did not hear the statement made by the Chair. The Chair will state it again.

Mr. CONKLING. I tried to hear the Chair; I listened to him carefully.

The PRESIDENT *pro tempore*. The Senator from Michigan moved that the Senate proceed to the consideration of executive business, and the yeas and nays were ordered. On that motion a quorum did not vote. Then a motion was made to adjourn, and on that motion a quorum did vote. Then before the Chair could put the question upon going into executive session, which was the proper question, for that question recurred, the Senator from New York rose and moved that the Senate proceed to the consideration of executive business, and that question was put and voted down, the Chair thinks.

Mr. CONKLING. Not at all; it was on that vote that the want of a quorum was ascertained.

The PRESIDENT *pro tempore*. If there was no quorum on the second vote, then the Senator is quite right and the question now before the Senate is, Will the Senate proceed to the consideration of executive business?

Mr. CONKLING and Mr. CARPENTER. That is the question.

The PRESIDENT *pro tempore*. The Chair was under the impression that the motion was voted down.

Mr. CONKLING. No, it was not.

Mr. DAVIS, of Illinois. Mr. President—

The PRESIDENT *pro tempore*. The question is not debatable.

Mr. BLAINE. By unanimous consent the Senator can be heard.

The PRESIDENT *pro tempore*. If no objection is made the Senate will hear the Senator from Illinois.

Mr. CONKLING. Nobody objects to hearing the Senator from Illinois.

Mr. DAVIS, of Illinois. I simply rose to appeal to both sides of the Chamber to quit this trifling, if I may call it so, with the public business and to fix an hour to-morrow when we can take the vote on the bill.

Mr. CONKLING. We cannot do that.

Mr. DAVIS, of Illinois. If you say so on behalf of all the Senators here, then I withdraw the proposition.

Mr. CONKLING. I say so on behalf of myself. I will object to any arrangement by unanimous consent after such an exhibition as we have had. We will see if we cannot stay here as long as other people.

Mr. DAVIS, of Illinois. If that spirit is displayed I do not care how much Senators vote on such questions; I do not share that spirit with the Senator from New York.

Mr. CONKLING. I do share the whole of it.

Mr. DAVIS, of Illinois. I want in good faith to have the vote taken on the bill some time to-morrow.

Mr. CONKLING. So do I.

Mr. DAVIS, of Illinois. I believe a majority of Senators on both sides of the Chamber desire that to be done; and I say also that if we are to be kept here all night both parties will regret it.

Mr. DAVIS, of West Virginia. We are willing to fix an hour on this side.

Mr. DAVIS, of Illinois. Senators say they are willing on this side to fix an hour. It seems to me that is reasonable, I do not care who objects to it.

Mr. LOGAN. That side has got through talking.

The PRESIDENT *pro tempore*. The question is on the motion to proceed to the consideration of executive business, on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. GARLAND, (when Mr. BECK's name was called.) The Senator from Kentucky [Mr. BECK] has been called home, and is paired with the Senator from Michigan, [Mr. CHANDLER.] I make this announcement to apply to this and subsequent votes.

The PRESIDENT *pro tempore*, (when Mr. EDMUNDS's name was called.) I am paired with the Senator from Vermont.

The roll-call having been concluded, the result was announced—yeas 1, nays 29; as follows:

YEAS—1.
Davis of Illinois.

NAYS—29.

| | | | |
|------------------|-------------------|------------|----------|
| Bayard, | Hampton, | McDonald, | Vest, |
| Call, | Harris, | Maxey, | Walker, |
| Cockrell, | Hereford, | Morgan, | Wallace, |
| Coke, | Houston, | Randolph, | Whyte, |
| Davis of W. Va., | Jonas, | Ransom, | Withers. |
| Eaton, | Jones of Florida, | Saulsbury, | |
| Garland, | Kernan, | Slater, | |
| Groome, | Lamar, | Vance, | |

ABSENT—46.

| | | | |
|----------|------------------|------------|-------------------|
| Allison, | Booth, | Carpenter, | Ferry, |
| Anthony, | Bruce, | Chandler, | Gordon, |
| Bailey, | Burnside, | Conkling, | Grover, |
| Beck, | Butler, | Dawes, | Hamlin, |
| Bell, | Cameron of Pa., | Edmunds, | Hill of Colorado, |
| Blaine, | Cameron of Wis., | Farley, | Hill of Georgia. |

| | | | |
|------------------|------------|-----------|-----------|
| Hoar, | Logan, | Platt, | Thurman, |
| Ingalls, | McMillan, | Plumb, | Voorhees, |
| Johnston, | McPherson, | Rollins, | Williams, |
| Jones of Nevada, | Morrill, | Saunders, | Windom. |
| Kellogg, | Paddock, | Sharon, | |
| Kirkwood, | Pendleton, | Teller, | |

Mr. WHYTE. I call the attention of the Chair to the absence of a quorum, and ask that the roll be called.

The PRESIDENT *pro tempore*. No quorum has voted. The Secretary will call the roll of Senators.

Mr. HEREFORD. On the last vote I neglected to announce the pair between the Senator from Iowa [Mr. ALLISON] and the Senator from Ohio, [Mr. PENDLETON.] If the Senator from Ohio had been here, he would have voted "nay." I cannot say how the Senator from Iowa would have voted.

The Secretary called the roll, and the following Senators answered to their names:

| | | | |
|--------------------|-------------------|------------|-----------|
| Bayard, | Groome, | Kernan, | Thurman, |
| Burnside, | Hampton, | Lamar, | Vance, |
| Cockrell, | Harris, | McDonald, | Vest, |
| Coke, | Hereford, | Morgan, | Voorhees, |
| Davis of Illinois, | Hill of Colorado, | Randolph, | Walker, |
| Davis of W. Va., | Houston, | Ransom, | Wallace, |
| Eaton, | Ingalls, | Saulsbury, | Whyte, |
| Ferry, | Jonas, | Saunders, | Withers. |
| Garland, | Jones of Florida, | Slater, | |

Mr. SAUNDERS. The Senator from New Hampshire [Mr. BELL] is paired with the Senator from Kentucky, [Mr. WILLIAMS.]

The PRESIDENT *pro tempore*. Thirty-five Senators have answered to their names. There is no quorum and the absentees will be called.

The Secretary called the absentees, as follows:

| | | | |
|-----------------|------------------|------------------|------------|
| Allison, | Cameron of Wis., | Hoar, | Pendleton, |
| Anthony, | Carpenter, | Johnston, | Platt, |
| Bailey, | Chandler, | Jones of Nevada, | Plumb, |
| Beck, | Conkling, | Kellogg, | Rollins, |
| Bell, | Dawes, | Kirkwood, | Sharon, |
| Blaine, | Edmunds, | Logan, | Teller, |
| Booth, | Farley, | McMillan, | Williams, |
| Bruce, | Gordon, | McPherson, | Windom. |
| Butler, | Grover, | Maxey, | |
| Call, | Hamlin, | Morrill, | |
| Cameron of Pa., | Hill of Georgia, | Paddock, | |

Mr. COKE, Mr. MAXEY, and Mr. RANDOLPH appeared and answered to their names.

Mr. HARRIS. I desire to say that my colleague [Mr. BAILEY] is absent from the Senate by reason of indisposition. He is at his rooms unwell.

Mr. WITHERS. I desire to make a similar statement in regard to my colleague, [Mr. JOHNSTON,] who has gone home in consequence of indisposition.

The PRESIDENT *pro tempore*. Thirty-eight Senators have answered to their names. There is no quorum.

Mr. WHYTE. I move that the Sergeant-at-Arms be directed to request the attendance of the absent Senators.

Mr. BURNSIDE. I desire to state that my colleague [Mr. ANTHONY] was called home by the death of a friend.

Mr. CARPENTER. I understand that the pending question is on proceeding to the consideration of executive business.

The PRESIDENT *pro tempore*. The Chair does not know whether that is the pending question.

Mr. WHYTE. There is no pending question.

Mr. CONKLING. That is the question.

Mr. CARPENTER. That is the pending question. The roll-call on that motion disclosed the fact that no quorum was present. In the absence of a quorum, and it being late at night, I move that the Senate adjourn and ask for the yeas and nays on that motion.

Mr. WHYTE. I make the point of order that pending the call and the sending for absent Senators there can be no such motion.

Mr. CONKLING. That will not do. A motion to adjourn is always in order.

Mr. WHYTE. It is not in order during a call of the roll.

The PRESIDENT *pro tempore*. The third rule of the Senate reads as follows:

No Senator shall absent himself from the service of the Senate without leave of the Senate first obtained. Whenever it shall be ascertained that a quorum is not present, a majority of the Senators present may direct the Sergeant-at-Arms to request, and when necessary, to compel the attendance of the absent Senators, which order shall be determined without debate; and pending its execution—

That is, the execution of the order requesting the attendance of absent Senators—

and until a quorum shall be present, no motion, except a motion to adjourn, nor debate, shall be in order.

If a motion to adjourn would be in order after the Sergeant-at-Arms had proceeded to the execution of the order, it seems to the Chair very clear that it is in order before he starts out on that mission.

Mr. McDONALD. I wish to make an inquiry.

Mr. CARPENTER. I rise to a point of order.

The PRESIDENT *pro tempore*. What is the point of order?

Mr. CARPENTER. I have made a motion to adjourn, which I understand is not debatable.

The PRESIDENT *pro tempore*. It is not debatable.

Mr. McDONALD. Did the Senator from Wisconsin answer to his name on the roll-call?

Mr. CONKLING. The Senator from Indiana is out of order.

Mr. McDONALD. If the Senator did not, then he is absent.

Mr. WHYTE. Absent without leave.

Mr. McDONALD. I submit that no Senator who is shown to be absent on the roll-call can make a motion.

Mr. CARPENTER. I rise to a point of order.

The PRESIDENT *pro tempore*. The Senate will be in order. The Chair supposes a question of order may be made, even when a motion to adjourn is made.

Mr. McDONALD. I object to any motion being made by the Senator from Wisconsin, who is shown to be absent, until it is ascertained that he is present.

The PRESIDENT *pro tempore*. The Chair overrules the point of order of the Senator from Indiana. The Senator from Wisconsin is in his seat now, and he moves to adjourn. He has not lost any right to move an adjournment because he did not answer to his name before. The question is on the motion of the Senator from Wisconsin.

Mr. CARPENTER. I call for the yeas and nays on that motion.

The yeas and nays were ordered.

Mr. WHYTE. I want to understand the ruling of the Chair, because it strikes me as somewhat novel, and I say it with great respect. Until the question is taken whether a majority of the Senate determine that the Sergeant-at-Arms shall be sent for the absent Senators, a motion to adjourn is not in order. After they have so determined, and while the Sergeant-at-Arms is out, then a motion to adjourn is in order.

Mr. CARPENTER. I rise to a point of order.

The PRESIDENT *pro tempore*. The opinion of the Chair remains as it was before, that a motion to adjourn is at any time in order, whether there is a quorum present or not present. If there is a quorum present, of course it is in order. If there is no quorum present, it is in order because less than a quorum may adjourn, and the Chair does not think it is necessary that the Sergeant-at-Arms should have stepped out of the Chamber on his way to request Senators to attend for a motion to adjourn to be in order which would not be in order before he left the Chamber for that purpose. The question is on the motion to adjourn, on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll, and having called the name of Mr. BLAINE—

Mr. EATON. I hope that the call will be suspended for one moment. Rule 16 provides that—

When the yeas and nays shall be called for by one-fifth of the Senators present—

Mr. CONKLING. The Senator is out of order.

Mr. EATON. I am not out of order.

Mr. CONKLING. Entirely.

Mr. CARPENTER. He is entirely out of order.

Mr. EATON. The rule proceeds:

Each Senator, when his name is called—

Mr. CONKLING. I rise to a point of order, and I call the Senator from Connecticut to order.

Mr. EATON. The Senator from Connecticut insists that he is in order in reading a rule of the Senate.

Mr. CONKLING. I submit to the Chair that during the roll-call the Senator is not in order.

Mr. EATON. I submit that I am.

Mr. CONKLING. Let the Chair decide that.

Mr. EATON. Very well, the Chair may decide.

The PRESIDENT *pro tempore*. The point is answered by the last clause of Rule 17:

And these proceedings—

That is, the proceedings to require Senators to account for not voting—shall be had after the roll shall have been called and before the result of the vote is announced.

The Senator can raise the question, but he must wait until the roll is called through, and before the vote is announced. The Secretary will proceed with the call.

The Secretary resumed the call of the roll.

The PRESIDENT *pro tempore*, (when his name was called.) I am paired with the Senator from Vermont, [Mr. EDMUNDS.]

The Secretary resumed and concluded the call of the roll.

The names of those voting were read by the Secretary, as follows:

| | | | |
|-----------|-------------------|-----------|----------|
| Bayard, | Harris, | Maxey, | Walker, |
| Call, | Hereford, | Morrill, | Wallace, |
| Cockrell, | Houston, | Randolph, | Whyte, |
| Coke, | Jonas, | Ransom, | Withers. |
| Eaton, | Jones of Florida, | Slater, | |
| Groome, | Kernan, | Vance, | |
| Hampton, | McDonald, | Vest, | |

Mr. EATON. Before the announcement of the result I desire to call the attention of the Chair to Rules 16 and 17; and I ask that the rules be read by the Clerk.

The PRESIDENT *pro tempore*. The two rules will be read.

The Secretary read Rule 16, as follows:

When the yeas and nays shall be called for by one-fifth of the Senators present, each Senator, when his name is called, shall, unless for special reasons he be excused by the Senate, declare openly and without debate his assent or dissent to the question; and in taking the yeas and nays upon any question, the names of the Senators shall be called alphabetically.

Mr. EATON. Now, I desire to call attention to the fact (and I think

I was entirely right before, but I bowed submissively to the decision of the Chair) that it was my time to call attention to this rule when honorable Senators declined to vote, because the rule says that when a Senator's name is called he "shall, unless for special reasons he be excused by the Senate, declare openly," &c. I called attention to that rule when the name of the honorable Senator from Maine was called, whom I noticed in his seat and he did not respond. I also noticed very many of my friends upon the other side who have paid no attention to this rule of the Senate.

Mr. BLAINE. In connection with what rule of the Senate has the Senator mentioned my name? I was not giving attention.

Mr. EATON. It has been read.

The PRESIDENT *pro tempore*. Rule 16.

Mr. EATON. I call the attention of the Chair to the fact that that rule, I will not say has been violated, for that might be discourteous, but it has not been complied with.

Mr. BLAINE. If it is not imposing on the good nature of the Senator, I should like to hear the rule read again.

Mr. CARPENTER. I rise to a point of order.

The PRESIDENT *pro tempore*. What is the Senator's point of order?

Mr. CARPENTER. The point of order is that there is no business pending before the Senate except the announcement of the vote taken by yeas and nays. The Senator from Connecticut makes no motion.

The PRESIDENT *pro tempore*. The Chair overrules the point of order. These two rules must be taken together. Rule 16—

Mr. CARPENTER. Do I understand the Chair to overrule the point of order?

The PRESIDENT *pro tempore*. Yes, sir.

Mr. CARPENTER. I appeal from that decision.

The PRESIDENT *pro tempore*. Will the Senator state his point of order distinctly again? Let it be distinctly made.

Mr. CARPENTER. It was the point of order which was overruled by the Chair.

The PRESIDENT *pro tempore*. The Senator from Wisconsin, as the Chair understood, made the point of order that the Senator from Connecticut could not call the attention of the Chair to these two rules with a view to their execution, because there was a call of the yeas and nays pending, the result of which had not been announced.

Was that not the point?

Mr. CARPENTER. That was not the point at all.

The PRESIDENT *pro tempore*. Then the Chair wishes to hear what it was.

Mr. CARPENTER. The point of order was that the Senator from Connecticut had made no motion whatever. He had called the attention of the Chair to a rule. The attention of the Chair is supposed always to be directed to every rule there is in force. That is all the Senator from Connecticut did. He made no motion; he did not move to expel the Senator from Maine, or attach him, or to send him to jail, or anything else. Consequently, by calling the attention of the Chair to the rule he had done nothing more than was vivid in the mind of the Chair all the while; and the next business is to declare the result of the roll-call.

The PRESIDENT *pro tempore*. The Chair will state that the Senator from Connecticut called attention to Rules 16 and 17 and asked that they be read, as the Chair understood with a view of proceeding under those rules. The Secretary read Rule 16. It is necessary that we should understand what these rules mean. The Chair is not of opinion that the Senator from Connecticut was out of order in calling attention to these rules.

Mr. CARPENTER. The Chair will pardon me, I did not claim that he was, but after he got through and had taken his seat and had made no motion whatever, I then insisted that the next thing was to have the result of the roll-call declared.

The PRESIDENT *pro tempore*. The reason why the Senator from Connecticut made no motion, the Chair supposes, is that the Senator intended to submit whether it was the duty of the Chair to require a Senator to vote or whether it required a motion of the Senate.

Mr. CARPENTER. He did not submit anything.

Mr. BLAINE. I heard my name called by the honorable Senator from Connecticut. I imagined I was the victim of something, but I do not know what.

Mr. HARRIS. I rise to object to this discussion unless it is ruled to be in order, and I maintain that it is not in order.

Mr. BLAINE. If a Senator has been guilty of disorder and is called to account for that, it is not lawful to send him to prison without signifying the charge laid against him. I have a right to hear it.

Mr. CARPENTER. Mr. President—

The PRESIDENT *pro tempore*. The Chair must answer the proposition of the Senator from Connecticut.

Mr. BLAINE. What is the proposition of the Senator from Connecticut?

Mr. CARPENTER. If the Chair will allow me, I rise to a point of order. Does the Chair sustain the point of order or overrule it?

The PRESIDENT *pro tempore*. The Senator from Wisconsin will take his seat, and the Chair will state what is the question. The Chair understands the Senator from Connecticut to submit the question, he having brought to the attention of the Chair the fact that the Senator from Maine was here and did not vote, whether the Chair

has the power and it is the duty of the Chair to require the Senator to assign his reasons for not voting under Rule 16? The Chair was about to state that, in the opinion of the Chair, a Senator cannot be required to assign his reasons without a vote of the Senate requiring him to do so. If the Senator from Connecticut moves that the Senator from Maine be required to assign his reasons, that will be perfectly in order at this time before the announcement of the result of the roll-call.

Mr. EATON. That was not the motion that I proposed to make. I called the attention of the Chair to the sixteenth and seventeenth rules; first the sixteenth rule. I think I was entirely right in insisting that the roll-call should cease when I first discovered that my honorable friend from Maine had not voted. Rule 16 provides that—

When the yeas and nays shall be called for by one-fifth of the Senators present, each Senator, when his name is called, shall, unless for special reasons he be excused by the Senate, declare openly and without debate his assent or dissent to the question—

Then, not afterward, at the time when his name is called— and in taking the yeas and nays upon any question the names of the Senators shall be called alphabetically.

The proposition that I wish to call to the attention of the Chair is this: Is it not the duty of the Chair that again under Rule 16 the names of the gentlemen who declined to vote be called?

Mr. BLAINE. The Senator misconstrues the rule. The rule is that a Senator shall vote at that time and that he shall not get up at some other time in an irregular manner and vote; but it is not compulsory upon him to vote.

Mr. EATON. It is, in my judgment, compulsory.
Mr. BLAINE. He shall not disturb the proceedings of the body by coming in at some irregular and odd time, but shall come in then. But the rule does not say that it is his duty to come in. Suppose I did not want to vote?

Mr. CONKLING. What is the question on which this debate proceeds?

The PRESIDENT *pro tempore*. This debate—
Mr. BLAINE. I want to ask the honorable Senator, with the permission of the President of the Senate, how you are going to construe a pair under that rigid enforcement of the rule? The Senator from Connecticut gets up very often and says he is paired with a certain Senator, and he declines to vote. Now, as he construes the rule, he is forced to vote; he shall vote.

Mr. EATON. Not very often do I make a pair.
Mr. BLAINE. But a great many Senators pair. Now, how does the Senator construe that with his rigid construction of the rule at the present time? Does not the Senator see that my construction of the rule harmonizes with the liberty of pairing, and his does not?

Mr. EATON. I do not think that that argument is strong, but still I will make my motion in accordance with the opinion of the Chair, surrendering my own opinion. I will read the seventeenth rule:

When a Senator, being present and declining to vote when his name is called, shall be required to assign his reasons therefor, and shall so assign them, the presiding officer shall thereupon submit the question to the Senate: "Shall the Senator, for the reasons assigned by him, be excused from voting?" which shall be decided without debate.

Therefore, I now move that the Senator from Maine be required to assign his reasons for not voting.

Mr. CONKLING. Mr. President, I rise to a question of order.
The PRESIDENT *pro tempore*. The Senator will state his question of order.

Mr. CONKLING. I submit that that motion is not in order, because the last vote taken in the Senate disclosed the absence of a quorum, and the rule declares that in that state of case no motion is in order except a motion to adjourn. I submit to the Chair that the absence of a quorum having been disclosed, and there being no motion possible under the rules save a motion to adjourn, the motion now proposed by the Senator from Connecticut is out of order.

Mr. EATON. Mr. President—
The PRESIDENT *pro tempore*. This question is not debatable. The Chair overrules the point of order made by the Senator from New York.

Mr. CONKLING. I appeal from the decision of the Chair, respectfully.

The PRESIDENT *pro tempore*. The Senator from New York appeals.

Mr. WHYTE. I move to lay the appeal on the table.
Mr. CONKLING. On that I demand the yeas and nays.

The yeas and nays were ordered.
Mr. BLAINE. I rise to a parliamentary inquiry. I want to know what I am going to vote on, or whether I am to be permitted to vote? In the first place the Senator from Connecticut—

The PRESIDENT *pro tempore*. The Senator will suspend; no debate is in order. A motion is made to lay the appeal on the table.

Mr. BLAINE. What is the appeal from?

The PRESIDENT *pro tempore*. The appeal is from the decision of the Chair overruling the point of order made by the Senator from New York.

Mr. BLAINE. And what was the point of order made by the Senator from New York?

The PRESIDENT *pro tempore*. The Senator must recollect.

Mr. BLAINE. Oh, no. I have a right to inquire that from the Chair.

The PRESIDENT *pro tempore*. The point made by the Senator

from New York was that no motion was in order now but a motion to adjourn or for a call of the Senate, as on a previous call there had not been a quorum voting. The Chair has overruled that point of order, and now an appeal is taken, and a motion is made to lay the appeal on the table, upon which the yeas and nays have been ordered. The Secretary will call the roll.

Mr. CARPENTER. I rise to a parliamentary inquiry. I took an appeal from the decision of the Chair a few moments ago, and the Chair ordered me to sit down, but what becomes of my appeal?

Mr. CONKLING. The Senator took it down with him. [Laughter.]
The PRESIDENT *pro tempore*, (to the Secretary.) Call the roll.
The Secretary proceeded to call the roll.

Mr. GARLAND, (when Mr. BECK's name was called.) I make the announcement that the Senator from Kentucky [Mr. BECK] was compelled to go home, and is paired on all questions with the Senator from Michigan, [Mr. CHANDLER.]

Mr. BLAINE, (when his name was called.) As this decision affects my right, does the Presiding Officer rule that I have a right to vote?
The PRESIDENT *pro tempore*. The Senator has a right to vote. This is not a question affecting him.

Mr. BLAINE. Then I believe I will not vote. [Laughter.]
The Secretary resumed and concluded the call of the roll; and the result was announced—yeas 26, nays 0; as follows:

YEAS—26.

| | | | |
|-----------|-------------------|-----------|-----------|
| Bayard, | Harris, | McDonald, | Voorhees, |
| Call, | Hereford, | Morgan, | Walker, |
| Cockrell, | Houston, | Randolph, | Wallace, |
| Coke, | Jonas, | Ransom, | Whyte, |
| Eaton, | Jones of Florida, | Slater, | Withers. |
| Garland, | Kernan, | Vance, | |
| Hampton, | Lamar, | Vest, | |

NAYS—0.

ABSENT—50.

| | | | |
|------------------|--------------------|------------------|------------|
| Allison, | Chandler, | Hill of Georgia, | Pendleton, |
| Anthony, | Conkling, | Hoar, | Platt, |
| Bailey, | Davis of Illinois, | Ingalls, | Plumb, |
| Beck, | Davis of W. Va., | Johnston, | Rollins, |
| Bell, | Dawes, | Jones of Nevada, | Saulsbury, |
| Blaine, | Edmunds, | Kellogg, | Saunders, |
| Booth, | Farley, | Kirkwood, | Sharon, |
| Bruce, | Ferry, | Logan, | Teller, |
| Burnside, | Gordon, | McMillan, | Thurman, |
| Butler, | Groome, | McPherson, | Williams, |
| Cameron of Pa., | Grover, | Maxey, | Windom. |
| Cameron of Wis., | Hamlin, | Morrill, | |
| Carpenter, | Hill of Colorado, | Paddock, | |

The PRESIDENT *pro tempore*. No quorum has voted.
Mr. CONKLING. What becomes of the appeal, Mr. President?

The PRESIDENT *pro tempore*. It is not decided.
Mr. CONKLING. Then it is debatable, is it not?

The PRESIDENT *pro tempore*. The appeal remains unacted on, on the table, no quorum voting.

Mr. CONKLING. Then an appeal from the decision of the Chair is debatable, is it not?

Mr. HARRIS. Pending a motion to lay on the table it is certainly not debatable, I should say.

Mr. CONKLING. That will not do.
The PRESIDENT *pro tempore*. All the Chair can now do is to order a call of the Senate.

Mr. CONKLING. How can the Chair order a call of the Senate while an appeal from the decision of the Chair is pending?

The PRESIDENT *pro tempore*. That appeal is on the question of order, and the roll discloses that there is no quorum; so that the Chair shall forthwith order a call of the Senate.

Mr. CONKLING. But I believe I have a right to submit this to the Chair: A call of the Senate was proceeding. The Chair allowed the Senator from Connecticut to interpose this motion. A point of order was raised. The Chair held that despite the rule that motion was in order. From that decision an appeal was taken. There the right of debate existed. The Senator from Maryland, to cut off that right, moved to lay that appeal on the table. That motion fails. Now if the Chair were right in entertaining the original motion or in making the ruling, have we not a right to debate the appeal from that decision?

The PRESIDENT *pro tempore*. The Senator will understand, the Senator from Connecticut could make a motion that the Senator from Maine should be required to state his reason for not voting; but the Chair has not decided that less than a majority of a quorum could decide that it should be required at all. The Chair has only decided that that motion was in order, overruling the point of order made by the Senator from New York. From that decision an appeal was taken.

A motion was made to lay the appeal upon the table *non constat*, because there was no quorum voting on the previous occasion, that there would not be a quorum when the yeas and nays were called on the motion to lay on the table. Now the call discloses a want of a quorum, and all the Chair can do is to order a call of the Senate.

Mr. CONKLING. May I ask a question of the Chair? Has the Chair ever a right to make a decision from which a Senator has not a right to appeal?

The PRESIDENT *pro tempore*. In respect to what?

Mr. CONKLING. In respect to anything.

Mr. WHYTE. Under Rule 2 he has positively.

Mr. CONKLING. In respect to anything, I do not care what. Is

not the right of appeal just as broad as the right to decide a question of order?

The PRESIDENT *pro tempore*. Rule 2 says:

If either at the commencement of any daily session of the Senate, or at any time during its daily sessions, a question shall be raised by any Senator as to the presence of a quorum, the presiding officer shall forthwith direct the Secretary to call the roll of Senators, and shall announce the result to the Senate.

In the opinion of the Chair that is a peremptory duty of the President of the Senate, and no appeal from his direction to the Secretary to call the roll can be taken.

Mr. CONKLING. I submitted a question to the President of the Senate in the form of a point of order; I understood the Chair to overrule it; and may I now inquire what call of the Senate is to proceed? Is it that call in the midst of which we were when this motion interrupted it, or is it a new call of the Senate?

The PRESIDENT *pro tempore*. It is a call of the Senate because it appears there is no quorum present.

Mr. CONKLING. Then it is to be a new call of the Senate.

The PRESIDENT *pro tempore*. The Secretary will proceed with the call.

Mr. CONKLING. With which call? I believe we have a right to know.

The PRESIDENT *pro tempore*. It will be a new call, certainly.

Mr. CONKLING. Then what becomes of the other call?

The PRESIDENT *pro tempore*. That we will inquire of when the time comes.

Mr. CONKLING. I make the point of order at this time that the Chair has no right to dismiss the proceedings under the other call of the Senate without a vote of the Senate.

The PRESIDENT *pro tempore*. Senators will come to order.

Mr. BAYARD. May I ask a question of the Chair?

Mr. CONKLING. What becomes of my point of order?

The PRESIDENT *pro tempore*. It is overruled.

Mr. CONKLING. Then I appeal from the decision of the Chair.

The PRESIDENT *pro tempore*. The Chair has already stated that from the order of the Chair to the Secretary to call the roll when no quorum appears, there can be no appeal.

Mr. CONKLING. I do not appeal from that decision. I appeal from the decision of the Chair that he has a right to dismiss the pending call of the Senate without a vote of the Senate.

The PRESIDENT *pro tempore*. The Chair has dismissed nothing.

Mr. CONKLING. Then what becomes of the other call?

The PRESIDENT *pro tempore*. When a quorum of the Senate is present we shall find out.

Mr. CONKLING. I propose to find out now.

The PRESIDENT *pro tempore*. The Secretary will proceed to call the roll.

Mr. BAYARD. I desire to ask a question of the Chair, if I may, to ascertain in regard to my vote, what has become of the perfection of the roll-call upon the motion which was interrupted by the reading of the rule by the Senator from Connecticut?

Mr. CONKLING. I should like to know what has become of that.

Mr. BAYARD. That was a question raised. The roll-call had proceeded—

The PRESIDENT *pro tempore*. The Chair will answer the Senator. A vote was being taken, and certain Senators did not vote. The Senator from Connecticut moved that one of them, naming him, be required to give his reasons for not voting. The Senator from New York made the point of order that that motion could not be made because, not the vote not yet announced, but the last preceding vote, showed no quorum present; that is, no quorum voting. The Chair overruled that point of order. The Senator from New York appealed from the decision of the Chair. Then the motion was made to lay the appeal on the table. On that the yeas and nays were ordered, and the vote was 26 yeas and no nays, showing a want of a quorum. Under those circumstances, although there was not a quorum at a previous vote, it did not follow that there would not be a quorum then; and the Chair sees nothing for it to do but to order a new call of the Senate.

Mr. BAYARD. May I state one fact? My desire is that it should be understood that these are the rules of the Senate, and I am sure that the personal respect of each Senator will induce him to obey them according to his conscience. I remember very well when these Rules 16 and 17 were put in force upon myself and by the honorable Senator from Wisconsin [Mr. CARPENTER] who then occupied the chair. I was present in the Senate and my name being called I did not respond. The fact was brought to the attention of the Chair.

Mr. CONKLING. Is this debate in order?

The PRESIDENT *pro tempore*. The Chair is trying to get the ear of the Senator from Delaware to say to him that if this debate proceeds it must be by unanimous consent.

Mr. BAYARD. I should like to make a statement because it will render the point of order clear.

Mr. CONKLING. I have no objection if we have the same right; I do object unless we have.

Mr. BAYARD. I thought the Senator had been arguing his own motion.

Mr. CONKLING. Not at all; I have simply been making a point of order. If the Senator from Delaware is going to be heard I insist on the same right. Otherwise I object.

Mr. HARRIS. I rise to a question of order, which I will state. The Senate proceeding to decide a question that it was competent for less than a quorum to decide, a question of order was raised by the Senator from Wisconsin I believe, which the Senator from Maryland moved to lay on the table. I maintain that it was competent for less than a quorum to determine that question of order, and I maintain that the vote of 26 yeas and no nays upon the motion of the Senator from Maryland was a decision of that question of order by laying the appeal on the table.

Mr. CARPENTER. It was not laid on the table.

The PRESIDENT *pro tempore*. The Chair is of opinion that the point of order made by the Senator from Tennessee [Mr. HARRIS] is not well taken.

Mr. HOUSTON. Mr. President, I want to see if I understand the question so that I can vote understandingly. The Senate was proceeding with business and found itself without a quorum on a vote. Then there was a call of the House; it proceeded until a gentleman moved to have certain members called to account for not voting. A point of order was raised which the Chair overruled. The Senator from New York appealed, and a motion is made to lay that appeal upon the table. If I have stated the case correctly the last vote was upon the motion to lay upon the table, and that was a business motion that required a quorum to carry it there. It cannot be carried by anything less than a quorum, and there was no quorum on that vote; and therefore under the rule it was the duty of the Chair to call the roll.

Mr. CONKLING. What becomes of the other call?

Mr. HOUSTON. The other call is in the rear, because it cannot be reached. The Senator's motion has got in front and has to be gotten out of the way before we can go back to the other call of the Senate.

Mr. CONKLING. "If two ride a horse, one must ride behind."

Mr. HOUSTON. I rather think so, and that is just what I want the Senator to do, to ride behind.

Mr. CARPENTER. Mr. President—

The PRESIDENT *pro tempore*. The Chair wishes it understood this discussion is proceeding only by unanimous consent.

Mr. CARPENTER, (at seven o'clock and fifty-five minutes p. m.) Mr. President, I move that the Senate do now adjourn.

The PRESIDENT *pro tempore*. The Senator from Wisconsin moves that the Senate do now adjourn.

Mr. BLAINE. Mr. President—

The PRESIDENT *pro tempore*. The motion is not debatable.

Mr. BLAINE. I know it is not, but I rise to a point of order; there is a motion pending.

The PRESIDENT *pro tempore*. There has been business since the last motion to adjourn.

Mr. BLAINE. But a motion is pending before the Senate and it was on that motion that the Senator from Connecticut arrested the proceeding of the Senate.

Mr. CARPENTER. I rise to a point of order.

The PRESIDENT *pro tempore*. The Senator from Maine is out of order and will take his seat. There has been business before the Senate since the last vote, and it does not matter that on a former occasion a motion was made to adjourn.

Mr. BLAINE. One single remark. I do not possess much knowledge of parliamentary law, but I think it will be novel in the history of parliamentary bodies that two motions to adjourn were pending before us at the same moment of time and ruled to be both in order.

The PRESIDENT *pro tempore*. The Senator from Wisconsin has moved that the Senate do now adjourn. The question is on that motion.

The question being put, there were on a division—yeas 19, noes 21.

Mr. CARPENTER. I call for the yeas and nays.

The yeas and nays were ordered and taken.

Mr. BURNSIDE, (after having voted in the affirmative.) I wish to withdraw my vote if I can. I would like to state for the RECORD that I voted out of misapprehension. [Laughter.]

The result was announced—yea 1, nays 23; as follows:

YEA—1.

Burnside.

NAYS—23.

| | | | |
|-----------|-------------------|-----------|----------|
| Bayard, | Harris, | McDonald, | Vance, |
| Call, | Hereford, | Maxey, | Vest, |
| Cockrell, | Houston, | Morgan, | Walker, |
| Garland, | Jonas, | Randolph, | Whyte, |
| Groome, | Jones of Florida, | Ransom, | Withers. |
| Hampton, | Kernan, | Slater, | |

ABSENT—52.

| | | | |
|------------------|--------------------|------------------|------------|
| Allison, | Coke, | Hill of Georgia, | Pendleton. |
| Anthony, | Conkling, | Hoar, | Platt, |
| Bailey, | Davis of Illinois, | Ingalls, | Plumb, |
| Beck, | Davis of W. Va., | Johnston, | Rollins, |
| Bell, | Dawes, | Jones of Nevada, | Saulsbury, |
| Blaine, | Eaton, | Kellogg, | Sanders, |
| Booth, | Edmunds, | Kirkwood, | Sharon, |
| Bruce, | Farley, | Lamar, | Teller, |
| Butler, | Ferry, | Logan, | Thurman, |
| Cameron of Pa., | Gordon, | McMillan, | Voorhees. |
| Cameron of Wis., | Grover, | McPherson, | Wallace, |
| Carpenter, | Hamlin, | Morrill, | Williams, |
| Chandler, | Hill of Colorado, | Paddock, | Windom. |

The PRESIDENT *pro tempore*. There is not a quorum voting.

Mr. WHYTE. Now, Mr. President, I believe the motion I made is in order and is still pending.

The PRESIDENT *pro tempore*. The question recurs on the motion made by the Senator from Maryland to request the attendance of the absentees.

Mr. CONKLING. On that I demand the yeas and nays. The yeas and nays were ordered.

Mr. CONKLING. I rise now to a point of order, and I submit to the Chair that the only roll-call in order is the roll-call which has been ordered by the Senate.

The PRESIDENT *pro tempore*. It is disclosed that there is not a quorum present. Less than a quorum may request the attendance of absentees. The Chair overrules the point of order, and will now put the question on the motion of the Senator from Maryland.

Mr. CONKLING. Let the record show that the Chair overrules it.

The question being taken by yeas and nays, resulted—yeas 21, nays 0; as follows:

| | | | |
|--------------------|-----------|-----------|----------|
| YEAS—21. | | | |
| Bayard, | Hampton, | McDonald, | Walker, |
| Call, | Hereford, | Randolph, | Whyte, |
| Cockrell, | Houston, | Ransom, | Withers. |
| Davis of Illinois, | Jonas, | Slater, | |
| Garland, | Kernan, | Vance, | |
| Groome, | Lamar, | Vest, | |
| NAYS—0. | | | |
| ABSENT—55. | | | |

| | | | |
|------------------|-------------------|-------------------|------------|
| Allison, | Coke, | Hoar, | Pendleton, |
| Anthony, | Conkling, | Ingalls, | Platt, |
| Bailey, | Davis of W. Va., | Johnston, | Plumb, |
| Beck, | Dawes, | Jones of Florida, | Rollins, |
| Bell, | Eaton, | Jones of Nevada, | Saulsbury, |
| Blaine, | Edmunds, | Kellogg, | Saunders, |
| Booth, | Farley, | Kirkwood, | Sharon, |
| Bruce, | Ferry, | Logan, | Teller, |
| Burnside, | Gordon, | McMillan, | Thurman, |
| Butler, | Grover, | McPherson, | Voorhees, |
| Cameron of Pa., | Hamlin, | Maxey, | Wallace, |
| Cameron of Wis., | Harris, | Morgan, | Williams, |
| Carpenter, | Hill of Colorado, | Morrill, | Windom. |
| Chandler, | Hill of Georgia, | Paddock, | |

The PRESIDENT *pro tempore*. The order is made and the Sergeant-at-Arms will now proceed to request the presence of the absentees.

Mr. CARPENTER. Mr. President, I move that the Senate do now adjourn.

The PRESIDENT *pro tempore*. The Chair is of opinion that no business has intervened since the last motion to adjourn.

Mr. BLAINE. This business just done has intervened.

Mr. WHYTE. I raise the point of order that the call discloses the absence of the Senator from Maine. He has been sent for and until the Sergeant-at-Arms reports where he is, he has no right to be here.

Mr. BLAINE. The Senator reports himself.

Mr. WHYTE. He cannot report himself. He is in contempt of the Senate.

Mr. CONKLING. May I ask a parliamentary question of the Chair?

The last vote being an order that the Sergeant-at-Arms shall invite absent Senators, does the Chair rule that a motion to adjourn is not in order?

The PRESIDENT *pro tempore*. The rule is that—

Whenever it shall be ascertained that a quorum is not present, a majority of the Senators present may direct the Sergeant-at-Arms to request, and, when necessary, to compel the attendance of the absent Senators, which order shall be determined without debate; and, pending its execution, and until a quorum shall be present, no motion, except a motion to adjourn, nor debate, shall be in order.

Mr. CONKLING. Exactly. Is not a motion to adjourn in order?

The PRESIDENT *pro tempore*. A motion to adjourn is in order pending the execution of the order.

Mr. CARPENTER. I make that motion.

Mr. CONKLING. The Senator from Wisconsin has submitted that motion, and I demand the yeas and nays upon it.

Mr. WHYTE. I raise the point of order that the Sergeant-at-Arms has been directed to ask the attendance of that absent Senator, and he has no right to be constructively present and make motions to adjourn, until it is reported whether he is present or absent.

Mr. CARPENTER. I escaped from the Sergeant-at-Arms and got into the Chamber before he got out. [Laughter:] Now I move that the Senate adjourn. I understand the Chair to rule that motion to be in order.

Mr. WHYTE. It is not in order from that Senator.

Mr. CONKLING. How does the Chair rule?

Mr. EATON. Mr. President, I desire to say one word.

Mr. CONKLING. Is this question of order debatable?

The PRESIDENT *pro tempore*. It has been debated a good deal.

Mr. EATON. Suggestions have been made. I do not desire to debate.

Mr. CONKLING. I do not care to object to my honorable friend.

Mr. CARPENTER. I call for the rule on my motion to adjourn, and ask the Chair to decide whether it is in order or out.

Mr. EATON. Whenever Senators are absent and the Sergeant-at-Arms is directed to produce those gentlemen on the floor of the Senate, they are to be produced here by him, and until he brings them here they are constructively absent.

Mr. BLAINE. Then, Mr. President, if I understand the Senator from Connecticut, nobody can make a motion until the President of the Senate looks on that list to see if he answered to that call.

The PRESIDENT *pro tempore*. The Chair is of opinion that under the rule the motion to adjourn is in order, and it will be put.

Mr. CONKLING. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BELL, (when his name was called.) On this question I am paired with the Senator from Kentucky, [Mr. WILLIAMS.] Otherwise I should vote "yea."

Mr. CHANDLER, (when his name was called.) On this question I am paired with the Senator from Kentucky, [Mr. BECK.]

Mr. BOOTH, (when Mr. FARLEY's name was called.) I wish to state in justice to my colleague, [Mr. FARLEY,] that he has been called home by very important business.

Mr. McMILLAN, (when his name was called.) I am paired on all political questions with the Senator from New Jersey, [Mr. MCPHERSON.] I understand this to be a political question, and I would vote "yea" if Mr. MCPHERSON were here, and he, I presume, would vote "nay."

Mr. HEREFORD. Do I understand from the Senator from Minnesota that it is a political question here to break a quorum of the Senate?

Mr. CARPENTER. I rise to a question of order.

Mr. CONKLING. I call the Senator from West Virginia to order.

The PRESIDENT *pro tempore*. The roll-call will proceed.

Mr. HEREFORD. Mr. President—

Mr. CONKLING. I call the Senator to order.

Mr. HEREFORD. I have the floor.

The PRESIDENT *pro tempore*. The Senator cannot interrupt the roll-call.

Mr. HEREFORD. It has already been interrupted.

The Secretary resumed and concluded the call of the roll.

The result was announced—yeas 14, nays 25; as follows:

| | | | |
|------------|--------------------|-----------|----------|
| YEAS—14. | | | |
| Blaine, | Conkling, | Kirkwood, | Rollins, |
| Booth, | Davis of Illinois, | Logan, | Windom. |
| Burnside, | Dawes, | Morrill, | |
| Carpenter, | Ferry, | Platt, | |

| | | | |
|------------------|-------------------|-----------|----------|
| NAYS—25. | | | |
| Call, | Harris, | McDonald, | Vest, |
| Cockrell, | Hereford, | Maxey, | Walker, |
| Davis of W. Va., | Houston, | Morgan, | Whyte, |
| Eaton, | Jonas, | Randolph, | Withers. |
| Garland, | Jones of Florida, | Ransom, | |
| Groome, | Kernan, | Slater, | |
| Hampton, | Lamar, | Vance, | |

| | | | |
|------------------|-------------------|------------------|-----------|
| ABSENT—37. | | | |
| Allison, | Chandler, | Ingalls, | Saunders, |
| Anthony, | Coke, | Johnston, | Sharon, |
| Bailey, | Edmunds, | Jones of Nevada, | Teller, |
| Bayard, | Farley, | Kellogg, | Thurman, |
| Beck, | Gordon, | McMillan, | Voorhees, |
| Bell, | Grover, | McPherson, | Wallace, |
| Bruce, | Hamlin, | Paddock, | Williams. |
| Butler, | Hill of Colorado, | Pendleton, | |
| Cameron of Pa., | Hill of Georgia, | Plumb, | |
| Cameron of Wis., | Hoar, | Saulsbury, | |

* The PRESIDENT *pro tempore*. The motion is disagreed to; the Senate refuses to adjourn.

Mr. CONKLING. A quorum has voted. Mr. President, I move that further proceedings under the call be dispensed with, and on that I ask for the yeas and nays.

The PRESIDENT *pro tempore*. The Senator from New York moves that further proceedings under the call be dispensed with and on that motion demands the yeas and nays.

The yeas and nays were ordered.

Mr. BLAINE. Is not that done by general consent when the presence of a quorum is disclosed? [Oh, no.]

The PRESIDENT *pro tempore*. No general consent was given. The Secretary will proceed with the call.

Mr. BLAINE. I ask unanimous consent that proceedings be dispensed with.

Mr. KERNAN. I object.

The PRESIDENT *pro tempore*. The roll-call will proceed.

The Secretary proceeded to call the roll.

Mr. McMILLAN, (when his name was called.) I am paired with the Senator from New Jersey [Mr. MCPHERSON] on all political questions. If this is a political question I shall refrain from voting. If he were here, I should vote "yea." I do not know whether the question is regarded as political or not.

The roll-call was concluded; and the result was announced—yeas 4, nays 22; as follows:

| | | | |
|--------------------|--------|----------|---------|
| YEAS—4. | | | |
| Davis of Illinois, | Eaton, | Morrill, | Windom. |

| | | | |
|------------------|-------------------|-----------|----------|
| NAYS—22. | | | |
| Bayard, | Hereford, | Lamar, | Vest, |
| Call, | Hill of Georgia, | Morgan, | Walker, |
| Cockrell, | Houston, | Randolph, | Whyte, |
| Davis of W. Va., | Jonas, | Ransom, | Withers. |
| Hampton, | Jones of Florida, | Slater, | |
| Harris, | Kernan, | Vance, | |

| | | | |
|------------|---------|-----------|------------------|
| ABSENT—50. | | | |
| Allison, | Beck, | Booth, | Butler, |
| Anthony, | Bell, | Bruce, | Cameron of Pa., |
| Bailey, | Blaine, | Burnside, | Cameron of Wis., |

| |
|---|
| Carpenter, Chandler, Coke, Conkling, Dawes, Edmunds, Farley, Ferry, Garland, Gordon, Groome, Grover, Hamlin, Hill of Colorado, Hoar, Ingalls, Johnston, Jones of Nevada, Kellogg, Kirkwood, Logan, McDonald, McMillan, McPherson, Maxey, Paddock, Pendleton, Platt, Plumb, Rollins, Saulsbury, Saunders, Sharon, Teller, Thurman, Voorhees, Wallace, Williams. |
|---|

Mr. CARPENTER. Is there a quorum voting?
Mr. WHYTE. Has the Sergeant-at-Arms reported?
The PRESIDENT *pro tempore*. It does not require a quorum to vote on this question. The Sergeant-at-Arms will execute the order of the Senate, or, if he is ready to report, will report.

Mr. CARPENTER. (at eight o'clock and twenty minutes p. m.) Mr. President, it is now after eight o'clock, and I move that the Senate adjourn.

Mr. WHYTE. I object, and make the point of order that the Sergeant-at-Arms having been sent for the absent Senators, a Senator not voting is not entitled to stand in his seat and move an adjournment until a report is made by the Sergeant.

Mr. CONKLING. This is the third time the point has been made; and it has been twice overruled.

Mr. WHYTE. I shall make the point again whenever a motion is made by the Senator from Wisconsin until he is reported by the Sergeant-at-Arms.

Mr. BLAINE. Then a Senator cannot come in the Senate Chamber himself, but must come escorted by the Sergeant-at-Arms.

Mr. WHYTE. I say that he must be excused by the Senate.

Mr. CARPENTER. I rise to a point of order. I have made a motion to adjourn, which is not debatable.

The PRESIDENT *pro tempore*. The Senator from Maryland raised a point of order, and that is always in order unless the Senate is dividing. The Senate was not dividing, so the Senator from Maryland was in order.

Mr. CARPENTER. If that is the decision of the Chair, I appeal from it.

Mr. CONKLING. Mr. President—

Mr. WHYTE. I make the point of order, Mr. President.

The PRESIDENT *pro tempore*. The Senator from Wisconsin moves that the Senate do now adjourn. Everything turns, if the Chair may be permitted to say it, upon the question whether business has intervened since the last motion to adjourn. The Chair is compelled to say that, in the opinion of the Chair, a motion to dispense with further proceedings under the rule is business, and therefore the motion to adjourn is in order.

Mr. CARPENTER. I call for the yeas and nays on that motion.

The PRESIDENT *pro tempore*. On this motion the yeas and nays are demanded.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. McMILLAN, (when his name was called.) I am paired with the Senator from New Jersey [Mr. McPherson] on political subjects. This seems to be a political question, and I will not vote. I would vote "yea" if he were here.

The roll-call was concluded.

Mr. BAILEY. I am paired on all political questions with the Senator from Nebraska, [Mr. Paddock.] If he were here, I should vote "nay."

The result was announced—yeas 3, nays 24; as follows:

| | | | |
|------------------|--------------------|------------------|------------|
| YEAS—3. | | | |
| Booth, | Davis of Illinois, | Windom. | |
| NAYS—24. | | | |
| Bayard, | Hereford, | Lamar, | Slater, |
| Call, | Hill of Georgia, | Maxey, | Vance, |
| Davis of W. Va., | Houston, | Morgan, | Vest, |
| Eaton, | Jonas, | Pendleton, | Walker, |
| Groome, | Jones of Florida, | Randolph, | Whyte, |
| Hampton, | Kernan, | Ransom, | Withers. |
| ABSENT—49. | | | |
| Allison, | Cockrell, | Hoar, | Plumb, |
| Anthony, | Coke, | Ingalls, | Rollins, |
| Bailey, | Conkling, | Johnston, | Saulsbury, |
| Beck, | Dawes, | Jones of Nevada, | Saunders, |
| Bell, | Edmunds, | Kellogg, | Sharon, |
| Blaine, | Farley, | Kirkwood, | Teller, |
| Bruce, | Ferry, | Logan, | Thurman, |
| Burnside, | Garland, | McDonald, | Voorhees, |
| Butler, | Gordon, | McMillan, | Wallace, |
| Cameron of Pa., | Grover, | McPherson, | Williams. |
| Cameron of Wis., | Hamlin, | Morrill, | |
| Carpenter, | Harris, | Paddock, | |
| Chandler, | Hill of Colorado, | Platt, | |

So the Senate refused to adjourn.

Mr. McMILLAN. I move that the Senate proceed to the consideration of executive business.

The PRESIDENT *pro tempore*. That motion is not in order.

Mr. McMILLAN. May I inquire why?

The PRESIDENT *pro tempore*. It is not in order because the rule forbids all motions except a motion to adjourn.

Mr. McMILLAN. I think since that motion was made a vote on a motion to adjourn showed a quorum present.

The PRESIDENT *pro tempore*. A roll-call was ordered by the Senate,

and it must be proceeded with unless overridden by a motion to adjourn.

Mr. CONKLING. Or to dispense with further proceedings.
The PRESIDENT *pro tempore*. Or to dispense with further proceedings.

Mr. CONKLING. I make that motion.

The PRESIDENT *pro tempore*. The Sergeant-at-Arms informs the Chair he is ready to make his report.

The Chief Clerk read as follows:

To the President of the Senate:

SIR: In obedience to the order of the Senate in regard to absent Senators, I would respectfully report that of the Senators reported absent by the Secretary I found present in the Senate the following, to wit:

Senators Bell, Blaine, Booth, Burnside, Carpenter, Chandler, Conkling, Davis of West Virginia, Dawes, Eaton, Ferry, Harris, Jones of Florida, Kirkwood, Logan, McMillan, Morgan, Morrill, Platt, Rollins, Vance, Vest, Voorhees, and Withers.

R. J. BRIGHT,
Sergeant-at-Arms.

Mr. BLAINE. Mr. President, I rise to inquire, since the Sergeant-at-Arms over his own signature has assured the Senate that I am here, and the Senator from Wisconsin, with others, is it now in order for a motion to come from any of us, against the point of order made by the Senator from Maryland? In other words, does that fact release us from the embargo under which the Senator from Maryland has been placing us all? I want to know another thing, whether I am a Senator from Maine or an ambassador from Maine? [Laughter.]

Mr. WITHERS. I wish to make a statement simply that the report of the Sergeant-at-Arms is incorrect as far as I am concerned. I have not been reported absent.

Mr. CONKLING. This is out of order, Mr. President. I move that further proceedings under this call of the Senate be dispensed with.

Mr. EATON. I hope that my friend will withdraw the motion for a moment.

Mr. CONKLING. Certainly I will if the Senator from Connecticut wishes to say anything.

Mr. EATON. I simply want to say this: I am found by the report of the Sergeant-at-Arms in very good company generally, that of my friend from New York, my friend from Maine, and my friend from Wisconsin; but I should like to have that report amended, because I am not willing to be found with them in violation of the rules of the Senate, and therefore I desire my name erased, as I have not been out of the Chamber.

Mr. CONKLING. I am sorry I gave way to the Senator from Connecticut, because of the unkindness of his observation, and because of the fact that he has been absent just as much as any of us, and I object to his complaining standing in with the rest under the action of his party. Now I move to dispense with further proceedings under the call.

The PRESIDENT *pro tempore*. The Senator from New York moves to dispense with further proceedings under the call.

Mr. ALLISON. I call for the yeas and nays.

Mr. VEST. I wish to make an inquiry. I should like to know whether that report states that I am absent when I have voted on every question this evening? I have a right to make that inquiry.

Mr. CONKLING. Not now. If the Senator wants to discipline the Sergeant-at-Arms, he can do it some other time but not now, I submit.

Mr. McMILLAN. If that inquiry is in order, I should like to make an inquiry of the same character, for I am present and my pair has been announced on almost every vote. I have been present all the evening.

Mr. CONKLING. The whole report is a mistake, evidently.

Mr. HOUSTON. The Sergeant-at-Arms has a right to amend his report.

The PRESIDENT *pro tempore*. The Chair was on the point of stating that if the Senator rose to a question of privilege of this kind, to have the report corrected, he might do so, although probably the right time to do so would be to-morrow, if this report goes into the Journal, because then you can have the Journal corrected; but if there is no objection, it can be done now.

Mr. ALLISON. There will certainly be no objection.

Mr. LOGAN. I hope it will be corrected in reference to myself. I have been present all the evening.

Mr. ALLISON. I am present also.

The PRESIDENT *pro tempore*. The record is not to be corrected in that way, by gentlemen saying they were not absent when they do not answer to their names.

Mr. BURNSIDE. I voted under a misapprehension, but I voted nevertheless; and yet I am reported absent.

The PRESIDENT *pro tempore*. The question is, shall further proceedings under this call be dispensed with?

The motion was agreed to.

Mr. DAVIS, of West Virginia. Now, Mr. President, I wish to say a word. I noticed in the list which was handed in by the Sergeant-at-Arms that the Senator from West Virginia was stated to be absent. I have not been out of the Chamber nor missed a call I think tonight. I think that ought to be corrected. I call attention to it now.

Mr. CONKLING. That is the case with me; I believe it is with all of us.

Mr. DAVIS, of West Virginia. I believe I have the floor.

Mr. CONKLING. I thought the Senator had concluded.

Mr. DAVIS, of West Virginia. The roll-calls disclose that on many

calls the Senator from New York was not present so far as the roll was concerned. That is not the case with the Senator from West Virginia. He has answered to his name every time. Some of the calls the Senator from New York did not answer.

Mr. CONKLING. That is, the Senator thinks I omitted to vote. That is possible; it may be so; but I have been here all the time.

Mr. CARPENTER, (at eight o'clock and thirty-five minutes p. m.) I move that the Senate do now adjourn.

The PRESIDENT *pro tempore*. The Senator from Wisconsin moves that the Senate do now adjourn.

Mr. CARPENTER called for the yeas and nays; and they were ordered.

The Secretary proceeded to call the roll.

Mr. BELL, (when his name was called.) On this question I am paired with the Senator from Kentucky, [Mr. WILLIAMS.] If he were present, I should vote "yea."

Mr. McMILLAN, (when his name was called.) I am paired with the Senator from New Jersey [Mr. McPHERSON] on all political questions. If he were here, I should vote "yea" and he would vote "nay," as this seems to be a political question.

Mr. SAUNDERS, (when his name was called.) On this question I am paired with the Senator from Texas, [Mr. COKE.] If he were here, I should vote "yea."

The PRESIDENT *pro tempore*, (when Mr. THURMAN'S name was called.) I am paired with the Senator from Vermont, [Mr. EDMUNDS.] The roll-call was concluded.

Mr. BURNSIDE. My colleague [Mr. ANTHONY] is paired with the Senator from Georgia, [Mr. GORDON.] My colleague, if he were here, would vote "yea."

The result was announced—yeas 17, nays 27; as follows:

YEAS—17.

| | | | |
|------------------|--------------------|-----------|----------|
| Allison, | Davis of Illinois, | Kirkwood, | Rollins, |
| Blaine, | Dawes, | Logan, | Windom. |
| Burnside, | Ferry, | Morrill, | |
| Cameron of Wis., | Hill of Colorado, | Paddock, | |
| Conkling, | Ingalls, | Platt, | |

NAYS—27.

| | | | |
|------------------|-------------------|------------|----------|
| Bailey, | Hampton, | Kernan, | Slater, |
| Bayard, | Harris, | Lamar, | Vance, |
| Call, | Hereford, | Maxey, | Vest, |
| Cockrell, | Hill of Georgia, | Morgan, | Walker, |
| Davis of W. Va., | Houston, | Pendleton, | Whyte, |
| Eaton, | Jonas, | Randolph, | Withers. |
| Groome, | Jones of Florida, | Ransom, | |

ABSENT—32.

| | | | |
|-----------------|-----------|------------------|------------|
| Anthony, | Chandler, | Hoar, | Saulsbury, |
| Beck, | Coke, | Johnston, | Saunders, |
| Bell, | Edmunds, | Jones of Nevada, | Sharon, |
| Booth, | Farley, | Kellogg, | Teller, |
| Bruce, | Garland, | McDonald, | Thurman, |
| Butler, | Gordon, | McMillan, | Voorhees, |
| Cameron of Pa., | Grover, | McPherson, | Wallace, |
| Carpenter, | Hamlin, | Plumb, | Williams. |

So the Senate refused to adjourn.

Mr. CONKLING. I rise to inquire of the Chair what is the pending motion and what has become of the question pending before the Senate when the absence of a quorum was disclosed?

The PRESIDENT *pro tempore*. The Chair will endeavor to find out what that question is. The Chair will consult the Journal and see.

Mr. WHYTE. The presence of a quorum having been disclosed, a motion to dispense with further proceedings under the call was adopted, and then a motion to adjourn was made.

Mr. CONKLING. Mr. President, what has become of the motion pending?

The PRESIDENT *pro tempore*. The Chair will state what the pending motion is. There was a vote taken in the Senate that has never yet been announced, which was on a motion to adjourn. Before the announcement of that vote the Senator from Connecticut [Mr. EATON] moved, under Rule 17, that the Senator from Maine [Mr. BLAINE] be required to give his reasons for not voting, he being present in the Senate; and that was followed by other motions for a call of the Senate and to dispense with the call. The last unfinished business is the motion of the Senator from Connecticut to require the Senator from Maine to give the reasons why he did not vote.

Mr. BLAINE. I have understood that heretofore Senators have been called on to give reasons why they were not voting upon a pending question. Now, according to the ruling of the Chair, I am called upon to give reasons why I did not vote on a motion that is not now before the Senate and which has never been submitted and which has been stamped out by three or four intervening motions that have since occurred.

The PRESIDENT *pro tempore*. The Chair may be in error.

Mr. BLAINE. If that is in order, I am willing to take the record and ask why all the absent Senators on the yeas and nays that have been taken since the session began this morning or yesterday—for I have the same right—did not vote. I may want to know why they did not cast their votes, and why they did not come forward and answer to their names. I have the same right to do it exactly. I do not care. That is not because it has any reference to the question, but I do not like to see the Senate, which has been sometimes called a dignified body—although that could not be proved by me within the last two hours—guilty of so obvious an absurdity as the motion

of the Senator from Connecticut would lead to. I could discuss it with perfect *sans froid* because there is nothing in it that I am not willing to discuss, but the motion itself, if the Senator were in his seat, I should say was entirely absurd.

Mr. WHYTE. He is here.

Mr. BLAINE. Then I can say it as the Senator is within hearing. The motion itself is absurd. With all due respect to the Senator, it was absurd when made. There are some very few—I will admit very few—questions settled in parliamentary law, but one of those is that nothing shall interrupt a roll-call.

Mr. ALLISON. It was merely an inquiry.

Mr. BLAINE. There is no possible thing that can interrupt a roll-call.

Mr. ALLISON. I did not happen to be present in the Senate at the moment, but I understood there was only an inquiry.

Mr. BLAINE. There was a roll-call of the Senate solemnly interrupted to inquire why I did not vote.

Mr. HARRIS. Mr. President, I rise to a question of order.

Mr. BLAINE. Why was that? Am I on trial at the bar of the Senate?

Mr. HARRIS. Is there a debatable question before the Senate?

Mr. BLAINE. You will find it is susceptible of very considerable debate.

Mr. HARRIS. But I inquired of the Chair first to say. I am inclined to think there is no question before the Senate that is debatable.

The PRESIDENT *pro tempore*. It would seem to be necessarily debatable or to lead to debate, for the rule is that—

When a Senator, being present and declining to vote when his name is called, shall be required to assign his reasons therefor, and shall so assign them.

Mr. BLAINE. I will give the reasons. I want to give those reasons, and I am glad that I have got, with a quorum of the Senate here, the right to the floor.

The PRESIDENT *pro tempore*. The Chair will state that since the Chair announced that that was the question before the Senate, upon looking into the Journal he finds that the question which was pending, and upon which the Senator did not vote, was different from what the Chair supposed. It was on a motion to adjourn. It has been disclosed and announced since that, and it would be a very singular proceeding now if the Senator could be required to vote on a motion to adjourn, and when his vote might have carried an adjournment, the Senate had been doing business for an hour afterward. The Chair—

Mr. BLAINE. The Chair is anticipating my speech.

The PRESIDENT *pro tempore*. The Senator will suspend. That being the case, it being upon a motion to adjourn in view of what has taken place since, the opinion of the Chair is that the motion has fallen and is not now before the Senate. Then the question recurs on the motion of the Senator from Michigan [Mr. CHANDLER] that the Senate proceed to the consideration of executive business.

Mr. ALLISON. That I think we had better do.

Mr. BLAINE. Then there is nothing left for me to debate at this point.

The PRESIDENT *pro tempore*. Nothing at all.

Mr. BLAINE. The honorable Presiding Officer of the Senate made my speech.

The PRESIDENT *pro tempore*. The motion to go into executive session is not debatable.

Mr. BLAINE. The question is not debatable?

Mr. CONKLING. The yeas and nays have been ordered.

Mr. BLAINE. What motion is not debatable?

The PRESIDENT *pro tempore*. The motion to go into executive session is not debatable. That is the motion pending.

Mr. BLAINE. Then the decision of the Chair is—I want to get at this accurately—that a motion to adjourn can be arrested by a point of order being made that a Senator shall vote on it.

The PRESIDENT *pro tempore*. The Senator is out of order.

Mr. BLAINE. On what ground?

The PRESIDENT *pro tempore*. Because the motion to go into executive session is not debatable.

Mr. BLAINE. But nobody has made a motion since this question came up.

The PRESIDING OFFICER. That is the pending motion.

Mr. BLAINE. How does that happen?

The PRESIDENT *pro tempore*. It was a motion made by the Senator from Michigan to proceed to the consideration of executive business, on which the call of the roll disclosed the want of a quorum.

Mr. ALLISON, (at eight o'clock and fifty minutes p. m.) Pending that I move that the Senate do now adjourn.

The PRESIDENT *pro tempore*. The Senator from Iowa moves that the Senate do now adjourn.

Mr. DAVIS, of West Virginia. I ask whether any business has intervened. That was the last motion voted upon.

The PRESIDENT *pro tempore*. If so, the motion is not in order.

Mr. CARPENTER. Well, let us go into executive session.

Mr. BLAINE. I understood that a motion was pending to proceed to executive business, and certainly it is in order pending that motion—

The PRESIDENT *pro tempore*. That motion to proceed to executive business was pending before the motion to adjourn was made. The

motion now is that the Senate proceed to the consideration of executive business, on which the yeas and nays have been ordered, and the Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. McMILLAN, (when his name was called.) I am paired with the Senator from New Jersey, [Mr. McPHERSON.] If he were here, I would vote "yea."

The roll-call having been concluded, the result was announced—yeas 4, nays 26; as follows:

| | | | |
|------------------|--------------------|------------------|------------|
| | YEAS—4. | | |
| Allison, | Burnside, | Ferry, | Kirkwood. |
| | | NAYS—26. | |
| Bailey, | Hampton, | Kernan, | Vance, |
| Bayard, | Harris, | McDonald, | Vest, |
| Call, | Hereford, | Maxey, | Walker, |
| Davis of W. Va., | Hill of Georgia, | Pendleton, | Whyte, |
| Eaton, | Houston, | Randolph, | Withers. |
| Garland, | Jonas, | Ransom, | |
| Groome, | Jones of Florida, | Slater, | |
| | | ABSENT—46. | |
| Anthony, | Coke, | Johnston, | Rollins, |
| Beck, | Conkling, | Jones of Nevada, | Saulsbury, |
| Bell, | Davis of Illinois, | Kellogg, | Saunders, |
| Blaine, | Dawes, | Lamar, | Sharon, |
| Booth, | Edmunds, | Logan, | Teller, |
| Bruce, | Farley, | McMillan, | Thurman, |
| Butler, | Gordon, | McPherson, | Voorhees, |
| Cameron of Pa., | Grover, | Morgan, | Wallace, |
| Cameron of Wis., | Hamlin, | Morrill, | Williams, |
| Carpenter, | Hill of Colorado, | Paddock, | Windom. |
| Chandler, | Hoar, | Platt, | |
| Cockrell, | Ingalls, | Plumb, | |

The PRESIDENT *pro tempore*. There is not a quorum voting.

Mr. WITHERS. I wish to say that in obedience to the instructions of the Appropriations Committee I have endeavored to progress this bill—

Mr. CONKLING. I rise to a question of order.

The PRESIDENT *pro tempore*. What is the question of order?

Mr. CONKLING. It is this: a call of the roll of the Senate having disclosed the absence of a quorum nothing is in order of business or of motion except a motion to call the Senate or a motion to adjourn; and I object to the Senator from Virginia debating when there is nothing before the Senate.

Mr. WITHERS. Mr. President, I simply say that I propose to make a motion, and until I submit that motion the point of order is not well taken.

Mr. CONKLING. I submit to the Chair that no business is in order until a quorum is present. I ask the Chair to rule on that.

Mr. WITHERS. I claim the right, being in possession of the floor, to make a motion.

Mr. CONKLING. Very well; I make the point of order.

Mr. WITHERS. I wish to make a remark relative to that motion before I submit it. If the decision of the Chair is that I cannot proceed, very well.

The PRESIDENT *pro tempore*. If the point of order is insisted upon the Chair will have to sustain it.

Mr. WITHERS. I have made no motion yet, but I propose to submit a motion. I proposed to make that motion when I was interrupted by the Senator from New York.

Mr. CONKLING. I object to the Senator doing anything except making a motion to adjourn, and I insist upon my point of order.

Mr. WITHERS. The Senator's objection will not prevent me making my motion, as the Chair has ruled that it is in order. I simply propose to make a motion, in view of the fact that the effort to secure the dispatch of business has failed, that the minority of the body have by their filibustering procedure obstructed business to such a degree—

Mr. CONKLING. Now, I call the Senator to order, and I insist that I have a right to a ruling on my point of order.

The PRESIDENT *pro tempore*. The Chair has already ruled it.

Mr. WITHERS. The ruling has already been made.

Mr. CONKLING. Does the Chair rule that it is in order for a Senator to stand here to debate and talk about filibustering?

Mr. WITHERS. The Senator from New York has done the same thing half a dozen times—

Mr. CONKLING. I call the Senator to order, and I insist upon it that debate is out of order.

The PRESIDENT *pro tempore*. The point of order is not debatable.

Mr. CONKLING. Why does not the Chair rule on the point of order?

The PRESIDENT *pro tempore*. The Chair has ruled on it twice.

Mr. CONKLING. What is the ruling of the Chair?

The PRESIDENT *pro tempore*. That the Senator from Virginia was not in order to debate, but to make a motion.

Mr. CONKLING. Very well, then I ask the Chair to enforce the rule.

Mr. WITHERS. I was not debating. I respectfully submit that I have a right to precede my motion by an explanation—

Mr. CARPENTER. I rise to a point of order.

Mr. WITHERS. I therefore say that we cannot procure action by a quorum. I move that the Senate do now adjourn.

Mr. CARPENTER. I rise to a point of order.

Mr. WITHERS. I have moved an adjournment.

Mr. CONKLING. Ah, well, that is all right.

The PRESIDENT *pro tempore*. Did the Senator from Virginia make a motion?

Several SENATORS. He moved to adjourn.

Mr. WITHERS. I withdraw the motion in view of the opposition to it.

The PRESIDENT *pro tempore*. The Senator from Virginia moves that the Senate do now adjourn.

Several SENATORS. He has withdrawn it.

Mr. ALLISON. I renew it.

The PRESIDENT *pro tempore*. The Senator from Iowa moves that the Senate do now adjourn.

The motion was not agreed to.

Mr. CONKLING. What is the question before the Senate, Mr. President?

The PRESIDENT *pro tempore*. There is no quorum voting.

Mr. CONKLING. What is the question before the Senate?

The PRESIDENT *pro tempore*. The only thing in order is a call of the Senate or a motion to adjourn. The Secretary will call the roll.

The Secretary called the roll; and the following Senators answered to their names:

| | | | |
|------------------|------------------|-------------------|----------|
| Allison, | Dawes, | Jonas, | Ransom, |
| Bailey, | Eaton, | Jones of Florida, | Rollins, |
| Bayard, | Ferry, | Kernan, | Slater, |
| Bell, | Garland, | McDonald, | Thurman, |
| Blaine, | Groome, | McMillan, | Vance, |
| Call, | Hampton, | Maxey, | Vest, |
| Cameron of Pa., | Harris, | Morrill, | Walker, |
| Carpenter, | Hereford, | Paddock, | Windom, |
| Chandler, | Hill of Georgia, | Pendleton, | Withers. |
| Conkling, | Houston, | Platt, | |
| Davis of W. Va., | Ingalls, | Randolph, | |

The PRESIDING OFFICER, (Mr. Whyte in the chair.) The call of the Senate discloses forty-two Senators present; consequently a quorum.

Mr. ALLISON. Mr. President, it seems now that there is a quorum present; and I think, in view of the fact that it is after nine o'clock and that the Senator from Virginia was inclined to move an adjournment a few moments ago, we had better on all sides agree to adjourn. I am quite satisfied that we can proceed more rapidly with the real business in hand by adjourning now than by remaining here any longer. Therefore I move that the Senate adjourn.

Mr. DAVIS, of West Virginia. Will the Senator allow me a moment?

Mr. ALLISON. Certainly.

Mr. DAVIS, of West Virginia. With the general understanding—no bargain—that to-morrow we sit the bill out.

Mr. CONKLING. No understanding.

Mr. DAVIS, of West Virginia. With that kind of general understanding—

Mr. CONKLING. I beg to say "no unanimous consent."

Mr. WITHERS. I call the Senator to order.

The PRESIDING OFFICER. The Senator from West Virginia [Mr. DAVIS] is entitled to the floor; until he yields it no one else is in order. Does the Senator from West Virginia yield?

Mr. DAVIS, of West Virginia. No, sir. The Senator from Iowa yielded to me and I believe I am entitled to the floor. The Senator from Iowa has made a suggestion which I think is a very proper one, and I appeal to my friend who has charge of this bill to answer it and, if he thinks it best to do so, to consent to it. My own opinion is that we ought to agree to it with a general understanding; I do not ask unanimous consent, and I do not ask the Senator from New York to consent if he will not do it; therefore I make no appeal to him whatever—

Mr. CARPENTER. I rise to a point of order. What is the pending question?

The PRESIDING OFFICER. The Senator from West Virginia will suspend for a moment until the Senator from Wisconsin makes his point of order.

Mr. CARPENTER. My point of order is that there is no motion before the Senate.

The PRESIDING OFFICER. The bill is before the Senate; and the Senator from Iowa moved that the Senate adjourn. He withdrew that motion for a moment to enable the Senator from West Virginia to make an explanation or suggestion.

Mr. CARPENTER. May I inquire, then, of the Chair what is the pending question?

The PRESIDING OFFICER. The question is on the amendment of the Senator from Maine to the Army appropriation bill now before the Senate.

Mr. CARPENTER. No; the question, I understand, is on the motion to go into executive session.

The PRESIDING OFFICER. That has been voted down.

Mr. CONKLING. No, sir.

Mr. CARPENTER. No quorum voted on the question.

Mr. ALLISON. I think it is too late to go into executive session, and I will insist on my motion to adjourn, although of course I will yield briefly to the Senator from West Virginia if he wishes to be heard.

The PRESIDING OFFICER. The Senator from Iowa having withdrawn his motion temporarily, gave the floor by courtesy to the Senator from West Virginia.

Mr. CARPENTER. I raise the point of order that the pending question is the motion to go into executive session, which is not debatable.

Mr. CONKLING. No debate is in order.

Mr. ALLISON. Then I think the Senator from West Virginia has made a sufficient explanation, and I insist on my motion to adjourn.

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

The question being put, a division was called for, and the yeas were called upon to rise.

Mr. ALLISON. I see our friends on the other side do not vote.

Mr. CARPENTER. Let us have the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CAMERON, of Wisconsin, (when his name was called.) I am paired with the Senator from Missouri, [Mr. COCKRELL.]

Mr. CHANDLER, (when his name was called.) I am paired with the Senator from Kentucky, [Mr. BECK.]

Mr. GARLAND, (when Mr. COKE's name was called.) The Senator from Texas is paired with the Senator from Nebraska, [Mr. SAUNDERS.] I announce this pair for the evening.

Mr. McMILLAN, (when his name was called.) I am paired on political questions with the Senator from New Jersey, [Mr. MCPHERSON.] I should be glad to have this announcement taken for all the votes to-night, if it can be done. I would vote "yea" if he were here.

Mr. SAUNDERS, (when his name was called.) On this question I am paired with the Senator from Texas, [Mr. COKE.] If he were here, I should vote "yea."

Mr. WALLACE, (when his name was called.) I am paired with my colleague [Mr. CAMERON] on all political questions, and I infer this to be one. If he were here, I should vote "nay."

Mr. BLAINE. I should like to make a point of order that the Senator from Connecticut [Mr. EATON] did not vote on this motion.

Mr. EATON. What motion?

Mr. BLAINE. The pending motion.

Mr. EATON. I did. The Senator from Maine's ears are not sufficiently large; he did not hear my vote.

Mr. BLAINE. Is the Senator from Connecticut recorded?

The PRESIDING OFFICER. The name of the Senator from Connecticut does not appear on the roll-call.

Mr. EATON. I voted.

Mr. BLAINE. The Senator from Connecticut's ears seem to be the ones that are elongated slightly.

Mr. EATON. Not at all. I said I did vote; I did not say that the Clerk had taken down my vote.

Mr. BLAINE. That is, the Senator intended to vote.

Mr. EATON. I was standing conversing with my friend from Delaware, [Mr. BAYARD,] and I turned around as my name was called and voted.

Mr. BLAINE. I move that the Senator be requested to vote.

The PRESIDING OFFICER. The Senator from Connecticut having stated on his own authority that he had voted, the Clerk will record his vote.

Mr. ALLISON. That ought to be satisfactory to the Senator from Maine.

The PRESIDING OFFICER. It is satisfactory to the Chair.

Mr. BURNSIDE. How will the vote be recorded?

Mr. BLAINE. The Senator from Connecticut has not indicated on which side he voted. Will the Clerk record him the way—

The PRESIDING OFFICER. The Senator votes with such regularity on the democratic side that the Chair does not think there will be any difficulty in recording it. [Laughter.]

Mr. BLAINE. Is that a decision of the Chair which goes into the permanent record?

The PRESIDING OFFICER. I do not speak as the Chair now.

Mr. BLAINE. The Chair decides that as the Senator from Connecticut is a well-known, unvarying, dyed-in-the-wool democrat, his vote may be inferred upon any given case. [Laughter.]

The PRESIDING OFFICER. The Senator from Maine is not in order. The Senator from Connecticut said that he had voted—

Mr. BLAINE. But not on which side.

The PRESIDING OFFICER. When the Clerk reads the vote, if the Senator's name is not recorded properly, he will correct the roll.

Mr. EATON. If there be any doubt about it, record me on the other side from the way the Senator from Maine voted. [Laughter.]

Mr. BLAINE. That means that we get a decision that I am a dyed-in-the-wool republican.

The PRESIDING OFFICER. The Secretary will read the names as recorded on the yeas and nays.

The Secretary read the list of yeas and nays on Mr. ALLISON's motion to adjourn, as follows:

YEAS—14.

| | | | |
|-----------|-------------------|-----------|----------|
| Allison, | Carpenter, | Kirkwood, | Rollins, |
| Blaine, | Dawes, | Morrill, | Windom. |
| Booth, | Ferry, | Paddock, | |
| Burnside, | Hill of Colorado, | Platt, | |

NAYS—26.

| | | | |
|---------|----------|------------------|-------------------|
| Bailey, | Garland, | Hereford, | Jones of Florida, |
| Bayard, | Groome, | Hill of Georgia, | Kernan, |
| Call, | Hampton, | Houston, | McDonald, |
| Eaton, | Harris, | Jonas, | Maxey, |

Pendleton,
Randolph,
Ransom,

Saulsbury,
Slater,
Vance,

Vest,
Walker,
Whyte,

Withers.

Mr. BLAINE. I insist, although the point is of no value practically, that the Senator from Connecticut has not responded to his name; that as the Clerk has read the list he has assigned the Senator to a place arbitrarily; that it is in contravention of the rules of the Senate as palpably as anything in the world can be.

The PRESIDING OFFICER. The Senator from Maine called the attention of the Chair to the alleged fact that the Senator from Connecticut had not voted, and the Senator from Connecticut rose in his place and announced that he had voted.

Mr. BLAINE. But he did not say which way.

The PRESIDING OFFICER. The Clerk has called the roll and has him recorded in the negative.

Mr. BLAINE. By whose direction did the Clerk record it so?

The PRESIDING OFFICER. The Chair cannot tell by what authority the Clerk performs his duty.

Mr. BLAINE. The Clerk has no right whatever without the Senator responding—

Mr. SAULSBURY. I call the Senator from Maine to order.

The PRESIDING OFFICER. The Senator from Maine is not in order. The roll-call has been read by the Secretary and the Senator from Connecticut has accepted the roll-call as correct, and the Senator from Maine has no right to question it.

Mr. BLAINE. One moment. I insist I have—

Mr. SAULSBURY. I insist that the Senator shall not proceed out of order.

Mr. BLAINE. I am not going to proceed out of order. The Clerk himself stated—

Mr. SAULSBURY. The Senator has no right to occupy the floor, and I call him to order.

The PRESIDING OFFICER. The Senator from Delaware calls the Senator from Maine to order.

Mr. BLAINE. I will state my point: First, the Clerk stated to the Presiding Officer that the Senator from Connecticut had not voted. The Senator from Connecticut has given no response since then. Now by whose authority was that record made? I have the right to know.

Mr. SAULSBURY. I insist that the Senator is out of order.

The PRESIDING OFFICER. The Senator from Connecticut has indicated that his vote was in the negative.

Mr. BLAINE. By what?

The PRESIDING OFFICER. By what he has said from his chair approving the act.

Mr. BLAINE. By no means; I object to that. You might as well vote by holding up your hat or by raising your handkerchief.

Mr. DAVIS, of West Virginia. Nothing is in order while the roll-call is pending.

Mr. BLAINE. I want to know how the Clerk made that record.

The PRESIDING OFFICER. The Senator from Maine is out of order.

Mr. BLAINE. Not until I have that information am I out of order. The PRESIDING OFFICER. The Senator from Maine has no right to inquire of the Chair anything that is not within the knowledge of the Chair.

Mr. BLAINE. Then I have the right to know where the Clerk got his information. I make the accusation that the Clerk has made a fraudulent entry of a name as voting that was not responded to.

The PRESIDING OFFICER. If the Senator from Maine charges that the Clerk has incorrectly recorded the vote of the Senator from Connecticut the Chair will have the roll-call corrected.

Mr. BLAINE. I insist that the Senator from Connecticut before his name is recorded there shall answer in open Senate how he votes.

The PRESIDING OFFICER. That there may be no mistake—

Mr. EATON. Oh, I shall answer you myself.

Mr. BLAINE. If your name is recorded there I insist—

Mr. EATON. Do not insist.

Mr. BLAINE. I do just exactly insist, and I insist that your name shall not be recorded there unless you answer the roll-call.

Mr. EATON. That answer has been made.

Mr. SAULSBURY. The Senator from Maine has been ruled out of order by the Chair, and I insist on order, sir, or that he shall be arrested by the Sergeant-at-Arms and taken into custody.

The PRESIDING OFFICER. The Senator from Maine will come to order.

Mr. BLAINE. I will state the point of order.

The PRESIDING OFFICER. The Senator from Maine—

Mr. BLAINE. One moment. The Senator from Connecticut made a point of order—

The PRESIDING OFFICER. The Senator from Maine will take his seat until the Chair passes on the question of order.

Mr. SAULSBURY. I move that the Sergeant-at-Arms be directed to make the Senator from Maine take his seat.

The PRESIDING OFFICER. The Senator from Delaware will take his seat as well as the Senator from Maine. There being a controversy as to the vote of the Senator from Connecticut, the Clerk will be directed to call the name of the Senator from Connecticut again.

Mr. BLAINE. That is right.

The Secretary called the name of Mr. EATON.

Mr. EATON. Mr. President, I have once voted.

Mr. BLAINE. No, sir.

Mr. EATON. It is not for the Senator from Maine to say "no," when I have said on my honor that I have voted. I do not take any language of that sort from the Senator from Maine. It is unbecoming him to use language of that character to a Senator on this floor when the Senator says he has voted. My friend from Delaware [Mr. BAYARD] was standing by me when I voted.

The PRESIDING OFFICER. The Senator from Connecticut will bear in mind that the accuracy of the Clerk has been called in question, and it is that the Clerk may be put right that the vote of the Senator is again requested, so that he may have the vote properly announced.

Mr. EATON. The Clerk is right.

The PRESIDING OFFICER. Then that settles the whole question.

Mr. BLAINE. It does not settle it, Mr. President.

Mr. BAYARD. The Senator from Connecticut voted audibly in the negative, standing by my desk.

Mr. BLAINE. Now this is to come in as a vote from another Senator telling how a Senator present voted.

Mr. HARRIS. Is the Senator from Maine in order?

The PRESIDING OFFICER. The Senator from Maine is not in order.

Mr. BLAINE. I insist, Mr. President—"Order!" "Order!"

Mr. HARRIS. I insist upon the point of order.

Mr. BLAINE. I appeal from the decision of the Chair and say that that vote is not properly recorded, because the Senator from Connecticut did not respond so that the Clerk heard him and recorded it, and parol testimony like that the Senator from Delaware volunteers, is not within the competency of the Senate to receive.

Mr. SAULSBURY. That is *alimunde*, I suppose. [Laughter.]

Mr. McMILLAN. As I understand—

Mr. DAVIS, of West Virginia. I must submit that nothing is in order during the roll-call but the announcement of the result.

The PRESIDING OFFICER. A question of order has been raised in regard to the roll-call itself, and the decision of the Chair was that the point of order was not well taken, and upon that the Senator from Maine has taken an appeal. That is the question pending.

Mr. McMILLAN. I believe I have the floor.

The PRESIDING OFFICER. Upon that question the Senator from Minnesota has the floor.

Mr. McMILLAN. As I understand the facts transpiring here, the Senator from Maine, discovering that the vote of the Senator from Connecticut was not recorded, moved that he be requested to give his reasons for not voting.

Mr. BLAINE. Just as he had done to me.

Mr. McMILLAN. It was then said by the Senator from Connecticut that he had voted. The vote did not appear upon the record kept by the Clerk. The President directed that the vote of the Senator from Connecticut be recorded in the negative, the Senator from Connecticut not having responded—

The PRESIDING OFFICER. The Senator must come to order. He is mistaken when he says the Chair directed that the vote should be recorded in the negative.

Mr. McMILLAN. I will not say "directed." The occupant of the chair said that the vote of the Senator would be recorded. Is that correct? And subsequently the record of the Clerk showed that the vote of the Senator from Connecticut was recorded in the negative, no response from the Senator from Connecticut having been made to the call for his vote. That, as I understand it, is the case. The Senator from Connecticut said he did vote; the Senator from Delaware has also said that he voted; but the Clerk's record did not show it until the remark from the Chair and the subsequent notice made.

Mr. HOUSTON. The Senator forgets a very important fact, that the Senator from Connecticut said expressly that his vote was recorded correctly by the Clerk. Now what more could be asked?

The PRESIDING OFFICER. The Chair would also state for the information of the Senator from Minnesota that the Senator from Connecticut said that he voted in the opposite way from the Senator from Maine.

Mr. CONKLING. Has the Senator from Maine voted?

The PRESIDING OFFICER. He had voted "yea."

Mr. McMILLAN. That was not till after the fact appeared that his vote had been recorded.

Mr. BLAINE. The rule prescribes one way of voting. It does not say my vote is the opposite of that of the Senator over there with the light cravat, or that my vote is correctly understood by the Clerk or by any other words except "yea" or "nay."

Mr. HOUSTON. I rise to a point of order. I understand this question of order has been settled and there is nothing now before the Senate.

The PRESIDING OFFICER. An appeal was taken from the decision of the Chair.

Mr. HOUSTON. That is not debatable.

Several SENATORS. It is debatable.

Mr. HEREFORD. I move to lay the appeal of the Senator from Maine on the table.

Mr. BLAINE. Not while I have the floor.

Mr. HEREFORD. The Senator from Alabama had the floor.

Mr. BLAINE. Oh, no.

The PRESIDING OFFICER. The Senator from Maine.

Mr. BLAINE. What I insist is that by none of the forms that the Senator from Connecticut has alleged, do the rules recognize that mode of voting. He states that he said that vote is correctly recorded, and he states that he voted on the opposite side from that on which I voted. Now, does the Chair pretend to rule or would the Chair (who is as good a judge of the proprieties of debate and of all other proprieties as any Senator on this floor) rule that that mode of voting is permissible here? And the Chair himself—I wish to call the attention of the Chair to this—directed that the Senator from Connecticut should have his name called again; and he then, in absolute defiance of the rules of the Senate, refused to vote. When his name was called the second time by the direction of the Chair, the honorable Senator from Connecticut refused to respond.

The PRESIDING OFFICER. On the contrary he informed the Chair that he voted "nay."

Mr. BLAINE. Oh no, he did not. He said his vote was correctly recorded.

The PRESIDING OFFICER. That was "nay."

Mr. BLAINE. Does the Chair think that was a fair way to vote?

The PRESIDING OFFICER. Certainly.

Mr. BLAINE. Does the honorable Presiding Officer state that that is a permissible mode of voting in the Senate? I will state the whole proceeding, now that I am on the floor. The Senator from Connecticut, I thought, with some gratuitous forwardness, brought my name prominent as not having voted. Well, on that there became a certain confused proceeding which ended in smoke. When this last roll-call was going on I noticed myself distinctly that he did not respond to his name in such a manner as to be audible at the Clerk's desk, and that is the only test, for I was within ear-shot. I went to the Clerk's desk myself and saw his name was not recorded there. The Clerk afterward informed the President of the Senate that it was not there. All those facts are patent here in the eye of the Senate, and then the Senator from Connecticut, not relishing with as keen a zest as he might the medicine which he tried to commend to my palate, endeavored to put on a little high dudgeon and to be a little indignant that I should try on him exactly the thing he had tried ineffectually upon me.

Mr. EATON. It will be ineffectual on me.

Mr. BLAINE. That may be; I do not know but that I may not succeed in having the Senator made to respond and that he will be allowed to have a record without responding; but whether it be done by order of the Presiding Officer, for whom I need not express my respect, or whether it be done by a vote of this Chamber by laying the appeal on the table, it is my judgment that you will have to get a quorum of the Senate on the other side of the Chamber before you commit that outrage. That is my judgment. I merely guess at that. My judgment is that that outrage upon the rules of this House will never go upon the Journal of the Senate until a quorum of the Senate composed of democratic members say it shall go there. Make the most of that.

Mr. McDONALD obtained the floor, but yielded to Mr. EATON at his request.

Mr. EATON. A single word, sir. There is a maxim which perhaps ought not to be applied and which I will not apply, about the old gentleman who resides below rebuking sin. The Senator from Maine who has sat here in absolute violation of the rules of this Senate for two hours, undertakes to rebuke me, and he has again said, standing here out of his place, near the seat of my friend from Indiana, that I did not vote.

Mr. BLAINE. Audibly to the Clerk.

Mr. EATON. How do you know? You are not the Clerk.

Mr. BLAINE. The Clerk says so.

Mr. EATON. I voted; my vote is correctly recorded, and the Senator from Maine says it will be an outrage to record the vote of a Senator who says that he voted and that the vote is correctly recorded. It is possible that every Senator on the other side of this Chamber will say that. If so, then we shall wait until we get a quorum, I trust, if it is until twelve o'clock to-morrow. But I have said I voted.

Mr. BLAINE. You have not got a quorum in the city of Washington of democratic Senators.

Mr. EATON. I have said I voted. The Senator from Maine has said I did not.

Mr. BLAINE. Audibly?

Mr. EATON. The Senator from Maine has said I did not. It is for the Senators on that side of the Chamber to choose upon a question of veracity between him and me. I say that I did vote; he says that I did not.

Mr. BLAINE. Mr. President—

Mr. EATON. Wait one moment, if you please. My friends, the republican Senators on this floor, may choose between the Senator from Maine and myself.

Mr. BLAINE. Mr. President, one moment. What I stated was this—

The PRESIDING OFFICER. The Senator from Indiana [Mr. McDONALD] is entitled to the floor.

Mr. McDONALD. As we have been informed it will take all night to settle this question, I move to lay the appeal on the table, and thus we shall commence now to settle it.

Mr. BLAINE. I want to make one remark.

The PRESIDING OFFICER. The Senator from Indiana moves to lay the appeal on the table.

Mr. CARPENTER. I ask for the yeas and nays.

Mr. ALLISON, (at nine o'clock and thirty-two minutes p. m.) I move that the Senate adjourn.

Mr. BLAINE. May I say a word? Does the Senator from Indiana make that motion to prevent my responding?

Mr. McDONALD. To bring this debate to an end.

Mr. BLAINE. Does the Senator make the motion to prevent my responding to the Senator from Connecticut?

Mr. McDONALD. I made it in order that we might start now on that long road we are told we have to travel.

Mr. BLAINE. Did the Senator make the motion to prevent me from responding to the Senator from Connecticut?

The PRESIDING OFFICER. Senators will address the Chair.

Mr. McDONALD. I made the motion in response to the threat made by the Senator from Maine that a vote should not take place to-night—

Mr. ALLISON. I rise to a question of order.

Mr. BLAINE. The Senator made that motion knowing—

Mr. ALLISON. I have moved to adjourn—

The PRESIDING OFFICER. The Senator from Maine will come to order. It is a violation of the rules of order in the Senate for the Senator from Maine, or any other Senator who proposes to speak, not to address the Chair and obtain the privilege of the floor from the Chair.

Mr. BLAINE. I ask, through the Chair, to have consent to speak one minute in answer to what the Senator from Connecticut has said.

Mr. McDONALD. For that one minute I withdraw my motion.

Mr. BLAINE. Mr. President—

The PRESIDING OFFICER. The Senator from Maine will suspend until the Senator from Iowa withdraws his motion to adjourn.

Mr. ALLISON. I also withdraw my motion for that purpose.

The PRESIDING OFFICER. Now the Senator from Maine is in order.

Mr. BLAINE. I only want one minute. The Senator from Connecticut may assert, and assert, but he cannot make this a question of veracity between me and him. What I said was that on the roll-call he did not answer so as to be audible to the Clerk. I am willing to have the Clerk put at the bar of the Senate and interrogated. That is what I asserted, and the Senator comes and states that it is a question of veracity between me and him. I said the Clerk stated so to me; I said he stated so to the President of the Senate. If the Senator wants a question of veracity on that point he can butt his head against the piers of truth as long as he pleases.

Mr. CARPENTER. Mr. President—

The PRESIDING OFFICER. The Chair will state—

Mr. CARPENTER. Mr. President—

The PRESIDING OFFICER. The Senator from Wisconsin will suspend until the Chair states a fact. The Senator from Connecticut did answer to the roll-call audibly, and so audibly that the Reporter took his vote down.

Mr. BLAINE. Did the Clerk take his vote down?

The PRESIDING OFFICER. I am not talking about whether the Clerk heard him; the Reporter heard him. It was audible enough for the Reporter to take down the vote as it was cast.

Mr. BLAINE. But that was not the point. I said the Clerk did not hear it; and I said the Clerk so informed the President of the Senate.

The PRESIDING OFFICER. The Clerk did so inform the President of the Senate.

Mr. BLAINE. And he also informed me.

The PRESIDING OFFICER. The acting President of the Senate had the Senator's name called again, and he responded, and it is so recorded.

Mr. BLAINE. He never responded audibly to the Clerk.

The PRESIDING OFFICER. The Chair will state to the Senate that the Senator did respond in a manner which indicated his vote.

Mr. BLAINE. "Indicated!"

The PRESIDING OFFICER. There is no rule of the Senate that requires any specific language to be used by a Senator in voting.

Mr. BLAINE. There is none?

The PRESIDING OFFICER. There is none whatever.

Mr. CARPENTER. He is required to answer "yea" or "nay."

Mr. BLAINE. Would the Chair consider that—

The PRESIDING OFFICER. The Chair will state that a Senator can say that he is in favor of a bill or against a bill, without saying "yea" or "nay."

Mr. CARPENTER. The Chair is mistaken; the rule is express; he must answer "yea" or "nay" without debate; unless the rule has been changed of late years.

Mr. ALLISON, (at nine o'clock and thirty-five minutes p. m.) I move that the Senate now adjourn.

Mr. BLAINE. Mr. President—

The PRESIDING OFFICER. The Senator from Iowa moves that the Senate adjourn. There is no other question pending before the Senate.

Mr. BLAINE. I thought there was an appeal and a motion to lay the appeal on the table.

The PRESIDING OFFICER. A motion to adjourn the Chair presumes takes precedence of an appeal.

Mr. BLAINE. But that will come up and will be found to have a good deal of life in it, if the Senate does not adjourn.

The PRESIDING OFFICER. The Senator from Iowa moves that the Senate adjourn.

The question being put, the motion was not agreed to.

The PRESIDING OFFICER. The question recurs on the motion of the Senator from Wisconsin that the Senate proceed to the consideration of executive business.

Mr. McDONALD. As the minute given to the Senator from Maine is up long since, I renew my motion to lay the appeal on the table.

The PRESIDING OFFICER. The question, then, is on the appeal of the Senator from Maine from the decision of the Chair on the point of order.

Mr. McDONALD. I move to lay that appeal on the table.

The PRESIDING OFFICER. The question is on the motion of the Senator from Indiana to lay on the table the appeal taken by the Senator from Maine from the decision of the Chair.

Mr. CONKLING. Let us have the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. McMILLAN, (when his name was called.) I am paired on this subject with the Senator from New Jersey, [Mr. McPHERSON.]

The Secretary resumed and concluded the call of the roll.

Mr. BLAINE. I wish the ruling of the Chair on whether the honorable Senator from Connecticut [Mr. EATON] has the right to vote on this question, in the result of which he is directly interested.

The PRESIDING OFFICER. The Chair rules that the Senator from Connecticut is entitled to vote.

Mr. BLAINE. I merely wanted the ruling of the Chair.

The result was announced—yeas 27, nays 0; as follows:

YEAS—27.

| | | | |
|------------------|------------------|-------------------|------------|
| Bailey, | Groome, | Jones of Florida, | Ransom, |
| Bayard, | Hampton, | Kernan, | Saulsbury, |
| Call, | Harris, | McDonald, | Slater, |
| Cockrell, | Hereford, | Maxey, | Vance, |
| Davis of W. Va., | Hill of Georgia, | Morgan, | Walker, |
| Eaton, | Houston, | Pendleton, | Withers. |
| Garland, | Jonas, | Randolph, | |

NAYS—0.

ABSENT—49.

| | | | |
|------------------|--------------------|------------------|-----------|
| Allison, | Coke, | Johnston, | Saunders, |
| Anthony, | Conkling, | Jones of Nevada, | Sharon, |
| Beck, | Davis of Illinois, | Kellogg, | Teller, |
| Bell, | Dawes, | Kirkwood, | Thurman, |
| Blaine, | Edmunds, | Lamar, | Vest, |
| Booth, | Farley, | Logan, | Voorhees, |
| Bruce, | Ferry, | McMillan, | Wallace, |
| Burnside, | Gordon, | McPherson, | Whyte, |
| Butler, | Grover, | Morrill, | Williams, |
| Cameron of Pa., | Hamlin, | Paddock, | Windom. |
| Cameron of Wis., | Hill of Colorado, | Platt, | |
| Carpenter, | Hoar, | Plumb, | |
| Chandler, | Ingalls, | Rollins, | |

The PRESIDING OFFICER. No quorum has voted.

Mr. CONKLING. What becomes of the appeal?

Mr. BAYARD, (at nine o'clock and forty-five minutes p. m.) I move that the Senate adjourn.

Mr. BLAINE. I hope not; I hope the Senate is not going to adjourn.

The PRESIDING OFFICER. The question is on the motion of the Senator from Delaware that the Senate adjourn.

The motion was not agreed to.

Mr. CONKLING. What becomes of the appeal?

The PRESIDING OFFICER. The vote upon the appeal disclosing that there is no quorum present, the Presiding Officer will direct that the roll be called to see what Senators are absent.

Mr. CONKLING. Meanwhile I wish to ask a question of the Chair: what becomes of the appeal?

The PRESIDING OFFICER. The appeal falls as a matter of course, there being no quorum to vote upon it.

Mr. CONKLING. When we get a quorum will the appeal be the first question in order?

The PRESIDING OFFICER. It will.

Mr. CONKLING. That is right.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

| | | | |
|------------------|-------------------|------------|------------|
| Allison, | Dawes, | Kernan, | Rollins, |
| Bailey, | Eaton, | Kirkwood, | Saulsbury, |
| Bayard, | Garland, | Lamar, | Saunders, |
| Bell, | Groome, | McDonald, | Slater, |
| Blaine, | Hampton, | Maxey, | Vance, |
| Booth, | Harris, | Morgan, | Vest, |
| Burnside, | Hereford, | Pendleton, | Walker, |
| Call, | Hill of Colorado, | Morrill, | Wallace, |
| Cameron of Wis., | Hill of Georgia, | Paddock, | Whyte, |
| Carpenter, | Houston, | Pendleton, | Windom, |
| Chandler, | Ingalls, | Platt, | Withers. |
| Cockrell, | Jonas, | Randolph, | |
| Davis of W. Va., | Jones of Florida, | Ransom, | |

The PRESIDING OFFICER. Upon the call of the roll fifty Senators have answered, and a quorum is consequently present. The question now recurs on the motion to lay the appeal taken from the decision of the Chair upon the table, and on that the yeas and nays have been ordered.

The question being taken by yeas and nays, resulted—yeas 29, nays 0; as follows:

YEAS—29.

| | | | |
|------------------|-------------------|------------|----------|
| Bailey, | Harris, | McDonald, | Vance, |
| Bayard, | Hereford, | Maxey, | Vest, |
| Call, | Hill of Georgia, | Morgan, | Walker, |
| Davis of W. Va., | Houston, | Pendleton, | Wallace, |
| Eaton, | Jonas, | Randolph, | Withers. |
| Garland, | Jones of Florida, | Ransom, | |
| Groome, | Kernan, | Saulsbury, | |
| Hampton, | Lamar, | Slater, | |

NAYS—0.

ABSENT—47.

| | | | |
|------------------|--------------------|-------------------|-----------|
| Allison, | Chandler, | Hill of Colorado, | Platt, |
| Anthony, | Cockrell, | Hoar, | Plumb, |
| Beck, | Coke, | Ingalls, | Rollins, |
| Bell, | Conkling, | Johnston, | Saunders, |
| Blaine, | Davis of Illinois, | Jones of Nevada, | Sharon, |
| Booth, | Dawes, | Kellogg, | Teller, |
| Bruce, | Edmunds, | Kirkwood, | Thurman, |
| Burnside, | Farley, | Logan, | Voorhees, |
| Call, | Ferry, | McMillan, | Whyte, |
| Cameron of Pa., | Gordon, | McPherson, | Williams, |
| Cameron of Wis., | Grover, | Morrill, | Windom. |
| Carpenter, | Hamlin, | Paddock, | |

The PRESIDING OFFICER. Upon the question of laying the appeal on the table, no quorum voted. The Secretary will call the roll. The Secretary proceeded to call the roll.

Mr. MORRILL, (when his name was called.) After ten o'clock I am paired with the Senator from North Carolina, [Mr. RANSOM.]

The Secretary resumed and concluded the call of the roll, and the following Senators answered to their names:

| | | | |
|------------------|-------------------|-------------------|------------|
| Bailey, | Conkling, | Jones of Florida, | Rollins, |
| Bayard, | Davis of W. Va., | Kernan, | Saulsbury, |
| Bell, | Dawes, | Kirkwood, | Slater, |
| Blaine, | Eaton, | Logan, | Vance, |
| Booth, | Garland, | McDonald, | Vest, |
| Burnside, | Groome, | McMillan, | Walker, |
| Call, | Hampton, | Maxey, | Whyte, |
| Cameron of Pa., | Harris, | Morgan, | Windom. |
| Cameron of Wis., | Hereford, | Pendleton, | |
| Carpenter, | Hill of Colorado, | Platt, | |
| Chandler, | Hill of Georgia, | Randolph, | |
| Cockrell, | Houston, | Ransom, | |

The PRESIDING OFFICER, (Mr. COCKRELL in the chair.) The roll-call discloses forty-five Senators present, being a quorum to transact business.

Mr. WHYTE, (at ten o'clock p. m.) It seems to be manifest that there is to be no end of these proceedings in the nature of filibustering. Therefore, I move that the Senate adjourn.

Mr. BLAINE. I am opposed to adjourning until the appeal is settled.

The question being put, there were on a division—ayes 18, noes 16.

The PRESIDING OFFICER. The Senate stands adjourned—

Mr. BLAINE. I ask for the yeas and nays. We want to see who aids the motion over here.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHANDLER, (when his name was called.) On this question I am paired with the Senator from Kentucky, [Mr. BECK.]

Mr. McMILLAN, (when his name was called.) I am paired with the Senator from New Jersey, [Mr. MCPHERSON.] I should vote "yea," if he were here.

Mr. PLATT, (when his name was called.) Upon this vote I am paired with the Senator from Maryland, [Mr. GROOME.]

Mr. RANSOM, (when his name was called.) I am paired with the Senator from Vermont [Mr. MORRILL] for to-night.

The roll-call was concluded.

Mr. THURMAN. I am paired with the Senator from Vermont, [Mr. EDMUNDS.]

Mr. CHANDLER. My colleague [Mr. FERRY] is paired with the Senator from Delaware, [Mr. SAULSBURY.]

* The result was announced—yeas 12, nays 25; as follows:

YEAS—12.

| | | | |
|-----------|-------------------|------------------|----------|
| Bayard, | Cameron of Wis., | Hill of Georgia, | Morgan, |
| Booth, | Dawes, | Kernan, | Rollins, |
| Burnside, | Hill of Colorado, | Kirkwood, | Windom. |

NAYS—25.

| | | | |
|-----------------|-------------------|------------|----------|
| Bailey, | Garland, | Lamar, | Vance, |
| Blaine, | Hampton, | Logan, | Vest, |
| Call, | Harris, | McDonald, | Walker, |
| Cameron of Pa., | Hereford, | Maxey, | Withers. |
| Carpenter, | Houston, | Pendleton, | |
| Conkling, | Jonas, | Randolph, | |
| Eaton, | Jones of Florida, | Slater, | |

ABSENT—39.

| | | | |
|--------------------|------------------|------------------|------------|
| Allison, | Davis of W. Va., | Johnston, | Saulsbury, |
| Anthony, | Edmunds, | Jones of Nevada, | Saunders, |
| Beck, | Farley, | Kellogg, | Sharon, |
| Bell, | Ferry, | McMillan, | Teller, |
| Bruce, | Gordon, | McPherson, | Thurman, |
| Butler, | Groome, | Morrill, | Voorhees, |
| Chandler, | Grover, | Paddock, | Wallace, |
| Cockrell, | Hamlin, | Platt, | Whyte, |
| Coke, | Hoar, | Plumb, | Williams. |
| Davis of Illinois, | Ingalls, | Ransom, | |

So the Senate refused to adjourn.

Mr. CONKLING. What is the question before the Senate now?

Mr. EATON and others. The roll-call.

The PRESIDING OFFICER. There being no quorum present, the Chair will direct a call of the Senate.

Mr. CONKLING. That is right.

The PRESIDING OFFICER. The Secretary will call the roll of Senators and ascertain those who are present and the names of the absentees.

The Secretary called the roll, and the following Senators answered to their names:

| | | | |
|------------------|-------------------|-------------------|------------|
| Allison, | Conkling, | Ingalls, | Randolph, |
| Bailey, | Davis of W. Va., | Jonas, | Ransom, |
| Bayard, | Dawes, | Jones of Florida, | Saulsbury, |
| Bell, | Eaton, | Kernan, | Slater, |
| Blaine, | Garland, | Kirkwood, | Thurman, |
| Booth, | Groome, | Lamar, | Vance, |
| Burnside, | Hampton, | McDonald, | Vest, |
| Call, | Harris, | McMillan, | Walker, |
| Cameron of Wis., | Hereford, | Maxey, | Withers. |
| Carpenter, | Hill of Colorado, | Paddock, | |
| Chandler, | Hill of Georgia, | Pendleton, | |
| Cockrell, | Houston, | Platt, | |

Mr. BURNSIDE. My colleague [Mr. ANTHONY] was called home by the death of a friend; otherwise he would have been here to answer to his name.

Mr. ALLISON. I think I ought to announce that the Senator from Maryland [Mr. WHYTE] is called home by illness in his family; otherwise he would be here to answer to his name.

The PRESIDING OFFICER. A call of the Senate discloses the presence of forty-five Senators, a majority of the Senate, and the question now recurs on the motion of the Senator from Indiana [Mr. McDONALD] to lay the appeal of the Senator from Maine [Mr. BLAINE] on the table, on which the yeas and nays have been ordered.

Mr. ALLISON. Pending that, in view of the last vote awhile ago, the rising vote, I move that the Senate do now adjourn.

The Senate refused to adjourn; there being on a division—ayes 13, noes 27.

The PRESIDING OFFICER. The question recurs on the motion of the Senator from Indiana to lay the appeal of the Senator from Maine on the table, on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. ALLISON, (when his name was called.) I am paired on this question with the Senator from Maryland, [Mr. WHYTE.] If he were here, he would vote "yea" and I should vote "nay."

Mr. McMILLAN, (when his name was called.) I am paired on this question with the Senator from New Jersey, [Mr. MCPHERSON.]

Mr. SAULSBURY, (when his name was called.) I am paired on political questions with the Senator from Michigan, [Mr. FERRY.]

The roll-call having been concluded, the result was announced—yeas 26, nays 0; as follows:

YEAS—26.

| | | | |
|------------------|------------------|-------------------|----------|
| Bailey, | Groome, | Jones of Florida, | Slater, |
| Bayard, | Hampton, | Kernan, | Vance, |
| Call, | Harris, | Lamar, | Vest, |
| Cockrell, | Hereford, | McDonald, | Walker, |
| Davis of W. Va., | Hill of Georgia, | Maxey, | Withers. |
| Eaton, | Houston, | Morgan, | |
| Garland, | Jonas, | Pendleton, | |

NAYS—0.

ABSENT—50.

| | | | |
|------------------|--------------------|------------------|------------|
| Allison, | Coke, | Johnston, | Rollins, |
| Anthony, | Conkling, | Jones of Nevada, | Saulsbury, |
| Beck, | Davis of Illinois, | Kellogg, | Saunders, |
| Bell, | Dawes, | Kirkwood, | Sharon, |
| Blaine, | Edmunds, | Logan, | Teller, |
| Booth, | Farley, | McMillan, | Thurman, |
| Bruce, | Ferry, | McPherson, | Voorhees, |
| Burnside, | Gordon, | Morrill, | Wallace, |
| Butler, | Grover, | Paddock, | Whyte, |
| Cameron of Pa., | Hamlin, | Platt, | Williams, |
| Cameron of Wis., | Hill of Colorado, | Plumb, | Windom. |
| Carpenter, | Hoar, | Randolph, | |
| Chandler, | Ingalls, | Ransom, | |

Mr. CONKLING. What is the question before the Senate, Mr. President?

The PRESIDING OFFICER. There is no quorum of the Senate present. If the present occupant of the chair had to decide he would leave it to the Senate to say what would be the further pleasure of the Senate, it having been ascertained by the last roll-call that there is no quorum of the Senate present. The Chair understands, however, that it has been decided that in such a case a call of the Senate is first in order.

Mr. HILL, of Georgia, (at ten o'clock and twenty-five minutes p. m.) Mr. President, I have taken no part at all in these proceedings to-night. I have no doubt that every member of the Senate is actuated by a desire to do right. I think this whole proceeding is the result of an unnecessary misunderstanding. I desire to say for myself especially that the gentleman who has the floor on the bill is a gentleman who never occupies the time of the Senate either unwisely or unnecessarily. I think he ought to have the floor to-morrow, and I think he ought to have it without limitation or restriction of any kind or character. I think that is due to him as well as due to the Senate. I expect to hear him with a very great deal of pleasure myself. I regret that there is this misunderstanding; I think it is unnecessary all around; and with the kindest feelings for all sides, I move that the Senate adjourn.

The Senate refused to adjourn; there being on a division—ayes 17, noes 22.

Mr. BURNSIDE. If it is in order, I should like to ask why we are staying here. If it is very important, I should like to know it.

The PRESIDING OFFICER. The Chair is not competent to answer the question. What is the further pleasure of the Senate?

Mr. CARPENTER. The next thing is a call of the Senate, is it not?

Mr. BLAINE. There is a quorum.

Mr. CONKLING. What is the question before the Senate?

The PRESIDING OFFICER. There is a quorum of the Senate present, disclosed on the motion to adjourn.

Mr. CONKLING. What is the motion pending?

The PRESIDING OFFICER. The pending motion is the motion of the Senator from Indiana to lay upon the table the appeal of the Senator from Maine, on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. ALLISON, (when his name was called.) On this question I am paired with the Senator from Maryland, [Mr. WHYTE.] I should vote on one side and he would vote on the other.

Mr. CHANDLER, (when his name was called.) On this question I am paired with the Senator from Kentucky, [Mr. BECK.]

Mr. McMILLAN, (when his name was called.) I am paired with the Senator from New Jersey, [Mr. MCPHERSON.]

Mr. RANSOM, (when his name was called.) I am paired to-night with the Senator from Vermont, [Mr. MORRILL.] He would vote "nay" and I should vote "yea."

The roll-call having been concluded, the result was announced—yeas 27, nays 0; as follows:

YEAS—27.

| | | | |
|------------------|------------------|-------------------|----------|
| Bailey, | Groome, | Jones of Florida, | Slater, |
| Bayard, | Hampton, | Kernan, | Vance, |
| Call, | Harris, | Kirkwood, | Vest, |
| Cockrell, | Hereford, | McDonald, | Walker, |
| Davis of W. Va., | Hill of Georgia, | Maxey, | Windom, |
| Eaton, | Houston, | Pendleton, | Withers. |
| Garland, | Jonas, | Randolph, | |

NAYS—0.

ABSENT—49.

| | | | |
|------------------|--------------------|------------------|------------|
| Allison, | Coke, | Johnston, | Rollins, |
| Anthony, | Conkling, | Jones of Nevada, | Saulsbury, |
| Beck, | Davis of Illinois, | Kellogg, | Saunders, |
| Bell, | Dawes, | Lamar, | Sharon, |
| Blaine, | Edmunds, | Logan, | Teller, |
| Booth, | Farley, | McMillan, | Thurman, |
| Bruce, | Ferry, | McPherson, | Voorhees, |
| Burnside, | Gordon, | Morgan, | Wallace, |
| Butler, | Grover, | Morrill, | Whyte, |
| Cameron of Pa., | Hamlin, | Paddock, | Williams. |
| Cameron of Wis., | Hill of Colorado, | Platt, | |
| Carpenter, | Hoar, | Plumb, | |
| Chandler, | Ingalls, | Ransom, | |

The PRESIDING OFFICER. No quorum has voted.

Mr. BURNSIDE, (at ten o'clock and thirty minutes p. m.) I move that the Senate now adjourn.

The PRESIDING OFFICER put the question and declared that the yeas appeared to prevail.

Mr. BURNSIDE. I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHANDLER, (when his name was called.) I am paired with the Senator from Kentucky, [Mr. BECK.]

The roll-call having been concluded, the result was announced—yeas 10, nays 25; as follows:

YEAS—10.

| | | | |
|------------------|-------------------|----------|---------|
| Blaine, | Hill of Colorado, | Paddock, | Windom. |
| Burnside, | Hill of Georgia, | Platt, | |
| Cameron of Wis., | Kirkwood, | Rollins, | |

NAYS—25.

| | | | |
|------------------|-----------|-------------------|----------|
| Bailey, | Garland, | Jones of Florida, | Vance, |
| Bayard, | Groome, | Kernan, | Vest, |
| Call, | Hampton, | McDonald, | Walker, |
| Carpenter, | Harris, | Maxey, | Withers. |
| Conkling, | Hereford, | Pendleton, | |
| Davis of W. Va., | Houston, | Randolph, | |
| Eaton, | Jonas, | Slater, | |

ABSENT—41.

| | | | |
|-----------------|--------------------|------------------|-----------|
| Allison, | Davis of Illinois, | Jones of Nevada, | Saunders, |
| Anthony, | Dawes, | Kellogg, | Sharon, |
| Beck, | Edmunds, | Lamar, | Teller, |
| Bell, | Farley, | Logan, | Thurman, |
| Booth, | Ferry, | McMillan, | Voorhees, |
| Bruce, | Gordon, | McPherson, | Wallace, |
| Butler, | Grover, | Morgan, | Whyte, |
| Cameron of Pa., | Hamlin, | Morrill, | Williams. |
| Chandler, | Hoar, | Plumb, | |
| Cockrell, | Ingalls, | Ransom, | |
| Coke, | Johnston, | Saulsbury, | |

So the Senate refused to adjourn.

Mr. CONKLING. As no quorum has voted, what is the next question before the Senate?

The PRESIDING OFFICER. The Chair will decide that the question before the Senate is the motion of the Senator from Indiana [Mr. McDONALD] to lay on the table the appeal from the decision of the Chair taken by the Senator from Maine, [Mr. BLAINE.]

Mr. CONKLING. I rise to a question of order.

The PRESIDING OFFICER. The Senator from New York will state his question of order.

Mr. CONKLING. My point of order is founded upon the rule of the Senate which declares that, whenever the want of a quorum appears, all business shall cease except a motion to adjourn and a motion for a call of the Senate. If I understood the announcement aright, no quorum voted on the last vote.

Mr. ALLISON. That is the fact.

The PRESIDING OFFICER. Upon the motion last before the Senate to adjourn the yeas were 10 and the nays were 25.

Mr. CONKLING. Thirty-five is not a quorum.

The PRESIDING OFFICER. That vote does not disclose a quorum. Under Rule 2—

If, either at the commencement of any daily session of the Senate, or at any time during its daily sessions, a question shall be raised by any Senator as to the presence of a quorum, the presiding officer shall forthwith direct the Secretary to call the roll of Senators, and shall announce the result to the Senate; and these proceedings shall be without debate.

Rule 3 provides that—

Whenever it shall be ascertained that a quorum is not present, a majority of the Senators present may direct the Sergeant-at-Arms to request, and, when necessary, to compel the attendance of the absent Senators, which order shall be determined without debate.

As the Chair announced before, if it were left to the present occupant of the chair he would submit it to the Senate to determine whether there should be a call of the Senate or not, and the Chair would not take the responsibility of ordering the call himself. The Chair is advised that the President *pro tempore* of the Senate has decided otherwise, and he will adhere to that decision.

Mr. CONKLING. Then the first thing in order is a call of the Senate.

The PRESIDING OFFICER. A call of the Senate, under the ruling as stated by the Chair. There being no quorum of the Senate present, the Secretary will call the roll of Senators to ascertain the presence or absence of a quorum.

The roll was called, and the following Senators answered to their names:

| | | | |
|------------------|-------------------|------------|------------|
| Allison, | Garland, | Kernan, | Rollins, |
| Bayard, | Hampton, | Kirkwood, | Saulsbury, |
| Blaine, | Harris, | Lamar, | Slater, |
| Burnside, | Hereford, | McDonald, | Vance, |
| Call, | Hill of Colorado, | Maxey, | Vest, |
| Cameron of Wis., | Hill of Georgia, | Paddock, | Walker, |
| Carpenter, | Houston, | Pendleton, | Windom, |
| Chandler, | Ingalls, | Platt, | Withers. |
| Davis of W. Va., | Jonas, | Randolph, | |
| Eaton, | Jones of Florida, | Ransom, | |

The PRESIDING OFFICER. On the call of the Senate there are only thirty-eight Senators present, which is not a quorum. What is the further pleasure of the Senate?

Mr. CONKLING. What is the next question, Mr. President?

The PRESIDING OFFICER. The pleasure of the Senate will indicate what shall be done.

Mr. CONKLING. In the absence of a motion, I ask the Chair what is the business in order?

Mr. SAULSBURY. Was my name called?

The PRESIDING OFFICER. The Senator's name is recorded.

Mr. BLAINE. The call has been announced.

The PRESIDING OFFICER. The business pending before the Senate is the motion of the Senator from Indiana, [Mr. McDONALD.]

Mr. CONKLING. But my inquiry, if the Chair will pardon me, is what, in the absence of a motion, is the next proceeding before the Senate, the absence of a quorum having been ascertained by a call of the roll?

The PRESIDING OFFICER. The Chair has no power to determine what course the Senate shall pursue in such an emergency. A majority of the Senators present must take action, and the Chair cannot decide what that action shall be.

Mr. CONKLING. Cannot the Chair advise the Senate what it would be well to do?

The PRESIDING OFFICER. The Chair is not empowered to advise.

Mr. CONKLING. I withdraw my request.

Mr. PADDOCK. If there is no other business before the Senate, I move that the Senate do now adjourn.

Mr. McDONALD. I ask what is now before the Senate? What is the result of the call of the Senate?

The PRESIDING OFFICER. The Chair announced that the call of the Senate disclosed that there was no quorum present, and asked what was the further pleasure of the Senate.

Mr. HOUSTON. Call the absentees, Mr. President.

The PRESIDING OFFICER. The call has already been made, and disclosed that there was no quorum present.

Mr. HOUSTON. Then I ask that the absentees be called.

Mr. CONKLING. Who has the floor?

The PRESIDING OFFICER. The Senator from Indiana [Mr. McDONALD] has the floor, and no other Senator will be heard or recognized.

Mr. McDONALD. I move that the doors be closed and absentees sent for.

Mr. CONKLING. I rise to a question of order.

The PRESIDING OFFICER. The Senator from Indiana moves that the doors of the Senate be closed, and that the absentees be sent for. Pending that motion, the Senator from New York rises to a question of order; and he will state it.

Mr. CONKLING. My point of order is this: If a call of the Senate is to take place, the next proceeding in order is to call the absentees, and until that is done the motion of the Senator from Indiana is not in order. After that has been done, I have another objection of order against the motion which the Senator makes.

Mr. McDONALD. I understood the Chair to say that the call of the Senate had disclosed that there was not a quorum. That being the case I insist on my motion.

Mr. CONKLING. You cannot do that.

Mr. BAILEY. I ask if my name was recorded on the last call?

The PRESIDING OFFICER. The Chair will decide that the motion of the Senator from Indiana is not in order, and the Chair will decide that the absent Senators shall be called.

The Secretary proceeded to call the list of absentees, and called the names of Messrs. ANTHONY and BAILEY.

Mr. BAILEY. I was present a little while ago when my name was called and answered.

The Secretary resumed the call of the list of absentees, and called the names of Messrs. BECK, BELL, BOOTH, BRUCE, BUTLER, CAMERON of Pennsylvania, COKE, CONKLING, and DAVIS of Illinois.

Mr. HILL, of Georgia, (when the name of Mr. DAVIS, of Illinois, was called.) Mr. President, on this call of the absentees I desire to state that the Senator from Illinois [Mr. DAVIS] is absent, owing to indisposition.

The Secretary called the names of Messrs. DAWES, EDMUNDS, FARLEY, FERRY, GORDON, GROOME, GROVER, HAMLIN, and JOHNSTON.

Mr. WITHERS, (when the name of Mr. JOHNSTON was called.) I wish to state that my colleague, [Mr. JOHNSTON,] is absent because of indisposition.

The Secretary called the name of Mr. JONES, of Florida, and he responded.

The names of Mr. JONES, of Nevada, and Mr. LAMAR were called.

Mr. LAMAR. I was present. If I did not answer to my name, it was because I did not hear it called.

The Secretary resumed and concluded the call of the absentees; as follows:

Messrs. LOGAN, McMILLAN, McPHERSON, MORGAN, MORRILL, PLUMB, SAUNDERS, SHARON, TELLER, THURMAN, VOORHEES, WALLACE, WHYTE, and WILLIAMS.

Mr. WINDOM. The Senator from Vermont [Mr. MORRILL] has gone home and is paired.

Messrs. BURNSIDE, PADDOCK, RANSOM, and WALKER announced that they were present.

Mr. BURNSIDE. My colleague [Mr. ANTHONY] is called home by the death of a friend; otherwise he would be here.

The PRESIDING OFFICER. The call of absentees discloses that there are now present forty-one Senators, a quorum. The question recurs—

Mr. HARRIS. Mr. President, I move that the Sergeant-at-Arms be directed to request the attendance of absent Senators, notwithstanding there is a quorum present.

Mr. CARPENTER. On that motion I call for the yeas and nays.

Mr. CONKLING. Oh, yes; let us have the yeas and nays on that.

The PRESIDING OFFICER. Not until the question is stated and before the Senate. The Senator from Tennessee moves that the Sergeant-at-Arms be directed to request the attendance of absent Senators.

Mr. HARRIS. That is the motion.

The PRESIDING OFFICER. Is the Senate ready for the question, upon which the yeas and nays have been demanded? Is the call for the yeas and nays sustained?

The yeas and nays were ordered.

Mr. BLAINE. I rise to a point of order. On the motion of the honorable Senator from Tennessee it will require a majority of the Senate to carry it. This is different from the absence of a quorum. This order which he moves cannot be adopted except by a majority of a quorum, a quorum being present.

Mr. CONKLING. Certainly not.

The PRESIDING OFFICER. That question is not before the Chair, and is not before the Senate to be debated.

Mr. BLAINE. I merely give warning.

The PRESIDING OFFICER. The question now is the motion of the Senator from Tennessee that the Sergeant-at-Arms be required to request the presence of absent Senators, upon which the yeas and nays have been ordered.

Mr. ALLISON. Mr. President, pending that, I desire to announce that the Senator from Maryland [Mr. WHYTE] is detained from the Senate by reason of sickness in his family, and requested that I should pair with him. Therefore I ask that the Senator from Maryland and also myself may be excluded from the operation of this direction—excepted from the call.

The PRESIDING OFFICER. The question is on the motion of the Senator from Tennessee.

Mr. ALLISON. Is it not in order for me to make this request of the Senate?

The PRESIDING OFFICER. The Chair did not understand the Senator from Iowa as making any request to be submitted to the Senate. The Chair thought he made an announcement.

Mr. ALLISON. I do make the request that the Senator from Mary-

land, who is absent by reason of sickness in his family, may be excused from the motion of the Senator from Tennessee.

The PRESIDING OFFICER. The Senator from Iowa moves—

Mr. CARPENTER. I move to amend the motion of the Senator from Iowa by adding to it the words "and all other absent Senators."

The PRESIDING OFFICER. The question is not before the Senate, and therefore is not amendable. When the Chair shall have stated the question to the Senate then the motion of the Senator from Wisconsin will be entertained.

Mr. CARPENTER. I appeal from that ruling of the Chair, and claim the right to make my motion.

The PRESIDING OFFICER. There is no ruling to be appealed from. The Chair will state the question to the Senate. The Senator from Iowa moves that the Senator from Maryland be excused from the operation of the motion of the Senator from Tennessee. That is the question now before the Senate.

Mr. CARPENTER. I move to amend the motion of the Senator from Iowa by adding after the words "the Senator from Maryland" the words "and all other absent Senators," there being a quorum of the body.

The PRESIDING OFFICER. The Senator from Wisconsin moves to amend the motion of the Senator from Iowa by adding after the name of the Senator from Maryland the words which he has stated to the Senate, "and all other absent Senators."

Mr. CONKLING. On that I demand the yeas and nays.

The PRESIDING OFFICER. That is the question now before the Senate, on which the Senator from New York demands the yeas and nays.

Mr. McDONALD. I rise to a point of order.

The PRESIDING OFFICER. A question of order is raised by the Senator from Indiana, which he will state.

Mr. McDONALD. It is this, that the motion of the Senator from Iowa is not now in order.

Mr. CONKLING. Why not?

Mr. McDONALD. And it cannot be made until the question of the excusing of absent Senators comes up after the order has been entered.

The PRESIDING OFFICER. There is a quorum of the Senate present. The Senator from Tennessee made a motion; that motion has been submitted to the Senate; and pending that motion the Senator from Iowa moves that an absent Senator be excused from the operation of the motion; that is, he be not required to be present at the Senate, and the Chair decides that that motion is in order.

Mr. HARRIS. Mr. President, the yeas and nays having been ordered upon my motion, it is not competent now, I imagine, for me to modify it. I would gladly, by the unanimous consent of the Senate, except from its operation not only the Senator from Maryland, but every Senator who is reported by another Senator to be absent on account of indisposition either of himself or his family.

Mr. CONKLING. Mr. President, what has become of the amendment of the Senator from Wisconsin?

The PRESIDING OFFICER. Nothing has become of it, for no action has been taken upon it.

Mr. CONKLING. When is the Senate likely to act upon it?

The PRESIDING OFFICER. As soon, I presume, as the Chair can state the question again, and the Senate shall vote upon it.

Mr. CONKLING. In the mean time I demand the yeas and nays.

The PRESIDING OFFICER. The Senator from New York demands the yeas and nays upon the amendment proposed by the Senator from Wisconsin. Shall that call be sustained?

The yeas and nays were ordered.

Mr. PADDOCK. What is that an amendment to—the motion of the Senator from Iowa?

The PRESIDING OFFICER. The question before the Senate now is the amendment offered by the Senator from Wisconsin to the motion of the Senator from Iowa, upon which the yeas and nays have been ordered.

Mr. PADDOCK. Well, Mr. President, is not the motion of the Senator from Iowa an amendment to the motion of the Senator from Tennessee? How can you entertain two motions of amendment at the same time to another motion?

Mr. CONKLING. Certainly you can entertain two amendments at the same time.

The PRESIDING OFFICER. Those in favor of the amendment offered by the Senator from Wisconsin will as your names are called answer "yea;" those opposed will answer "nay." The Clerk will call the roll.

Mr. CONKLING. Are these motions debatable, Mr. President?

The PRESIDING OFFICER. The Chair presumes they are.

Mr. CONKLING. That is my opinion; but I merely wanted the pleasure of coinciding with the Chair. I always like to agree with the present occupant of the chair. This motion is not made at all under Rule 3, for Rule 3 does not provide for any such case. It is the instance, the Senate being present in quorum, of a Senator proposing as a motion that the Sergeant-at-Arms shall be sent to invite other Senators to come in; and, therefore, it is not a call of the Senate under the rule at all. Like any other motion, it is debatable, if it is in order, which I think it is not.

Mr. CARPENTER. Of course not.

Mr. CONKLING. But if it is in order at all, it is debatable and is amendable. I do not wish to debate it, but I merely wish to concur, as I always find great pleasure in doing, with the Senator from Missouri, especially when he occupies the chair, and expresses an opinion which anybody can concur in.

The PRESIDING OFFICER. The Clerk will call the roll.

Mr. ALLISON. I ask the Chair to state the question again; I do not quite understand it.

The PRESIDING OFFICER. The question is upon the amendment offered by the Senator from Wisconsin [Mr. CARPENTER] to the motion of the Senator from Iowa, [Mr. ALLISON.]

The Secretary proceeded to call the roll.

Mr. PLATT, (when the name of Mr. CHANDLER was called.) The Senator from Michigan [Mr. CHANDLER] desired me to announce that he was paired with the Senator from Kentucky, [Mr. BECK.]

Mr. McMILLAN, (when his name was called.) I am paired with the Senator from New Jersey, [Mr. MCPHERSON.]

Mr. RANSOM, (when his name was called.) I am paired with the Senator from Vermont, [Mr. MORRILL.]

Mr. SAULSBURY, (when his name was called.) I am paired with the Senator from Michigan, [Mr. FERRY.]

The result was announced—yeas 3, nays 25; as follows:

YEAS—3.

Kirkwood, Pendleton, Windom.

NAYS—25.

| | | | |
|------------------|------------------|-------------------|----------|
| Bailey, | Groome, | Jones of Florida, | Vance, |
| Bayard, | Hampton, | Kernan, | Vest, |
| Call, | Harris, | McDonald, | Walker, |
| Cockrell, | Hereford, | Maxey, | Withers. |
| Davis of W. Va., | Hill of Georgia, | Morgan, | |
| Eaton, | Houston, | Randolph, | |
| Garland, | Jonas, | Slater, | |

ABSENT—48.

| | | | |
|------------------|--------------------|------------------|------------|
| Allison, | Chandler, | Hoar, | Plumb, |
| Anthony, | Coke, | Ingalls, | Ransom, |
| Beck, | Conkling, | Johnston, | Rollins, |
| Bell, | Davis of Illinois, | Jones of Nevada, | Saulsbury, |
| Blaine, | Dawes, | Kellogg, | Saunders, |
| Booth, | Edmunds, | Lamar, | Sharon, |
| Bruce, | Farley, | Logan, | Teller, |
| Burnside, | Ferry, | McMillan, | Thurman, |
| Butler, | Gordon, | MCPerson, | Voorhees, |
| Cameron of Pa., | Grover, | Morrill, | Wallace, |
| Cameron of Wis., | Hamlin, | Paddock, | Whyte, |
| Carpenter, | Hill of Colorado, | Platt, | Williams. |

Mr. CONKLING. Is that a quorum?

The PRESIDING OFFICER. The Chair decides that it is not a quorum.

Mr. HEREFORD. I move, sir, under Rule 3 that the Sergeant-at-Arms be directed to request the attendance of the absent Senators.

The PRESIDING OFFICER. The Senator from West Virginia moves that the Sergeant-at-Arms be directed to request the presence of absent Senators.

Mr. CARPENTER. I rise to a point of order. As I understand, the Senator from Tennessee has already made that precise motion, which is still pending and undetermined.

The PRESIDING OFFICER. The Chair decided that there was a quorum, and distinctly announced that fact to the Senate, when the Senator from Tennessee made his motion. This motion of the Senator from West Virginia is made under the third rule, and in pursuance of the rule, and is in order; so the Chair decides.

Mr. CARPENTER. The motion being precisely the same?

Mr. CONKLING. Agreeing as I do with the Chair, I submit a question of order. The motion being under Rule 3 must conform to that rule. No absentees have been called; and the Chair having already ruled on the other motion for a call of the Senate that the first thing in order after the disclosure of the absence of a quorum was to call the absentees, I ask that they be called. I have been here myself all the time, for one, and I want an opportunity to answer that I am here.

Mr. HEREFORD. Mr. President—

The PRESIDING OFFICER. The Senator from West Virginia will please let the Chair state his decision on the question. The Chair has on several occasions asked what was the further pleasure of the Senate. This is the first time that immediately after the disclosure of the want of a quorum, the motion made by the Senator from West Virginia has been presented to the Chair.

Mr. HEREFORD. There is no right to insist on a call of the absentees.

The PRESIDING OFFICER. The Chair decides that the motion is now in order. Had the Chair announced the want of a quorum—

Mr. CARPENTER. Mr. President—

The PRESIDING OFFICER. The Senator from Wisconsin will wait until the Chair states his decision. If the Chair had announced his decision that there was no quorum, and no motion had been made, the only proceeding that the Chair could have taken on his own motion would have been to have ordered a call of the absentees. The Senator from West Virginia has now made the motion which has been stated.

Mr. HEREFORD. And it should be decided without debate.

The PRESIDING OFFICER. The Chair decides that the motion is in order.

Mr. CARPENTER. Mr. President—

Mr. HEREFORD. I call the Senator to order.

Mr. CONKLING. Mr. President—

The PRESIDING OFFICER. The Senator from Wisconsin is entitled to the floor until the Chair ascertains what he has to say.

Mr. CARPENTER. I wish simply to inquire how the Sergeant-at-Arms is to know whom he is to go for if it is not in some way ascertained who is absent. Nothing of that kind has been announced. The last call showed certain Senators present and who the absentees were, and whether they have not come into the Chamber while the roll-call was pending and failed or forgotten to vote are questions certainly to be settled in some form before the Sergeant-at-Arms is to know whom he is to go after.

Mr. HEREFORD. I rise to a question of order.

Mr. CONKLING. So do I.

Mr. CARPENTER. So did I.

The PRESIDING OFFICER. The Senator from New York rose before the Senator from West Virginia, and if he has a point of order he will state it.

Mr. CONKLING. I rise, Mr. President, to appeal respectfully from the decision of the Chair. That appeal is debatable, and on that I believe I have the floor.

The PRESIDING OFFICER. When it is pending before the Senate the Senator will have the floor.

Mr. CONKLING. That is all the time I want to have it.

The PRESIDING OFFICER. The Senator from New York appeals from the decision of the Chair, and that is now the question pending before the Senate. The Senator from New York is entitled to the floor.

Mr. CONKLING. Now, Mr. President, I understand the Chair to have ruled in deference to the decision of a prior occupant of the chair, that Rule 3 executes itself without a motion.

The PRESIDING OFFICER. Rule 2, it is the decision of the Chair, executes itself without a motion; but Rule 3 cannot execute itself unless there be a motion.

Mr. CONKLING. The Chair rules, then, if I may understand him, that Rule 2 executes itself without a motion. Did not the Chair rule also, as the President of the Senate *pro tempore* has ruled twice during this session, that the absentees were to be called and the Sergeant-at-Arms was to notify them to come in?

The PRESIDING OFFICER. The Chair, as stated before, ruled, as he understood the President *pro tempore* had ruled, that under Rule 2 a roll-call disclosing the want of the quorum of the Senate, and no motion being made, the Chair being left to decide what would be the further action of the Senate, the only action he could decide upon was the call of absentees. That was stated and so ruled by the Chair two or three different times. Now a question was raised, a roll was called, and that roll ascertained that a quorum of the Senate was not present. Before the Chair had taken any action the Senator from West Virginia moved, in pursuance of Rule 3, that the Sergeant-at-Arms be directed to request the presence of absent Senators.

Mr. CONKLING. Will the Chair allow me to interrupt him?

The PRESIDING OFFICER. And the Chair decided that that motion was in order.

Mr. CONKLING. Will the Chair allow me to correct him on a point of fact?

The PRESIDING OFFICER. With pleasure.

Mr. CONKLING. I submit that the Chair is very correct in saying that it was on a call of the Senate that the absence of a quorum was disclosed. It was on a call of the yeas and nays on the amendment offered by the Senator from Wisconsin.

The PRESIDING OFFICER. The Chair is aware of the fact that it was upon the call of that. The Chair stated that it was on a call of the yeas and nays. If he said "a call of the Senate," he did not mean that it was a formal call of the Senate. It was on a call of the yeas and nays which disclosed the absence of a quorum.

Mr. CONKLING. If I understand aright the ruling of the Chair I appeal from it for two reasons: in the first place I understand that other occupants of the chair have ruled otherwise; and in the next place, as I understand Rule 3, it cannot be executed in the mode proposed by the ruling from which I appeal:

No Senator shall absent himself from the service of the Senate without leave of the Senate first obtained. Whenever it shall be ascertained that a quorum is not present, a majority of the Senators present may direct the Sergeant-at-Arms to request, and when necessary, to compel the attendance of—

Of whom?

the absent Senators, which order shall be determined without debate; and pending its execution, and until a quorum shall be present, no motion, except a motion to adjourn, nor debate, shall be in order.

Now I submit to the Chair, and with much confidence, that it is not in order to send the Sergeant-at-Arms promiscuously among Senators or under this rule anywhere, except to those who are absent; and, as the Chair has ruled heretofore, occupied as it is now, and occupied by the regular Presiding Officer, until the absentees are called the Sergeant-at-Arms cannot know in point of fact, nor has he any right to know, who is absent and who is not. If during the roll-call, and too late to vote, a Senator has come in, the Sergeant-at-Arms is not to be sent after him. He has a right, under the usage of the House, under the usage of the Senate, to answer when the roll of absentees is called; and I think the Chair, on reflection, will see

that this mode of proceeding reverses both the general and necessary usage under the rule, and also the ruling which has prevailed heretofore.

As to Rule 2, it does not touch at all the matter of the Sergeant-at-Arms proceeding to do anything. Rule 2 provides merely:

If either at the commencement of any daily session of the Senate, or at any time during its daily sessions, a question shall be raised by any Senator as to the presence of a quorum—

That case has not arisen at all—

the presiding officer shall forthwith direct the Secretary to call the roll of Senators, and shall announce the result to the Senate; and these proceedings shall be without debate.

That is the customary case where we find during the latter hours of the day when looking about the seats seem largely empty, and some Senator (as we have frequently heard) calls the attention of the Chair to the fact and the Chair in practice counts the Senate by unanimous consent, and if a quorum is found present that ends it; but strictly according to the rule he directs the roll to be called. That is on the suggestion of a member of the Senate made to the Chair. But when on a call of the yeas and nays the record, the Journal, for such it is, shows that no quorum is here, then and then only Rule 3 operates, and under that rule I submit you cannot send out the Sergeant-at-Arms to any persons except, in the language of the rule, the absent Senators, and they are to be ascertained by being called.

Mr. HEREFORD. Mr. President, if the construction of the rule as contended by the Senator from New York is maintained, he very clearly sees what would be the result—this rule would be a mere nullity. The very moment you call the absentees, then, as occurred a moment ago, the call discloses the presence of a quorum, and when the presence of a quorum is disclosed then you can make any motion you please and you never do get a call of the Senate at all. You can move, as was done a moment ago, that the Senator from Maryland be excused. That is all proper; but then some other Senator, as the Senator from Wisconsin did, can move to amend so that all the absent Senators be excused, and that being done they are all excused and you never do get a call of the Senate at all. You are just going around in a circle as we have been doing all night. With all due deference to the Senate it is a simple absurdity, it is an endless chain.

Mr. CONKLING. It is a revolution. [Laughter.]

Mr. HEREFORD. Yes, sir; a revolution created by my friends on the republican side. They have been engaged in this revolution some time and we want to put a stop to it.

Now, the Senator says that you have no means of information as to who the absentees are. Why not? The Secretary calls the roll. Each one who is present answers. That roll-call is handed to the presiding officer, and he sees who has answered and who has not answered, and that is recorded, and that very document goes upon the records of this body. That is the way the presiding officer ascertains who the absentees are. How does he ascertain the absentees in the manner proposed by the Senator from New York? Exactly in the same way. You call over the same roll of absentees. It is partly called again; that is, you call the absentees and that is handed to the presiding officer, the same paper; and you ascertain it in the same way that you did before. Does the Senator from New York undertake to say in the presence of this Senate that when that roll is called and certain Senators do not answer and that roll is called and handed to the presiding officer, he has not the record of this body before him, which shows who are absent and who are present? Any other construction of Rule 3, in my humble judgment, is an absurdity, and only serves to have the effect desired by my friend from Wisconsin and my friend from New York, that there never shall be a call of the Senate and that the absentees never shall be sent for; and if their construction is maintained the absentees never can be sent for. The ruling of the Chair is correct, and is not in contravention of any rule or any decision made by the presiding officer before this evening, for the question has not been raised before.

Mr. CARPENTER. Mr. President, the view taken of this subject by the Senator from West Virginia will be seen to be erroneous by a moment's reflection. He says you are to take the roll-call of the yeas and nays on the question that is pending, and then you are to assume that every man who does not vote is absent; and yet we know the practice of the Senate is to pair. Half a dozen Senators may be here who do not answer to their names and vote because they are paired; and yet they are Senators in their seats answering to make a quorum, but not voting on the pending question.

Mr. HEREFORD. Allow me a moment.

Mr. CARPENTER. Well, yes.

Mr. HEREFORD. The Senator says that they may be paired. Senators have no right to pair under the rule; it is their duty if they are present to answer; the rule says so, and Senators have no right to absent themselves from the Senate under the rule without the consent of the Senate, and no consent of the Senate has been given.

Mr. CARPENTER. Mr. President, I am greatly mistaken if the Senator who has just taken his seat did not announce here this evening that he was paired.

Mr. HEREFORD. I did, but I had no right to do it.

Mr. CARPENTER. He can now condemn himself as having done a very improper thing.

Mr. CONKLING. Move to expel him!

Mr. CARPENTER. I will not move to expel him, because I think

he is mistaken in criminating himself. I think he has a perfect right to pair. At all events, if he has not, the whole Senate for forty years has been subject to a motion to be expelled. All have done this, and nobody ever before got up and publicly accused himself for doing it.

For instance, to see how correct the Senator is, we want to ascertain whom the Sergeant-at-Arms is to go after, to whom he is to make the request. The Senator says look at the roll-call. As that roll-call was taken I was conversing with the Senator from New York and did not vote; but I have not been out of the Senate Chamber this evening. I am not an absentee; and yet am I to be sent for as one of the absentees because I did not vote? What is the Sergeant-at-Arms to do? Where is he to go? He comes to my seat and requests me to stay here, I suppose. I have been staying all day and all night and propose to stay here until the democrats of this body who have control of it want to adjourn. When they do, of course they have got the power to adjourn, and we shall go home like loyal submissive republicans. If we can ever dispose of this interminable appeal of the Senator from Maine I want to go on and discuss the Army bill, and I have the floor to do so.

Mr. McDONALD. The Senator from New York read Rule No. 3:

3. No Senator shall absent himself from the service of the Senate without leave of the Senate first obtained. Whenever it shall be ascertained that a quorum is not present, a majority of the Senators present may direct the Sergeant-at-Arms to request, and, when necessary, to compel the attendance of the absent Senators, which order shall be determined without debate; and, pending its execution, and until a quorum shall be present, no motion, except a motion to adjourn, nor debate, shall be in order.

Now, Mr. President, as has been stated by the Chair, the last roll-call disclosed that there was no quorum of the Senate present.

Mr. CARPENTER. Not a quorum voting.

Mr. McDONALD. There is no mode of ascertaining the presence of Senators except their answer to the roll-call or upon a call of the Senate. There are no other modes officially of bringing that fact before the Senate. The motion of the Senator from West Virginia to enforce this rule, I apprehend will bring us, in the progress of that enforcement, to the consideration of Rule 16:

16. When the yeas and nays shall be called for by one-fifth of the Senators present, each Senator, when his name is called, shall, unless for special reasons he be excused by the Senate, declare openly and without debate his assent or dissent to the question; and in taking the yeas and nays upon any question, the names of the Senators shall be called alphabetically.

The roll-call upon the last motion does not determine the question on which that call was made, and I apprehend that if this order is enforced the Senators not voting, and therefore officially or in contemplation of this rule not present, will be brought by the Sergeant-at-Arms to the bar of the Senate, and their names will then be called and they will be required there to give their reasons for not voting on that vote and be excused or not according to the will of the Senate.

Mr. McMILLAN. Will the Senator from Indiana—

Mr. McDONALD. There must be some mode of giving force and effect to this call of the Senate, or else it is not a well-organized mob.

Mr. McMILLAN. Will the Senator from Indiana allow me—

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Minnesota?

Mr. McDONALD. Yes.

Mr. McMILLAN. I merely wish to ask the Senator from Indiana whether, under the rule he read, the announcement of a pair by a Senator on the floor of the Senate would not be one of the special reasons which would be embraced within that exception and be an excuse for not voting; and would not all such Senators be counted as present?

Mr. McDONALD. It would be for the Senate to determine whether that would be a sufficient reason or not. Of course, if the Senator so considered, he might be excused on that account; but I apprehend that the Senate might refuse to consider that a good excuse for not voting.

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

Mr. McDONALD. Yes, sir; certainly.

Mr. CARPENTER. I should like to ask the Senator this question: Suppose when the roll is called five Senators rise in their places and say they are paired, and that is entered on the record of the Senate and therefore they do not vote; the Senate makes no objection, passes on with the roll-call, and of course admits the excuse to be sufficient at the time. Now my question is, does that roll-call, which has not the names of five men who answered to the Chair when their names were called and said they were paired, stand on the record of the absent Senators?

Mr. McDONALD. Undoubtedly.

Mr. CARPENTER. And it shows that five who answered are absent?

Mr. McDONALD. They are for the purposes of legislation absent Senators. It will be remembered that some time ago when the Senator from Wisconsin who had been absent on several roll-calls, undertook to make a motion before the Senate, I insisted that, being absent as shown by the roll-call, he had no right to make a motion until his presence was properly ascertained.

Mr. CONKLING. The Chair overruled it.

Mr. McDONALD. The occupant of the chair at that time, I believe, overruled it, but that does not by any means decide that there is no force or effect in this attempt to secure a quorum who will be

required to decide their official duty so that legislation can progress. If these rules do not properly enforce and reach that result then they are of very little value indeed.

Of course, in looking around the Senate I know that there is a quorum of Senators present; my eyes tell me that fact as I look around; but when the roll is called, for reasons satisfactory perhaps to them but certainly not satisfactory to the Senate because the Senate has not been called upon to pass upon those reasons, they decline to vote, and in that way disclose the fact that there is not so far as the work of legislation is concerned a quorum. If they cannot be sent for, cannot be brought to the bar of the Senate, cannot be called upon to stay under the rules of the Senate, then we have rules that are not as good as ropes of sand.

The Sergeant-at-Arms will take the names given him as they have appeared from the last roll-call, and go to each Senator thus disclosed to be absent and bring him to the bar of the Senate; and I shall move an amendment that he be directed to compel the attendance of the absentees, I do not care where they are so that they are not present for the purposes of legislation; suppose they were in the ante-chamber or anywhere else, or suppose they sit here mute—

Mr. CARPENTER. Will the Senator allow me a word?

Mr. McDONALD. Certainly.

Mr. CARPENTER. I submit that to accomplish the purpose the Senator has in view it would be necessary to do something more than for the Sergeant-at-Arms to request Senators in their seats to stay. They are here now. He should go further and require the Sergeant-at-Arms to bring them to the bar of the Senate and make them vote; and if he cannot do that he cannot do anything in the line the Senator is now proposing.

Mr. McDONALD. In my opinion he may bring them to the bar, and then under the rule I have read they can be required either to vote or to give such reasons for not voting as will be satisfactory to the Senate.

Mr. BLAINE. With the permission of the Senator from Indiana, I wish to make an inquiry and a remark. I believe, although I am not well versed in the ancient usages of the Senate, that the compulsory attendance is a new feature in the Senate, and I submit to old Senators who have much larger experience than myself that it is a process entirely unadapted to the Senate. In the House of Representatives you have compulsory attendance. Why? Because you have there a previous question and can compel the member to come and vote. But here, suppose you scour the city and empty the beds and create discomfort, and bring the Senators in here, for what is it all? The Senator from Indiana rises and says we need not talk about that, and now you have got Senators here for a blank shot in the air. You cannot compel them to vote.

Mr. McDONALD. The Senator from Maine was firing a blank shot.

Mr. BLAINE. I never did that in my life. I am not traversing any view of the Senator's, but I am submitting one of my own. That rule, however much you may incorporate it in the system of rules of the Senate, is not adapted to the Senate until you have some rule that shall force Senators to vote, because it is a mere blank cartridge fired to bring Senators here and have nothing for them to do but sit down and listen. Are you going to have a rule that somebody shall be brought here to sit down and listen to somebody else talking? That is an undue punishment not adapted to any crime that any of us have committed. It is unusual punishment forbidden by the Constitution.

Before I sit down, I want one word further with the indulgence of my friend from Indiana. Can he not see, and cannot every Senator see that the trouble here is just one, that what we call the majority side of the Senate have not a majority. They are relying upon aid from the minority. If you had a constitutional majority here, if you had your forty-two Senators here, which is an absolute majority, we should be powerless; but here you are with twenty-eight or thirty—

Mr. McDONALD. We shall have them all.

Mr. BLAINE. When you have them, we shall bow with deference to their wishes and their will; but until you do have them you are, as I said, doing nothing but firing blank cartridges, for they amount to nothing.

My motion, based on the statement of the Senator from Indiana, is that 10,000 extra copies of to-morrow morning's RECORD be published and that it be sent to all the public libraries of the United States as a valuable contribution to the parliamentary knowledge of the United States.

Mr. WINDOM. Mr. President—

The PRESIDING OFFICER. The Senator from Indiana is entitled to the floor.

Mr. McDONALD. I yielded for a question and not a speech.

Mr. WINDOM. I move that the Senate do now adjourn.

The PRESIDING OFFICER. Does the Senator from Indiana yield?

Mr. McDONALD. I have not yielded the floor. I shall not yield for that motion. I shall yield for a question or a speech but not a motion to adjourn.

The Senator from Maine has read a very sharp lecture to the majority in this Chamber. This difficulty that we find ourselves involved in here perhaps grows out of the fact that the minority undertook to run this Senate to-night and up to this time they have not run it much; and if the majority who are here entertain the same opinion that I do we will continue running it on in this way until some time next week.

Mr. SAULSBURY. Will the Senator yield to me for a moment?

Mr. McDONALD. I yield to the Senator from Delaware.

Mr. SAULSBURY. I want to make a single remark in reference to the motion made by the Senator from Maine—that is, a motion to print 10,000 extra copies of the RECORD so that the parliamentary knowledge of the Senate may be understood in the country. I am opposed to that. I do not want to see any criticism made upon the action of the Senator himself who has presided with such distinguished ability over the House of Representatives. I am really afraid the country will be ashamed not only of the Senate but of the action of the Senator from Maine on this occasion. When I first came into the Senate this evening the Senator from Maine, clearly out of order, stood upon the floor and retained the floor when the Chair had ruled him out of order time and again. I do not want that record to go out.

Mr. BLAINE. That from a Senator who has admitted that he was absent.

Mr. SAULSBURY. Now I will say why I was absent. I had paired with one of the Senator's colleagues on that side of the House, and could not vote. But I have been compelled, because of the persistent refusal of the Senator from Maine and his associates to answer to their names when called, to write a note and send to the hotel asking the Senator from Michigan with whom I was paired to relieve me from the pair because of the action of his political associates in this body; that duty to my political associates required me to withdraw from the pair by his consent which I had agreed to make with him.

I am opposed to the publication of any extra copies of that record; it will go out to the country sufficiently if the usual number of copies of the RECORD are published. It shows that the minority on this floor have sat in their seats to-night and obstructed the business of the Senate by persistently refusing to vote. I will not say it is revolution, but I will say it is contrary to the ancient usages of this body. It is a new feature, so far as I can remember in my short experience in this body, for the minority to sit in their seats and persistently refuse to vote. I have seen gentlemen retire to the cloak-room, get out of the sight of the President, and thus absent themselves; but the Senator from Maine and his political associates have sat here in the presence of the President of the Senate, and have been mute when their names were called. Sir, I do not want to see that record printed in any extra numbers. I am fearful that the character of this body will suffer because of the action of the political associates of the Senator from Maine.

Mr. WINDOM. I rise to a point of order. What is the question before the Senate?

Mr. CONKLING. The question is the appeal which I have taken from the decision of the Chair.

Mr. SAULSBURY. The Senator from Minnesota went out when the Senator from New York took his appeal and spoke upon it.

Mr. WINDOM. I ask that the debate be confined to the question before the Senate.

Mr. CONKLING. Oh, no, let him make his speech as he wishes.

Mr. WINDOM. We have disgraced ourselves before the country, and I want to have the thing stopped.

The PRESIDING OFFICER. The Senator from Delaware is in order.

Mr. SAULSBURY. The Senator from Minnesota has had his full share in bringing the disgrace upon the Senate to which he refers.

Mr. WINDOM. I have, because I have been in the presence of the Senator from Delaware.

Mr. SAULSBURY. And I say now, Mr. President, that I join with the Senator from Indiana, in the determination to test the endurance of the factions opposition. I am good for one whole week with an occasional cup of coffee and a little something to eat—and I join the Senator from Indiana, and so we shall see how long this fight can last.

Mr. WINDOM. I rise to a question of order.

The PRESIDING OFFICER. The Senator from Delaware must wait until the question of order is stated.

Mr. WINDOM. I ask that I may be excused from further attendance on the Senate to-night if we are to have this sort of thing till morning.

The PRESIDING OFFICER. That is not a question which can be entertained while the Senator from Delaware is on the floor. The Senator from Delaware will proceed.

Mr. WINDOM. Then I raise the point of order, and insist he shall be confined to the question.

The PRESIDING OFFICER. The Chair has decided that the Chair has no power to make the remarks of any Senator pertinent to any question that may be before the Senate.

Mr. SAULSBURY. I think I am addressing myself pertinently to the question now under consideration.

Mr. CONKLING. Perfectly in order; no doubt of it.

Mr. SAULSBURY. I am commenting on the action of the republican minority on this floor. We are here, sir, anxious to transact the public business, anxious to vote supplies for the Army, anxious to pass this bill, and we would have passed it but for the action of the republican minority this evening.

We have been charged with the responsibilities of an extra session. That charge is wholly untrue. It originated from the disagreement between the two Houses at the last session. I do not say that the republican Senate was wholly responsible for the extra session, but

I maintain that the democratic party of the House of Representatives was no more responsible for the extra session than the Senate. It was because of the action of the two Houses in failing to agree that this extra session has been called. We have met in this session and attempted to pass bills, and have passed bills to supply the Government with necessary funds—a legislative bill, a judicial bill, and an Army bill. The President of the United States has seen proper to veto the bills which we have passed. We have passed other bills which we had hoped would meet his approval, but the republican minority in this Chamber have interposed by their votes and by their speeches, and are now interposing by their silence and refusals to vote, to defeat the honest attempt of the democratic party to pass the necessary appropriation bills. Who are responsible for this delay?

Mr. McMILLAN. Will the Senator from Delaware allow me to ask him a question?

Mr. SAULSBURY. Oh, yes. My friend from Minnesota is always entitled to be heard.

Mr. McMILLAN. When was the Army bill called up in the Senate?

Mr. SAULSBURY. Is the Senator's memory so short that he has forgotten it?

Mr. McMILLAN. I should like to know when it was, if the Senator can tell me; and I should like to ask him whether his side of the Chamber have not spent this whole day in discussing this bill, and not permitted the minority to express their views on the subject?

Mr. SAULSBURY. Not by a long shot. We should have been perfectly willing to take the vote on this bill without any debate.

But, Mr. President, it is not worth while to attempt to conceal the fact; the people of the country will understand that the democratic party of the Senate to-day have been perfectly willing to vote the necessary supplies for the Army of the country; but there sits the republican minority on the other side of this Chamber persistently refusing to vote and thereby defeating a quorum sitting in their seats, and for the purpose of defeating a vote refusing to respond when they are called, contrary to the ancient usages and law of this body.

Mr. President, I do not intend to enter into any discussion upon the merits of the bill or the appeal taken from the decision of the Chair, but I want to call the attention of the country more emphatically to the action of the minority than it will be called by the simple record of the facts. I want, in other words, to emphasize what the record will disclose, that the republican minority in this Chamber are responsible for the delay in passing the necessary appropriation bill for the Army. If they had seen proper to indulge in debate on the political features of that bill, no one on this side of the Chamber would perhaps have questioned their right to do so; but we do question their right—by attempting to filibuster, by refusing to vote, by a persistent determination—to delay the appropriation bills; we do question their right as Senators, not their right as politicians, but their right as Senators, bound to aid in the legislation of the country, to obstruct legislation, and we arraign them before the intelligent judgment of the people for sitting persistently in their seats and refusing to vote upon questions necessary and essential to carry on the business of the Senate. I shall leave gentlemen to their own reflections. I am sure that the Senator from Maine, unless he is lost to all proper reflections with reference to such action, will, when he comes to reflect, coolly and calmly, regret the part he has taken to-night. He is a prominent parliamentarian, a gentleman occupying a high position not only in the Senate, but in the country, and when he comes to reflect upon the course which he and his political associates have pursued this evening, he will have cause to regret it, whether he feel at liberty to confess it publicly or not.

Mr. CONKLING. Mr. President, differing as I do with the Senator from Delaware in almost everything he has said, I differ especially with his unwillingness to have the RECORD of to-day's proceedings go out in unusual numbers. I would be glad to have it go to every household in all this land; and I want now to put into it a statement which I would gladly have go with it.

Night before last, at the conclusion of the so-called judicial bill, more than the ordinary hour of adjournment of the Senate having been reached, the Senator from Virginia [Mr. WITHERS] rose and moved to take up the so-called Army appropriation bill. Inquiring his purpose, we found it was that yesterday morning it might be unfinished business. No Senator on this side objected, all promoted his purpose; and yesterday morning at the conclusion of the morning hour the Army bill was the unfinished business. The Senator from Virginia then requested that the reading of the bill be waived, that no preliminary reading take place, but that it be read by paragraphs and the amendments as reached considered. No Senator on this side objected. Then the Senator proposed that he and his committee should have precedence in considering their amendments and all of them. No Senator on this side objected; but during the whole day it was the right of the Senator from Wisconsin [Mr. CARPENTER] and of every other Senator to debate the Army bill, and yet the committee had the right of way, and every Senator belonging to the minority promoted and facilitated expedition with the bill. When the clock indicated one quarter of five, the amendments of the committee were concluded. I indicated that I had some amendments which I wished to offer to the bill; another Senator on this side indicated at least one; and we signified a wish briefly to assign some reasons of objection to the measure as it is. That having been done, a motion was made to adjourn at a quarter before five, and it was promptly voted

down, the Senator from Virginia who had the bill in charge heading the hunt on that occasion and voting down the motion to adjourn. A member of the Committee on Appropriations, a democratic member of this body, one of the Senators from Kentucky, [Mr. BECK,] thereupon took the floor and proceeded in a general political speech to recite and read that in Kentucky, festering with disloyalty, and martial law there proclaimed, most wholesomely in my opinion, troops were present near the polls, and on one occasion, of which he read, an officer rose and said that disloyal men must cease to vote at that poll, and thereupon, in the language of the document, nearly all the voters left. I was not surprised at that, although I was somewhat surprised that the Senator should bring forward for political purposes a statement containing such a confession. However, the Senator from Kentucky continued for some twenty minutes, and then he yielded to a motion to adjourn which promptly took place, nobody on this side objecting, and the adjournment being carried by the votes of democratic Senators.

Thus on this day at the end of the morning hour, the democratic Senator from Kentucky, who had occupied twenty minutes in a political speech yesterday, was entitled to the floor. Then the democratic Senator from Mississippi [Mr. LAMAR] made to the Senate and made to me an appeal which for one I regret that I did not refuse. I have been annoyed since this monstrous and offensive proceeding which we have resisted, that I did not refuse an appeal which I was weak enough to listen to. He appealed to us to give way to allow him to proceed with his bill about levees upon the Mississippi. I rose and said that if time were to be subtracted from the beginning of the day, as we wished to debate the Army bill, I should repose on the courtesy of democratic Senators for the expectation and in the belief that no final vote would be pressed to-day. Looking to that side I received a nod, not from one, not from two, not from three, but from five democratic Senators. Thereupon the Senator from Virginia [Mr. WITHERS] cautioned me not to rely upon his courtesy, and I promptly informed him that his courtesy was not the reliance upon which I rested; and the Senator from Virginia no doubt had technically and individually the right to do what has followed.

When a little more than thirty minutes after the morning hour had been consumed by the bill about the levees of the Mississippi, the Chair announced that the unfinished business was to be taken up and that the Senator from Kentucky was entitled to the floor. Thereupon the Senator from Kentucky proceeded to devour one hour and forty minutes of the Senate's time in a democratic political speech which he said was designed for the hustings in his State, but which he would regale the Senate by delivering. That over, a Senator on this side, the Senator from Maine, [Mr. BLAINE,] as I am told by an associate—I did not observe the clock—occupied exactly twenty-two minutes, at the end of which time the ornate and eloquent Senator from Indiana [Mr. VOORHEES] proceeded with a very brilliant speech for something over two hours and sat down at ten minutes after six o'clock, the entire day save twenty-two minutes having been consumed by those two democratic speeches delivered, one by a democratic member of the Committee on Appropriations from which the bill came, and the other by the democratic Senator from Indiana.

Meanwhile the Senator from Wisconsin [Mr. CARPENTER] wished to address the Senate. I may remind the Senate how little time that Senator has consumed during this extra session. I may remind the Senate that that Senator has found himself suffering from ill-health, and I may remind the Senate that it was well known before he sought the floor that he wished to speak, not at undue length, upon the Army bill. I went to the Senator from Arkansas who now hears me, who then sat in the chair, [Mr. GARLAND,] and I said to him "if the Senator from Indiana is to occupy all day even to the hour of adjournment or afterward, I take it for granted no vote will be pressed to-day." If I do not quote that Senator correctly I hope he will set me right; he said "I suppose not; I wish myself to make a brief speech upon this bill, and if need be I will go down myself and see to it; I do not think there will be any such disposition." I spoke to three other Senators, two of whom are within the sound of my voice on the democratic side, and from each of them received assurance that there would be no question about an adjournment, the day having been occupied by these two democratic speeches. I so informed the Senator from Wisconsin who had borrowed the seat of his friend from Illinois [Mr. DAVIS] on which his books and papers were, and carried them away and dismissed his preparation, and assumed as he had a right to do, that after a day of fasting and more than an hour after the customary hour of adjournment when the democrats had swallowed the whole day, he should not be subjected to a proceeding so insulting as to say to him that he must go on and deliver his argument then or he should not deliver it at all.

The Senator from Wisconsin had the floor, yielded to the Senator from Maine to read something from a book, and resuming it I at his request made a motion to adjourn, prefacing it with a statement that we had had no opportunity to debate this bill whatever and that therefore I assumed that there would be no objection. The Senator from Virginia rose with such a disclaimer as he had a right to make in order that he might keep within the bounds of his instruction from the committee; but when I heard every democratic Senator vote to commit such an outrage as that upon the minority of this body and upon the Senator from Wisconsin, I do not deny that I felt my full share of indignation; and during this evening, Mr.

President, I wish to assume all my own responsibility and so much more as any republican Senator feels irksome to him for what has taken place. I have endeavored to show this proud and domineering majority, determined apparently to ride rough-shod over the rights of the minority, that they cannot and they should not do it. But I am ready to be deemed responsible in advance for the assurance that while I remain a member of this body, and at all events until we have a previous question, no minority shall be gagged down or throttled or insulted by such a proceeding as this. I say, Mr. President (and I measure my expression) that it was an act not only insulting but an act of bad faith. I mean that.

Now, sir, one other word, and I have done. What is this Army bill? It is a juggle, in my opinion a contemptible juggle and subterfuge. It is an attempt, by indirection, by stealth, by trick, by an act which is to operate as a fraud, to do that of which we had high-sounding proclamation at the end of the last session. It is to compel the Executive and to compel the minority to pay the democratic party of this country a price as the condition on which they will make appropriations and allow the Government to live. That is what it is.

On what did we in the minority stand at the beginning of this session? On two ideas and only two that I could ever comprehend. First, that no political party should be allowed to take the Government by the throat and say to it "surrender, conditions and terms, to us, or the Government shall not exist;" and second, we stood upon the idea that the laws which our fathers made, which their children had preserved, which were to be found in the statute-books, were just and wholesome laws and that they should not be cloven down by any majority and especially by such a majority coming into power by any such means as mark the history of majorities in the two Houses of Congress in the year 1879.

We went to war upon those two issues. We took the responsibility before the country of confronting the democratic party on both of them. And now what? After twelve weeks of agitation, of anxiety, of disturbance in the country, after twelve weeks during which bill after bill originated in the democratic caucus has struck the rock of the Constitution and gone down where nothing but the hand of the resurrection will reach it, when the time has come that this majority dare not—dare not adjourn this session leaving the Government or the Army to languish or to starve, now when the whole battle has been fought, it is proposed, by trick, by artifice, by a juggle of words, to accomplish that which we have said and which the nation has said these members and Senators, majority though they be, shall not accomplish.

They have put in one section of this bill that none of the money appropriated shall be used to maintain any part of the Army employed to keep the peace at the polls. I do not stop to talk about what is a "police" It is what astronomers would call point without magnitude. There is nothing in it but a cheat. The operative words are "to keep the peace at the polls." They have said no part of the money shall be used for that, and they have said in another bill what a statute that speaks to-day has said already, namely that without the money appropriated, no contract shall be made, no obligation shall be incurred by which it can be done. Taking the two things together, the Senator from Indiana [Mr. VOORHEES] said well to-day; he said well yesterday when he chose the word "negation" to describe what his associates had done. The Senator from Indiana said yesterday having been unable to accomplish the repeal of these laws, this bill was to accomplish their negation. That word is well chosen. "Negation" means to say no, to deny, to paralyze and it is for that that this sixth section was contrived. It was for that that men elsewhere were told and persuaded to believe that it was harmless for two reasons: first, because it said that troops should not be employed as a police, when for one hundred years in England, and always here, every lawyer has known and admitted that, except as a police, troops could not be used to enforce the laws at all—never until you get martial law as in Kentucky; and a great definer of words has said that martial law is the will of the commander. *Inter arma silent leges.* With martial law, troops as troops may act, an army as an army; but, the civil law speaking, troops are to act in the enforcement of laws as an auxiliary to the police; and were the hour earlier, I would read repeated decisions from the highest authorities both in England and in this country to show that the quality of the act, be the men soldiers or citizens, is identical, and the rights, the immunities, the liabilities are exactly the same in a given case whether the *posse* be of the yeomanry and the citizen or the militia or the regular soldiers of the realm. But for that reason it was said that this was harmless, and for another, and what was that? Why there are no national elections this year and no congressional elections known save in California and one in the Westchester district in New York. True, true.

Mr. President, it has been said that the devil is subtle but weaves a coarse web and this web when you come to look at it is coarse enough to be plainly discernible.

What is the purpose of these democrats? To induce as many republicans as possible in the House to vote for this bill with the sixth section; if possible to get republican votes for it here; but whether so or not, if possible to secure the executive signature. Then what? Next December the same majority is to be here, the same majority in the House, the same occupant of the executive chair; and when the same words for the fiscal year ending June 30, 1881, have been incorporated in the Army appropriation bill the President who signs it

this year must sign it next; and thus for the year when all the elections in all the States for members of Congress and the presidential election, too, are to take place, the polls are to be naked to the State troops, the rifle clubs, the white-leaguers, the night-riders, and the demons who infest the Southern States, and they are to be exposed to all the thugs, the ruffians, and the mobs to be found in all the cities of the land.

That is this programme. That is what this majority means. That is what we mean to resist; that is what we mean to debate; and because we sought the privilege of uncovering this wrong, uncovering this act which in effect is to be a fraud if it succeeds, because we would debate it and expose it, we have been driven to that which Senators have been pleased to call filibustering. Mr. President, call it what you will; for one, I claim my part of the responsibility; for one I will take it as often upon a measure only half as iniquitous and monstrous as this is, I will take it as often as even half such a measure comes here and an attempt is made either by stealth to manage it through or by the brute force of numbers to gag it through the Senate.

So, Mr. President, I think with only these few moments for reflection, that I do not agree with the Senator from Delaware. I am quite content the RECORD should go out. I would be glad to have to-morrow's RECORD go containing what the Senator from Wisconsin, if he speaks like the lawyer he is, will say, what a pitiful attempt by introducing the word "police" to cheat and defraud the American people. I will vote for extra numbers of to-day's RECORD and to-morrow's RECORD.

So much, Mr. President, without having had the slightest purpose to do so or to say anything, I have been moved to say by the coaxing invitation of the Senator from Delaware.

Mr. LAMAR. Mr. President, I desire to make one statement personal to myself in reference to this matter. I do not intend to go into the discussion of the question concerning this measure that the Senator from New York has been discussing. I learn for the first time that an impression exists on the mind of any Senator on this floor that further time was to be extended for the discussion of the bill which the Senator from Virginia reported, based upon any proceedings or upon any occurrence connected with the measure that I had the honor of reporting this morning and asked unanimous consent to consider and have passed. I am not aware of anything that occurred which would produce such an impression. If I had, although I would not have been instrumental consciously in producing such an impression, I should have felt myself bound by it and would have made the motion myself for an adjournment, in order to give the Senator from Wisconsin an opportunity to discuss this bill.

I repeat, sir, that if I had imagined that any Senator had any such expectation from anything that occurred in the incidents of that proceeding, it would have been my pleasure to have made that motion. In fact, sir, I was not here. I was not aware of the fact that the Senator from Wisconsin had risen for the purpose of addressing the Senate. I came in at a later stage of these proceedings.

With reference to the charge of bad faith that the Senator from New York has intimated toward those of us who have been engaged in opposing these motions to adjourn, I have only to say that if I am not superior to such attacks from such a source, I have lived in vain. It is not my habit to indulge in personalities; but I desire to say here to the Senator that in intimating anything inconsistent, as he has done, with perfect good faith, I pronounce his statement a falsehood, which I repel with all the unmitigated contempt that I feel for the author of it.

Mr. CONKLING. Mr. President, I was diverted during the commencement of a remark the culmination of which I heard from the member from Mississippi. If I understood him aright, he intended to impute, and did in plain and unparliamentary language impute, to me an intentional misstatement. The Senator does not disclaim that.

Mr. LAMAR. I will state what I intended, so that there may be no mistake—

The PRESIDING OFFICER. Does the Senator from New York yield?

Mr. LAMAR. All that I—

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Mississippi?

Mr. LAMAR. He appealed to me to know, and I will give—

The PRESIDING OFFICER. The Senator from New York has the floor. Does he yield to the Senator from Mississippi?

Mr. LAMAR. But the Senator declines to yield to me to know—

The PRESIDING OFFICER. The Senator from New York has the floor. Does he yield to the Senator from Mississippi?

Mr. CONKLING. And I am willing to respond to the Chair. I shall respond to the Chair in due time. Whether I am willing to respond to the member from Mississippi depends entirely upon what that member intends to say, and what he did say. For the time being, I do not choose to hold any communication with him. The Chair understands me now; I will proceed.

I understood the Senator from Mississippi to state in plain and unparliamentary language that the statement of mine to which he referred was a falsehood, if I caught his word aright. Mr. President, this not being the place to measure with any man the capacity to violate decency, to violate the rules of the Senate, or to commit any

of the improprieties of life, I have only to say that if the Senator,—the member, from Mississippi, did impute or intended to impute to me a falsehood, nothing except the fact that this is the Senate would prevent my denouncing him as a blackguard and a coward. [Applause in the galleries.]

The PRESIDING OFFICER. There shall be no cheering in the galleries. If there should be any more, the Chair will order the galleries to be cleared. The Senator from New York will proceed.

Mr. CONKLING. Let me be more specific, Mr. President. Should the member from Mississippi, except in the presence of the Senate, charge me, by intimation or otherwise, with falsehood, I would denounce him as a blackguard, as a coward, and a liar; and understanding what he said as I have, the rules and the proprieties of the Senate are the only restraint upon me.

I do not think I need to say anything else, Mr. President.

Mr. LAMAR. Mr. President, I have only to say that the Senator from New York understood me correctly. I did mean to say just precisely the words, and all that they imported. I beg pardon of the Senate for the unparliamentary language. It was very harsh; it was very severe; it was such as no good man would deserve and no brave man would wear. [Applause on the floor and in the galleries.]

The PRESIDING OFFICER. The Senate must be in order; and there can be no cheering upon the Senate floor.

Mr. CONKLING. What is the question before the Senate, Mr. President?

The PRESIDING OFFICER. The question before the Senate is the appeal of the Senator from New York from the decision of the Chair ruling the motion of the Senator from West Virginia to be in order. The Senator from West Virginia moved that the Sergeant-at-Arms be directed to request the attendance of absent Senators. The Senator from New York raised a question of order as to whether that motion was in order. The Chair decided that it was in order. The Senator from New York appealed from the decision of the Chair to the Senate, and that is the question now pending before the Senate.

Mr. HEREFORD. I move to lay the appeal of the Senator from New York from the decision of the Chair upon the table.

Mr. CARPENTER. I call for the yeas and nays upon that motion.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. ALLISON, (when his name was called.) The Senator from Maryland [Mr. WHITE] is compelled to be absent this evening on account of illness in his family, and he requested me to pair with him, which I have done; and therefore I refrain from voting.

Mr. GORDON, (when his name was called.) On this question I am paired with the Senator from Rhode Island, [Mr. ANTHONY.] If he were here, I should vote "yea."

Mr. McMILLAN, (when Mr. McPHERSON's name was called.) I am paired on this question with the Senator from New Jersey, [Mr. McPHERSON.]

Mr. RANSOM, (when his name was called.) I am paired with the Senator from Vermont, [Mr. MORRILL.]

Mr. SAULSBURY, (when his name was called.) I am paired with the Senator from Michigan, [Mr. FERRY.] I have notified him that I desire to withdraw the pair, and have asked to be relieved. He sent me word that it was impossible for him to get here, and I observe the pair.

The roll-call having been concluded, the result was announced—yeas 25, nays 0; as follows:

| YEAS—25. | | | |
|------------------|--------------------|------------------|------------|
| Bayard, | Harris, | Lamar, | Vest. |
| Call, | Hereford, | McDonald, | Walker, |
| Davis of W. Va., | Hill of Georgia, | Maxey, | Windom, |
| Eaton, | Houston, | Pendleton, | Withers. |
| Garland, | Jonas, | Randolph, | |
| Groome, | Jones of Florida, | Slater, | |
| Hampton, | Kernan, | Vance, | |
| NAYS—0. | | | |
| ABSENT—51. | | | |
| Allison, | Chandler, | Hoar, | Plumb, |
| Anthony, | Cockrell, | Ingalls, | Ransom, |
| Bailey, | Coke, | Johnston, | Rollins, |
| Beck, | Conkling, | Jones of Nevada, | Saulsbury, |
| Bell, | Davis of Illinois, | Kellogg, | Saunders, |
| Blaine, | Dawes, | Kirkwood, | Sharon, |
| Booth, | Edmunds, | Logan, | Teller, |
| Bruce, | Farley, | McMillan, | Thurman, |
| Burnside, | Ferry, | McPHERSON, | Voorhees, |
| Butler, | Gordon, | Morgan, | Wallace, |
| Cameron of Pa., | Grover, | Morrill, | Whyte, |
| Cameron of Wis., | Hamlin, | Paddock, | Williams. |
| Carpenter, | Hill of Colorado, | Platt, | |

The PRESIDING OFFICER. Upon the question to lay the appeal taken by the Senator from New York on the table, the yeas are 25 and the nays none.

Mr. CONKLING. What is the next question before the Senate?

Mr. HEREFORD. The execution of the order, I presume.

Mr. McMILLAN. Is there a quorum present?

Mr. HEREFORD. There is no necessity for a quorum to execute the order.

The PRESIDING OFFICER. Does the Senator from West Virginia make any motion?

Mr. HEREFORD. I did make the motion that the Sergeant-at-Arms be directed to request the attendance of the absent Senators.

The PRESIDING OFFICER. The Chair decides, as the Chair has

decided twice before, that if there is no motion made to transact any other business or to proceed to the order, the Chair will direct a call of the Senate. The Chair will now direct a call of the Senate, there having been no motion made, and the last call of the roll having disclosed that there was no quorum. Unless some motion is made the Chair is compelled to execute the order.

Mr. HEREFORD. I did make a motion, and that is what we have been at for the last two hours. I renewed it; although I did not think there was any necessity for renewing it.

The PRESIDING OFFICER. The Chair has decided repeatedly that the only order the Chair can make of his own motion is to order a call of the roll. If the Senator desires another course to be taken, he must make a motion.

Mr. HEREFORD. I ask that the motion I made shall now be put to the Senate; that is, that the Sergeant-at-Arms be directed to request the attendance of the absent Senators. That is the motion I made some two hours ago, and I now renew it if necessary; but there is no necessity for a renewal, because if it should be renewed the same thing would occur that has just taken place—an appeal from the decision of the Chair and a motion to lay the appeal on the table. The Senator from New York appealed from the decision of the Chair. I made a motion to lay that appeal upon the table. It has been laid upon the table. The question now recurs upon my motion; that is, that the Sergeant-at-Arms shall be directed to request the attendance of the absent Senators, as disclosed by the roll-call. The motion has never been withdrawn.

Mr. CARPENTER. Nor has the appeal been withdrawn from the former ruling of the Chair.

Mr. HEREFORD. But, if the Senator from Wisconsin will allow me, the appeal was laid upon the table.

Mr. CARPENTER. No, it was not; there is the trouble.

Mr. HEREFORD. I beg your pardon.

Mr. CARPENTER. I beg yours. I understand that upon the question of laying the appeal upon the table no quorum voted. Consequently the appeal was never laid on the table, and is now pending before the Senate. I understand the facts of the proceeding to be that after the ruling made by the Chair the Senator from New York appealed; and then a Senator on the left moved to lay the appeal on the table.

Mr. HEREFORD. I made that motion.

Mr. CARPENTER. Yes. The yeas and nays were called, and no quorum voted, and of course nothing was accomplished. The appeal was, therefore, not laid upon the table, but is still before the Senate, and is the pending question now.

Mr. HEREFORD. I think the Senator from Wisconsin certainly will see that he is in error. If his view of this matter should be carried out, as I said in the first argument that I made on the question, this rule is a nullity.

Mr. CARPENTER. That may be.

Mr. HEREFORD. I do not think the rules of the Senate are a nullity. If so, you might as well blot them out. When this motion was made what was the condition of the Senate? We had no quorum. Then the Senator from New York had the power, which he exercised, to appeal from the decision of the Chair, there being no quorum here. Then I moved to lay that appeal upon the table. If it takes a quorum to do that we never can have a call of the Senate, because if I were to renew that motion now a similar appeal would be taken, another discussion would take place, another vote would be taken, and the absence of a quorum would be again disclosed in the body. So that it would be again an endless chain.

There is no way to enforce the third rule in this body if you require a majority. The very object of my motion is to secure a majority of a quorum in this body. If the Senator from New York by an appeal from the decision of the Chair can do away with that, it is mere folly to make the motion. The very object of this whole proceeding is to get a quorum into this body.

If the President of the Senate thinks it will be necessary to renew the motion, I now renew it; but I do not think it necessary. If the President holds with me that there is no necessity for renewing the motion, which I hope he will, we shall go back to my original motion and the order will be made. But if the President should disagree with me, I renew the motion that the Sergeant-at-Arms be directed to request the attendance of the absent Senators.

The PRESIDING OFFICER. The Chair desires to adhere to the ruling in the former cases. In this case when the announcement was made that the yeas were 25 and the nays were none, the Senator from New York, before any other proceedings had been taken, called attention to the want of a quorum. Under that call and the former ruling of the Chair, the Chair will decide that it is his duty to have a call of the Senate, and the Chair therefore directs a call of the Senate.

Mr. CONKLING. Is this to be a call of the roll to see who is here?

The PRESIDING OFFICER. A call of the Senate to ascertain whether there is a quorum present or not.

Mr. HOUSTON. I understand it to be a call of the roll and not a call of the Senate.

Mr. CONKLING. A call to see who is here.

The PRESIDING OFFICER. It is not a call of the Senate ordered by the Senate, but it is a call of the roll ordered by the Chair to ascertain whether there is a quorum present or not. The roll-call will proceed.

The Secretary proceeded to call the roll.

Mr. RANSOM, (when his name was called.) I am paired with the Senator from Vermont, [Mr. MORRELL.]

The roll-call was concluded, the following Senators having answered to their names:

| | | | |
|------------------|-------------------|------------|-----------|
| Bayard, | Davis of W. Va., | Ingalls, | Randolph, |
| Blaine, | Eaton, | Jonas, | Rollins, |
| Burnside, | Groome, | Kernan, | Slater, |
| Call, | Hampton, | Logan, | Thurman, |
| Cameron of Pa., | Harris, | McDonald, | Vance, |
| Cameron of Wis., | Hereford, | McMillan, | Vest, |
| Carpenter, | Hill of Colorado, | Maxey, | Walker, |
| Cockrell, | Hill of Georgia, | Pendleton, | Windom, |
| Conkling, | Houston, | Platt, | Withers. |

Mr. PLATT. I desire to announce that the Senator from Michigan [Mr. CHANDLER] is not here, and is paired with the Senator from Kentucky, [Mr. BECK.]

Mr. WITHERS. I wish again to announce that my colleague [Mr. JOHNSTON] is absent from the Senate in consequence of indisposition.

Mr. GORDON. I announce again that I am paired with the Senator from Rhode Island, [Mr. ANTHONY.]

Mr. BURNSIDE. I desire to announce that my colleague [Mr. ANTHONY] has been called home by the death of a friend. He is paired with the Senator from Georgia, [Mr. GORDON.]

The PRESIDING OFFICER. On this call of the Senate it is disclosed that there are thirty-six Senators present, which is not a quorum of the Senate.

Mr. HEREFORD. I move that the Sergeant-at-Arms be directed to request the attendance of absent Senators.

The PRESIDING OFFICER. The question is on the motion of the Senator from West Virginia.

Mr. McMILLAN. Is it in order to have the absent Senators called first?

Mr. HEREFORD. I think not, Mr. President. The roll shows who the absentees are.

Mr. McMILLAN. It shows no quorum, and I think the usual practice is to call the absentees.

Mr. HEREFORD. The rule says that all Senators present shall vote; and the presumption of law is that those who do not vote are absent.

The PRESIDING OFFICER. The roll of the absentees will be called, pending the motion of the Senator from West Virginia.

The Secretary called the names of the absentees, and the following Senators responded to their names:

Mr. BAILEY, Mr. GARLAND, Mr. GORDON, Mr. LAMAR, Mr. PADDOCK, and Mr. SAULSBURY.

The PRESIDING OFFICER. The call of the absentees discloses the presence of forty-two Senators, which is a quorum of the body.

Mr. CARPENTER. What is the pending question, Mr. President?

The PRESIDING OFFICER. The question recurs on the motion of the Senator from Indiana [Mr. McDONALD] to lay the appeal of the Senator from Maine [Mr. BLAINE] upon the table.

Mr. THURMAN. Mr. President, was there not a motion made by the Senator from West Virginia?

Mr. HEREFORD. The motion that I made has not been exhausted. There are still absent Senators. The fact that the last call shows there is a quorum here does not dispense with the motion I made to bring the other absent Senators here. There are seventy-six Senators in this body and there are still thirty-four absent. My motion was to require the Sergeant-at-Arms to request the attendance of the absent Senators, and the last call shows that there are thirty-four absent Senators still.

Mr. BLAINE. It requires a majority of a quorum to make the order the Senator from West Virginia now moves.

Mr. HEREFORD. It makes no odds how many it takes. The gentleman may decline to vote again; that makes no difference; that does not dispense with the motion I have made. If Senators choose to refuse to answer again they have the right to do it, but that does not dispense with my motion.

The PRESIDING OFFICER. The Chair will decide that when a call is ordered by the Chair and a quorum is disclosed, the Chair cannot put of his own motion a motion previously made to require the presence of absent Senators when there is a quorum competent to do business. If the motion is made the Chair will put it to the Senate.

Mr. HEREFORD. I made a motion that the Sergeant-at-Arms be directed to request the attendance of the absent Senators. That order has not yet been carried out, and it can only be stopped by a motion to dispense with the call. The call was proceeding. The rule says:

No Senator shall absent himself from the service of the Senate without leave of the Senate first obtained. Whenever it shall be ascertained that a quorum is not present, a majority of the Senators present may direct the Sergeant-at-Arms to request, and, when necessary, to compel the attendance of the absent Senators, which order shall be determined without debate; and, pending its execution, and until a quorum shall be present, no motion, except a motion to adjourn, nor debate shall be in order.

The motion I made is not exhausted because there is at present a majority here. We still have a right to have that motion put to the Senators who are present. If not, there never can be a call of the Senate; it is an endless chain as I said before. If a minority is disclosed upon any vote and a motion is made similar to the one I made, and then the absentees are called, or the roll called again and a quorum is disclosed, as has been done on every occasion, then if the rule

is correct that was invoked by the Senator from Maine a moment ago, we never can have a call of the Senate.

Mr. HOUSTON. Mr. President—

Mr. CARPENTER. I move to lay the motion of the Senator from West Virginia upon the table.

Mr. HOUSTON. If the gentleman moves to lay the motion upon the table it is not debatable. I wanted to say a few words upon the question.

Mr. CARPENTER. Is that motion debatable?

Mr. CONKLING. No, the Senator says it is not.

The PRESIDING OFFICER. It is not debatable.

Mr. HOUSTON. I rise to a point of order, and the point of order which I present is that it is not in order to move to lay upon the table a call of the Senate. A call of the Senate has been ordered, and the Senate cannot now lay it upon the table. There is but a single way to get clear of it, and that is by dispensing with further proceedings under the call of the Senate, but certainly it cannot be laid upon the table after the Senate have ordered the call.

The PRESIDING OFFICER. The Senator from Alabama will excuse the Chair in stating that the Senate has not yet been able to make any order touching that question. The Senate has not sustained any motion requiring the Sergeant-at-Arms to request the attendance of absent Senators.

Mr. CONKLING. That is the point exactly.

Mr. HOUSTON. The Presiding Officer, however, decides that a motion to lay on the table is in order.

The PRESIDING OFFICER. The Presiding Officer, under Rule 2, has ordered the roll of the Senate to be called.

Mr. HOUSTON. Before the Presiding Officer decides that a call of the Senate is not necessary to be made by the Senate itself—

Mr. CARPENTER. I rise to a point of order.

The PRESIDING OFFICER. The Senator from Wisconsin will please state his point of order.

Mr. CARPENTER. My point of order is that having made a motion to lay the pending motion upon the table, it is not debatable until decided by the Chair and that decision appealed from.

The PRESIDING OFFICER. The Chair is not to make rules, only to construe those already made. If sufficient power has not been vested in the Senate or the Chair by the rules now existing the Chair cannot amend them or increase them or add to them by its decision. The Chair decided under Rule 2 that when a question was raised as to the presence of a quorum, it was the duty of the Chair to direct a call of the roll of Senators. The Chair applied his decision to a case where upon a ye-and-nay vote or a call of the Senate a quorum is disclosed, under Rule 3, which says:

Whenever it shall be ascertained that a quorum is not present, a majority of the Senators present may direct the Sergeant-at-Arms to request, and, when necessary, to compel the attendance of the absent Senators.

The Senator from West Virginia made the motion, and the Chair decided it to be in order. The Senator from New York appealed from the decision of the Chair, and the Senator from West Virginia moved to lay the appeal of the Senator from New York from the decision of the Chair upon the table. On the vote upon the latter question it was disclosed that there was no quorum. Then no motion having been made, the Chair having been left to take action upon his own motion, the Chair directed a call of the roll of Senators.

Mr. HEREFORD. Will the Chair allow me to correct him?

The PRESIDING OFFICER. When the Chair is through with the statement he will hear the Senator from West Virginia. Upon a roll-call it was disclosed that there was a quorum present. Then the Senator from West Virginia made a motion that the Sergeant-at-Arms be directed to request the attendance of absent Senators. The Senator from Wisconsin moved to lay that motion upon the table, and upon that the Senator from Alabama rose and raised a question of order, which the Chair has not decided. The Chair will now hear the Senator from West Virginia.

Mr. HEREFORD. That is where has arisen all the trouble, Mr. President.

Mr. CARPENTER. Must not the point of order raised by the Senator from Alabama be decided without debate?

The PRESIDING OFFICER. If there be no objection to debate, the Chair would like to have information upon that point.

Mr. CARPENTER. The rule says the question shall be decided without debate.

The PRESIDING OFFICER. I know the rule says the question shall be decided without debate. The Chair would like the Senator from Alabama to state his point of order distinctly so that the Senate can understand it. He has a right to state his point of order.

Mr. HOUSTON. I will not trespass upon the Senate on the subject, because my only purpose is to arrive at a proper construction of the rule. The point of order that I submit to the Chair is that there is nothing that can be laid upon the table. The Chair, if I may be allowed to state the facts with a view to make my point clear, decided, when a vote was taken and it was found that a quorum was not present, to have the roll called. When the Chair had directed the calling of the roll, even that did not disclose a quorum of the Senate. Then the Chair had complied with his construction of Rule 2, if that was all that was to be accomplished by calling the roll. But after that the Chair had the absentees called, which was really carrying out a call of the House. I ask, what is there that can be laid upon

the table? The call of the House cannot be, the call of the roll cannot be, and what is it that can be laid upon the table? In all sincerity I present the point.

Mr. CARPENTER. When the call of the absentees disclosed the fact that a quorum of the Senate was present, conceding that the Senator from West Virginia could make a motion to send for the absentees, (which I do not concede because I think under the rule the only power of the Senate in that regard is in case of the absence of a quorum,) if the motion of the Senator from West Virginia was a proper motion, is there any doubt whatever that the Senate having a quorum present can lay that motion upon the table? Can a man make a motion that the Senate cannot lay upon the table? Can there be a bill, a resolution, a report, any proceeding, any motion, anything, that a majority of the Senate cannot lay upon the table? If there can be, it is a new rule to me. I never heard of such a thing.

Mr. EATON. Several things.

Mr. CARPENTER. Several things cannot be laid on the table?

Mr. EATON. One is a motion to adjourn. You cannot lay that on the table.

Mr. CARPENTER. That may be. The wily Senator from Connecticut, I see, is lying in wait to catch me in some indiscretion, and he has caught me. But a motion made like that of the Senator from West Virginia, which is not a motion to adjourn, I submit, can be laid on the table. Now the point of order raised that such a motion cannot be laid upon the table must be disposed of by the Chair without debate under the rule. Then anybody who wishes to debate it and is dissatisfied with the decision can appeal from the decision of the Chair when the question is open to debate.

Mr. HOUSTON. Before the Senator takes his seat I should like to put a question to him. I do not intend to violate the rules, and I do not want to debate the question if I am not permitted to do so. Why did the Chair order the absentees to be called?

Mr. CARPENTER. For the purpose of ascertaining whether there was then a quorum present.

Mr. HOUSTON. Under what authority could that be done unless it were a call of the House?

Mr. CARPENTER. Suppose it was a call of the House, it resulted just as everybody wanted it to result, in showing a quorum of the Senate present.

Mr. HOUSTON. If it was a call of the House, I repeat the question, how can that call be laid upon the table? It may be dispensed with.

Mr. CARPENTER. I will answer.

Mr. HOUSTON. But the main question I propose to the Senator from Wisconsin is, suppose a motion has been made by the Senator from West Virginia to send for absent members, can that be laid upon the table? I think not. But admit that it can, then what is the condition of the question? Suppose you lay that upon the table, and I should like to hear the gentleman upon that point. There is a call of the House pending, in process of being executed. If the anomaly can be presented of laying on the table a motion to go on with the execution of such an order, it seems very strange to me.

Mr. THURMAN and Mr. CARPENTER addressed the Chair.

Mr. CARPENTER. I simply wish to answer the question put to me by the Senator from Alabama.

Mr. THURMAN. I ask unanimous consent to make some observations.

The PRESIDING OFFICER. Will the Senator from Ohio permit the Senator from Wisconsin to answer the question? He is entitled to the floor, and the Senator from Alabama asked him a question.

Mr. HOUSTON. The Senator from Wisconsin had the floor, and I interrupted him.

Mr. CARPENTER. I yield to the Senator from Ohio.

Mr. THURMAN. Then I ask unanimous consent to say a few words upon these rules upon which I have had to rule to-night. I do not know whether I have always ruled aright. It would be very strange if I had not sometimes fallen into error.

The PRESIDING OFFICER. In the absence of objection the Senator from Ohio will proceed.

Mr. THURMAN. The trouble in this case arises wholly from the fact that Senators who are present refuse to vote. That is all there is of it. Now we have certain rules upon this subject. In the first place, we have the Constitution, which provides in article 1, section 5, that—

Each House shall be the judge of the elections, returns, and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties, as each House may provide.

The first question that arose under that provision of the Constitution was, whether the "manner" here spoken of must not be previously provided. It never was contended that it must be provided by an act of Congress. Each House was obviously to decide for itself, but it was contended that the "manner" of compelling the attendance of absent members must be provided by some rule of the House, and then that rule must be observed, for the language is:

But a smaller number may adjourn from day to day, and may be authorized—

"May be authorized;" that is a smaller number than a quorum—may be authorized to compel the attendance of absent members, in such manner, and under such penalties, as each House may provide.

It is not that less than a quorum had the inherent right to compel the attendance, but that when each House provided a manner for compelling the attendance of absent members, a manner which had been agreed upon by the House and not by a less number than a quorum, in that manner which had thus been provided, then a less number than a quorum might compel the attendance of absent members. That is the obvious meaning of the Constitution. It was not intended that less than a quorum should frame rules for the Senate, but when the Senate itself, having a quorum present, having provided rules for compelling the attendance of absent members, authorizing, in the language of the Constitution, less than a majority, less than a quorum, to compel that attendance, then less than a quorum might in pursuance of that authority—for that is the very word in the Constitution—compel attendance.

Mr. President, when I entered the Senate ten years ago no rule had been provided upon this subject. It was not until after I entered the Senate that a rule was provided prescribing any manner whatever. The Senate had gone upon the principle that every Senator would discharge his duty; that it was only necessary to call attention to the fact that his presence in the Senate was necessary to secure his attendance, if he had the physical ability to be here. Hence the universal practice from the foundation of the Government up to the adoption of the sixteenth and seventeenth rules, which are now in our Manual, and which were adopted only three years ago, was to send a message civilly requesting the attendance of an absent Senator. That was the practice of the Senate, and it usually had the effect of securing attendance. But when our rules were last revised the Committee on Rules saw fit to attempt to exercise the power conferred by the Constitution upon the Senate of prescribing the manner of authorizing (to use the language of the Constitution) less than a quorum to compel the attendance of absent Senators. How did they attempt to accomplish that purpose? They did it by Rule 3.

No Senator shall absent himself from the service of the Senate without leave of the Senate first obtained. Whenever it shall be ascertained that a quorum is not present, a majority of the Senators present—

Which is a majority of less than a quorum—

may direct the Sergeant-at-Arms to request, and, when necessary, to compel, the attendance of the absent Senators, which order shall be determined without debate; and pending its execution, and until a quorum shall be present, no motion, except a motion to adjourn, nor debate, shall be in order.

That was the rule which was adopted by the Senate in order to comply with the provision of the Constitution to which I have referred. I beg leave to refer to that provision of the Constitution again. After providing that a majority shall constitute a quorum it says:

But a smaller number may adjourn from day to day, and may be authorized—

A smaller number may be authorized. Authorized by whom? Authorized by the House. And in order to give that authority to a smaller number we have Rule 3, which says that when—

A quorum is not present, a majority of the Senators present may direct the Sergeant-at-Arms to request, and, when necessary, to compel, the attendance of the absent Senators, which order shall be determined without debate.

Then what is the mode of compelling the attendance of absent Senators? There is another rule that requires to be read, and that is Rule 2:

If either at the commencement of any daily session of the Senate, or at any time during its daily sessions, a question shall be raised by any Senator as to the presence of a quorum, the presiding officer shall forthwith direct the Secretary to call the roll of Senators, and shall announce the result to the Senate; and these proceedings shall be without debate.

There no motion for a call is necessary; it is only necessary that a Senator shall suggest that there is no quorum present. Then it becomes the imperative duty of the President to order a call of the Senate. It is not the subject of a motion at all; it is a duty of the Chair to forthwith order a call of the Senate. He orders a call of the Senate; and suppose it appears that there is not a quorum of the Senate present upon that call; then comes Rule 3, which provides that—

A majority of the Senators present may direct the Sergeant-at-Arms to request, and, when necessary, to compel, the attendance of absent Senators.

That does require an order of the majority of the Senators present. That is not in the power of the Chair. It was the duty of the Chair to order the roll to be called. It appearing that there is not a quorum present, then it is for a majority of those present to determine what shall be done. They may adjourn if they see fit to do so, or they may make an order directing the Sergeant-at-Arms to request the attendance of absent Senators.

Upon the point of order raised by my friend from Alabama, or my friend from Wisconsin, it seems to me that a majority of those present may vote down the order to request the attendance of absent Senators on a direct vote. They may do the same thing by laying the motion upon the table. I do not think, therefore, the point of my friend from Alabama is well taken upon that subject.

But that does not reach the difficulty at all. It is not the fact that there is not a quorum present. There is a quorum present. Then comes the question, what are you to do when a quorum does not vote? When Senators sit in their seats and do not vote, what are you going to do then? In order to provide for that case Rules 16 and 17 were adopted by the Senate.

Mr. President, perhaps I ought to make a confession. A confession, it is said, is sometimes good for the soul. I do not know but

that it was some rather contumacious conduct of mine some years ago that gave rise to Rule 17 as it now stands, when there were but seven or eight democrats in the Senate and sixty odd republicans. We would sit here again after night, (I do not mean successive nights, but again and again,) six or seven or eight democrats, who by our presence made a quorum, when a majority of the sixty-odd republican Senators had gone to their beds. We got tired of it one night and the Senator from Delaware, [Mr. BAYARD,] the former Senator from California, (Mr. Casserly,) and myself refused to vote. We sat in our seats around there in the northwest corner and refused to vote when our names were called. The Senator from New York [Mr. CONKLING] rose in his place and called attention to the fact that we three had declined to vote. Had we voted there would have been a quorum; not voting there was not a quorum. The Senator from Delaware rose and inquired of the Chair whether under the rules it was his duty to vote. The Chair replied that in his opinion it was, and the Senator from Delaware thereupon voted.

Mr. BAYARD. I said I would not disobey the rule of the Senate.

Mr. THURMAN. Yes, the Senator said he would not disobey the rule of the Senate, however hard he thought it to be. My somewhat gallant Irish friend, Mr. Casserly, and I were obstinate and did not vote. We wanted to know what was to be done with us, and we did not vote. In the mean time the messengers went out. A quorum came into the Senate and nothing further was said upon the subject; the bill was passed, and there was an end of it. That called attention to the matter, because Senators began to reflect upon it and ask, "Is there any way of compelling a Senator to vote?" How can you compel a Senator to vote? You may censure him for not voting; in an extreme case you may expel him for not voting, perhaps, if you first prescribe a rule that he shall be subject to expulsion for not voting. It is not very well to make the law and the sentence in the same breath. If you have prescribed by a rule that a Senator who contumaciously refuses to vote shall be subject to expulsion, if that would be a constitutional rule, then you may enforce it. But I thought then, and I think yet, I am free to say, that you must make your law before you give judgment under it. But when they came to revise these rules our Committee on Rules undertook to provide for it, and they provided the sixteenth and seventeenth rules. The sixteenth rule had existed before substantially as it is now. The seventeenth rule was intended to compel Senators to vote. The sixteenth rule reads:

When the yeas and nays shall be called for by one-fifth of the Senators present, each Senator, when his name is called, shall, unless for special reasons he be excused by the Senate, declare openly and without debate his assent or dissent to the question.

And that was the old rule before this revision, and that was all before the revision; and then came the seventeenth rule, which is the new rule that was introduced to meet cases of such contumacious fellows as Casserly and I:

When a Senator, being present and declining to vote when his name is called, shall be required to assign his reasons therefor, and shall so assign them, the presiding officer shall thereupon submit the question to the Senate: "Shall the Senator, for the reasons assigned by him, be excused from voting?" which shall be decided without debate. And these proceedings shall be had after the roll shall have been called and before the result of the vote is announced; and any further proceedings by the Senate in reference thereto shall be after such announcement.

Now observe, "when a Senator, being present and declining to vote when his name is called," the sixteenth rule having declared that he shall vote unless he is excused, "shall be required to assign his reasons therefor"—that is, his reasons for not voting—the first question that arises under this rule is, who is to require him to assign his reasons? Manifestly the President of the Senate has no right to do it, it seems to me. I should think it was a usurpation of power on the part of the President to demand of a Senator why he did not vote, and to assign his reasons. The requirement upon him to assign his reasons must be by a vote; and, mark, this rule applies to the case of a full Senate, where a quorum has voted, just as much as it does to a case where there is less than a quorum. There are seventy-six Senators now in this body. If seventy-five of them had voted and one had sat in his seat and not voted, a Senator might rise and move that that Senator be required to state the reasons why he did not vote; and having stated the reasons, then comes the duty of the Chair to submit the question, "Shall the Senator, for the reasons assigned by him, be excused from voting?" It is not a question about the want of a quorum at all. It is a question about the performance of his duty by a Senator, his duty to vote. That is what this rule is.

Mr. BLAINE. I beg pardon of the Senator. You could not run a parliamentary body in the world on that construction.

Mr. THURMAN. That is the fault of the people who made our rule; but that is the rule.

Mr. BLAINE. That same rule exists elsewhere, but was never so construed. The point is that when a quorum votes, that is the end of the matter. All these are made as the measures to secure a quorum; but when the quorum has voted the end is reached. Apply that rule in this Senate; apply that rule to the House of Representatives.

Mr. THURMAN. I will show the Senator in two minutes that his rule will not do. We have a disability bill here. It requires two-thirds of the Senate to pass it; a quorum does vote, but it requires two-thirds. If all the Senators would vote there might be two-thirds to pass the bill, but a quorum does vote and there are not two-thirds.

Why in the world cannot there be a requirement upon a Senator sitting in his seat and not voting, that he shall vote?

Mr. BLAINE. The honorable Senator does not vary it at all because the law requires that on questions of that kind two-thirds shall be a quorum.

Mr. THURMAN. No; it does not require it to be a quorum at all. It requires two-thirds to pass the bill. Less than two-thirds, a majority, is a quorum. So, Mr. President, upon that subject the question whether or not a Senator shall be required to state his reasons why he does not vote, is a matter to be determined by the Senate. But whether the Senator from Maine be right or whether I be right, we have not still got to the chief difficulty, and I want to call the attention of my friends to it. Suppose you have gone through all that these rules require, and a Senator gives his reasons and the Senate considers that those reasons are insufficient and refuses to excuse him, what then are you to do with that Senator? Can you without having previously provided, as the Constitution requires, any rule upon this subject, expel the Senator? What can you do in a case like that?

I say, Mr. President, that it does seem to me the case is perfectly clear. If the Senate intends to visit punishment upon Senators for not voting, the Senate must prescribe by rule what shall be the case that subjects them to the punishment and what the punishment shall be. That has been my idea, that was my idea when I was in a little minority eight years ago and refused to vote. It is my idea still. It is not changed at all by the change in the majority of the Senate. I do not deny the power of the Senate to visit with penalties the refusal of a Senator sitting in his seat to vote. I can conceive a case in which a Senator might well be excused from voting, and I have no doubt that in every case in which he ought to be excused the Senate would have the justice to excuse him. I can conceive of plenty of cases in which he would not be excused at all, in which the course that he takes is not the course that in the contemplation of the framers of the Constitution was the duty of an American Senator. That I can well enough conceive. But before you begin to visit penalties upon Senators for refusing to vote you must, in my judgment, prescribe the offense and prescribe the penalty. That is the way I look at it; and therefore I say to my friends here to-night, your rules are not such that you can compel these gentlemen to vote. You cannot do it under the existing rules. You may censure them in your thought, in your judgment, in your speeches before the people. You may hold them up for the condemnation of the American people for sitting in their seats here and refusing to discharge that duty for which the States sent them here, and which the Constitution intended they should perform. You may do that; but when it comes to punishment, when it comes to visiting a judgment of censure or expulsion upon them, you must first make your law before you give judgment.

That is the view I have of it, and I should not think that any legislative body would be safe if it were otherwise. Having once been guilty myself perhaps makes me a little sensitive about it, but I would not like a bare majority of the Senate of the United States, in a case in which I felt that I was justified in the course that I took, make the law and the punishment in the same breath. I do not think that would be right, sir.

Then we might as well understand this business first as last, and I speak from a somewhat long experience, Mr. President. I have been one of a very small minority who have delayed action upon bills here for a long time. I remember once when there were not a dozen of us here, when we held sixty-odd republican Senators for twenty-one hours before we let them pass a bill. I remember that very well; but this I will say in respect to that, that we did not do it by breaking a quorum, with the single exception which I have confessed, which was remedied in less than fifteen minutes by sending to the committee-rooms where republican members were lying on the lounges and asleep. With that single exception I recollect of no instance—it may be my memory is at fault—in which we delayed the passage of a bill by breaking up a quorum by sitting in our seats and refusing to vote. I recollect no such case as that. The way that we did was to do much talking. We talked upon the bill; we moved amendments to give us a chance to talk upon it, to get rid of the rule that said no Senator should speak more than twice on the same question; and we moved a still further amendment, and the Chair ruled, I remember extremely well for it was on my motion, that that made a new subject and we might speak twice on that; that was allowing indefinite debate, and we talked, we talked against time, we talked in every way until we had exhausted ourselves and the patience of everybody else and then the bill passed.

This is a new idea which has been inaugurated to-night, this thing which in slang language is called filibustering. I never saw it in the Senate of the United States before in the shape in which it has been practiced to-night, never, never. I have known bills talked to death by the hour all the long night and until way into the succeeding day; I have known much time consumed in that way to the infinite annoyance of the majority; but the course of first a motion to adjourn and a call of the yeas and nays on that, and then a motion to dispense with the call of the Senate and then the yeas and nays on that, and then this dilatory motion and that dilatory motion, has never belonged to this end of the Capitol, according to my knowledge or information, until this night.

I am very sorry, indeed, to see it. I have taken great pride in the Senate of the United States as not only a body of men of experience

and reputation and ability, and most of them well stricken in years, but a body that never saw it necessary to establish stringent rules, but relied upon the sense of duty, the honor, and the courtesy of its members, to conduct its business with decorum and for the public service. Such a thing as that filibustering, as the slang phrase is, which is said to take place elsewhere, is a stranger in this Chamber, as I think, until this night. But it is a matter for every Senator to decide for himself. He decides it on his responsibility to his own conscience and to his own constituents and to our common country. He must decide it for himself. All I have to say to my friends is, do what you will, enforce what rules you will, when you undertake to sit out a bill, it is simply a question of physical endurance, whether its passage is to be delayed by long speeches or by dilatory motions; try it any way you will, when you come to consider it, it is nothing but a question of physical endurance. If you have the endurance, well and good; sit out the bill. If the other side, those who are opposed to the bill have more physical endurance than you have, they will defeat you. If not, you will defeat them.

Mr. CONKLING. What is the question, Mr. President?

The PRESIDING OFFICER. The Senator from West Virginia, after it was announced that there was a quorum of the Senate present answering to the call, moved that the Sergeant-at-Arms be directed to request the presence of absent Senators. The Senator from Wisconsin moved to lay that motion on the table. A question of order was raised upon that motion by the Senator from Alabama, and by unanimous consent the discussion has been had which has taken place.

Mr. CONKLING. Has the Chair decided the question of order?

The PRESIDING OFFICER. The Chair has not decided the question of order. Does the Senator from Alabama insist upon his question of order?

Mr. HOUSTON. Yes, sir; I have no doubt of its correctness. A call, either ordered by the Senate or by call of the Presiding Officer, may be rejected, but it cannot be laid on the table.

The PRESIDING OFFICER. The Senator from West Virginia, after it was disclosed that there was a quorum, made his motion to direct the Sergeant-at-Arms to request the presence of the absent Senators, there already being a quorum present, as disclosed by the roll-call. Now there is a quorum to transact business, the business of the Senate to pass a law not requiring a two-thirds vote. The Senator from Wisconsin in that state of the case moves to lay that motion on the table. The Senator from Alabama raises a question of order, and the Chair overrules the question of order and decides that the motion of the Senator from Wisconsin is in order and is the pending question.

Mr. CARPENTER. On which the yeas and nays have been ordered.

The PRESIDING OFFICER. On which a call was made for the yeas and nays, but the Chair did not understand that the call had been sustained. The Chair will now put the question on seconding the call for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the motion of the Senator from Wisconsin to lay the motion of the Senator from West Virginia on the table, upon which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. McMILLAN, (when his name was called.) I desire to state as my reason for not voting that I am paired with the Senator from New Jersey, [Mr. McPHERSON,] and under the usages of the Senate it would be a breach of honor to vote in such a case.

Mr. SAULSBURY, (when his name was called.) Having paired with the Senator from Michigan, [Mr. FERRY,] who is not present, I shall not vote.

The roll-call was concluded; and the result was announced—yea 1, nays 25; as follows:

| | | | |
|------------------|--------------------|------------------|------------|
| | | YEA—1. | |
| | | Carpenter. | |
| | | NAYS—25. | |
| Bailey, | Hampton, | Kernan, | Slater, |
| Bayard, | Harris, | Lamar, | Vance, |
| Call, | Hereford, | McDonald, | Walker, |
| Cockrell, | Hill of Georgia, | Maxey, | Withers. |
| Eaton, | Houston, | Morgan, | |
| Garland, | Jonas, | Pendleton, | |
| Groome, | Jones of Florida, | Randolph, | |
| | | ABSENT—50. | |
| Allison, | Conkling, | Johnston, | Saulsbury, |
| Anthony, | Davis of Illinois, | Jones of Nevada, | Saunders, |
| Beck, | Davis of W. Va., | Kellogg, | Sharon, |
| Bell, | Dawes, | Kirkwood, | Teller, |
| Blaine, | Edmunds, | Logan, | Thurman, |
| Booth, | Farley, | McMillan, | Vest, |
| Bruce, | Ferry, | McPherson, | Voorhees, |
| Burnside, | Gordon, | Morrill, | Wallace, |
| Butler, | Grover, | Paddock, | Whyte, |
| Cameron of Pa., | Hamlin, | Platt, | Williams, |
| Cameron of Wis., | Hill of Colorado, | Plumb, | Windom. |
| Chandler, | Hoar, | Ransom, | |
| Coke, | Ingalls, | Rollins, | |

Mr. CARPENTER. No quorum voting.

Mr. HEREFORD. I presume the question will now recur on my original motion that the Sergeant-at-Arms be required to request the presence of absent Senators.

The PRESIDING OFFICER. Does the Senator from West Vir-

ginia make that motion? The Chair decides that the question does not recur upon it unless the Senator renews the motion. There is no quorum now present.

Mr. HEREFORD. Then I suppose I shall have to renew the motion, and then the Senator from Wisconsin will move to lay that on the table, and then the result will be the same, and I shall have to make the same motion I first made, the motion which I have just indicated. The Senator from Wisconsin moved to lay that upon the table. It has always occurred to me when a member of the Senate makes a motion and another Senator moves to lay that on the table and that motion fails, the original motion recurs as a matter of course.

The PRESIDING OFFICER. If there were a quorum, it would. There is no question of that.

Mr. HEREFORD. A quorum! We are trying to get a quorum. We never can get a quorum on earth in this way.

Mr. CARPENTER. I rise to a point of order. I claim that this debate is not in order.

Mr. HEREFORD. I do not see why it is not in order.

Mr. CARPENTER. Because there is not a quorum here and no business can be done.

Mr. HEREFORD. There has been a great deal said to-night.

The PRESIDING OFFICER. The Senator from West Virginia moves that the Sergeant-at-Arms be required to request the attendance of absent Senators.

Mr. CONKLING. And that is not debatable.

The PRESIDING OFFICER. The motion is not debatable.

Mr. CARPENTER. I move to lay this motion on the table, and on that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. EATON. One word only. Is that motion in order? I simply wish to be permitted to make a suggestion. In the first place, what is the object of the rules?

Mr. CARPENTER. I object to debate.

Mr. EATON. They are to further public business. That is all; nothing else in the world.

Mr. CARPENTER. I rise to a point of order.

The PRESIDING OFFICER. What is the point of order?

Mr. CARPENTER. This motion to lay on the table is not debatable.

Mr. EATON. I am not discussing the motion.

The PRESIDING OFFICER. The Senator from Connecticut has risen to a point of order whether the motion of the Senator from Wisconsin to lay on the table is in order, and is stating the point of order.

Mr. CARPENTER. That is not any more debatable than this.

The PRESIDING OFFICER. He is stating the point of order, and the Chair cannot prescribe the number of words in which the statement shall be made.

Mr. EATON. I am stating my point of order. Under parliamentary rules I say this motion cannot be entertained. Why? Because it tends not to further, but to absolutely obstruct the public business, and, therefore, the rule that permits the laying of a motion on the table does not apply to a motion of that character. Hence I make the objection. I did not hear the ruling of the Chair. If I had, perhaps I would not have made the suggestion.

The PRESIDING OFFICER. The Chair will announce, as he has once announced before, that it is not for the Chair to make the rules of the Senate. It is simply for the Chair to decide under the rules which have already been made. The Chair decides as it has heretofore decided, that the motion of the Senator from Wisconsin is in order. The yeas and nays have been ordered on the motion of the Senator from Wisconsin to lay on the table the motion of the Senator from West Virginia.

The Secretary proceeded to call the roll.

Mr. ALLISON, (when his name was called.) I am paired with the Senator from Maryland, [Mr. WHYTE,] I do not know how he would vote on this question, and therefore I refrain from voting.

Mr. McMILLAN, (when his name was called.) I am paired on this question with the Senator from New Jersey, [Mr. McPHERSON,]

The roll-call was concluded, and the result was—yeas 0, nays 26; as follows:

| | | | |
|------------------|-------------------|------------------|------------|
| | | YEAS—0. | |
| | | NAYS—26. | |
| Bailey, | Hampton, | Kernan, | Ransom, |
| Bayard, | Harris, | Lamar, | Slater, |
| Beck, | Hereford, | McDonald, | Vance, |
| Call, | Hill of Georgia, | Maxey, | Walker, |
| Cockrell, | Houston, | Morgan, | Withers. |
| Eaton, | Jonas, | Pendleton, | |
| Garland, | Jones of Florida, | Randolph, | |
| | | ABSENT—50. | |
| Allison, | Conkling, | Ingalls, | Saulsbury, |
| Anthony, | Davis of Ill., | Johnston, | Saunders, |
| Bell, | Davis of W. Va., | Jones of Nevada, | Sharon, |
| Blaine, | Dawes, | Kellogg, | Teller, |
| Booth, | Edmunds, | Kirkwood, | Thurman, |
| Bruce, | Farley, | Logan, | Vest, |
| Burnside, | Ferry, | McMillan, | Voorhees, |
| Butler, | Gordon, | McPherson, | Wallace, |
| Cameron of Pa., | Groome, | Morrill, | Whyte, |
| Cameron of Wis., | Grover, | Paddock, | Williams, |
| Chandler, | Hamlin, | Platt, | Windom. |
| Coke, | Hill of Colorado, | Plumb, | |
| | Hoar, | Rollins, | |

The PRESIDING OFFICER. The motion is lost.

Mr. MAXEY. I rise to a parliamentary inquiry. I do not pretend to understand the rules, but I should like to understand this. The fact was made known by the vote upon the pending measure that a quorum was not present. A motion was then made to direct the Sergeant-at-Arms to request the absent Senators to attend. A motion was made to lay that on the table. How is it possible for that motion to lay on the table to be in order where there is no Senate to act upon it? That is a point that it is impossible for me to understand.

Mr. HEREFORD. I now renew the motion that I made.

The PRESIDING OFFICER. The Chair has made no decision upon the point made by the Senator from Texas, but the Chair announced that the motion to lay on the table was lost, and the question now recurs upon the motion of the Senator from West Virginia.

Mr. HEREFORD. That is exactly the position I contended for some time ago. The question now recurs on my original motion.

Mr. CARPENTER. I understand that the last action showed the want of a quorum in this body, and the next step must be to call the roll to ascertain who is present and who is absent before any order can be made for the Sergeant-at-Arms to go for absent Senators.

Mr. MAXEY rose.

The PRESIDING OFFICER. The Chair will state its decision now.

Mr. MAXEY. I wish to answer what the Senator from Wisconsin said.

The PRESIDING OFFICER. The Senator from Texas will proceed.

Mr. MAXEY. There is nothing in Rule 3 which requires—

Mr. CONKLING. This is all out of order.

Mr. MAXEY. There is nothing in Rule 3 which requires the roll to be called—

The PRESIDING OFFICER. The Chair decided before upon the motion of the Senator from Tennessee and the motion of the Senator from West Virginia directing the Sergeant-at-Arms to request the presence of absent Senators, which motions were made by them after it was disclosed to the Senate that there was a quorum present, that it was necessary to have a quorum to carry such a motion. Now, here is the fact disclosed that there is no quorum present. The Senator from West Virginia then moves a call of the Senate. That call can be sustained by a majority of a minority of the Senate. The motion was made by the Senator from Wisconsin to lay that motion of the Senator from West Virginia on the table. A majority of a quorum of the Senate, 25 nays, decided not to lay that motion on the table, and the Chair decides that that majority prevailed; and, prevailing, the question recurs upon the motion of the Senator from West Virginia. In the cases where the Chair decided before that the motion did not prevail, it was where the motion made by the Senator from Tennessee and made by the Senator from West Virginia was made after it was disclosed that there was a quorum present. It is an entirely different state of facts from what now exists.

Mr. ALLISON. I ask the Chair to state the question.

Mr. HEREFORD. I believe it is to be decided without debate.

The PRESIDING OFFICER. The Senator from Iowa has a right to ask a parliamentary question, and the Chair will hear the question.

Mr. ALLISON. I desire the Chair to state the question that we may know what the motion of the Senator from West Virginia is. I have been absent from the Chamber for a few moments.

The PRESIDING OFFICER. It was disclosed that there was no quorum present in the Senate. The Senator from West Virginia then moved that the Sergeant-at-Arms be directed to request the attendance of absent Senators. The Senator from Wisconsin moved to lay that motion on the table, and upon that motion it was decided to be in order. The yeas and nays were ordered, and it was not laid upon the table, as the Chair stated, by a vote of 25, a majority of all the Senators present; and now the Chair has announced that the question recurs upon the motion of the Senator from West Virginia, which is still the pending motion, and that is the question now before the Senate.

Mr. ALLISON. Now I desire to ask a parliamentary question.

The PRESIDING OFFICER. The Senator from Iowa will proceed.

Mr. ALLISON. And that is, how the Sergeant-at-Arms can know under the motion of the Senator from West Virginia who are the absentees. Certainly that is not disclosed by the last vote, as I was present and stated distinctly that I did not vote because I was paired with the Senator from Maryland.

The PRESIDING OFFICER. I do not conceive that it is the duty of the Chair to answer all imaginable questions about the performance of duty, which may be submitted. Were he required to do so, he would state that the Sergeant-at-Arms is not blind and can very easily see who are present in the Senate and can tell from the roll-call those who did not answer to their names. The roll-call has already been made; that roll-call can be furnished to him; he will see there the names of those who did not answer. The record shows those who were present and announced themselves paired.

Mr. CONKLING. What record?

The PRESIDING OFFICER. The record which is being made.

Mr. CONKLING. Does the Sergeant-at-Arms understand short-hand?

The PRESIDING OFFICER. That can be furnished him if necessary for his information. It will show that a certain number of Senators announced their presence by their votes, a certain other num-

ber announced that they were paired, although present, and it will be the other Senators that the Sergeant-at-Arms will request the attendance of.

Mr. ALLISON. Is that a very satisfactory answer, Mr. President? The PRESIDING OFFICER. The question before the Senate is the motion of the Senator from West Virginia.

Mr. CARPENTER. Is that debatable?

The PRESIDING OFFICER. It is not debatable.

Mr. HEREFORD. Rule 3 says it shall be decided without debate.

Mr. CARPENTER. All questions to-night that have not been debated have been debated at the pleasure of everybody that wanted to debate them. Now, I ask permission of the Senator from West Virginia to say three words about this thing.

Mr. HEREFORD. Certainly, I yield.

The PRESIDING OFFICER. The Chair decides that this is not debatable, but anything can be done by unanimous consent. If there be no objection, the Senator from Wisconsin will proceed.

Mr. CARPENTER. The question here is whether the roll-call on my motion to lay this motion of the Senator from West Virginia on the table is a record conclusively showing who is here and who is not here. Of course it shows that those who voted were here; but does it show anything else? Does it show that those who did not vote are absent Senators?

The rule does not say that if any Senator being present refuses to vote the Sergeant-at-Arms shall collar him and make him vote, or request him to come into the Senate Chamber. It does not apply to the case at all. There is no case here of absent Senators ascertained, and cannot be until the Chair directs, or the Senate directs that absentees shall be called. The fact that gentlemen are in the Chamber and do not vote is, as the Senator from Ohio just said, in construing the rules, a case not provided for by the rules under which the Senate is now seeking to act. It is not that case at all. The men you want to reach are here; they are not absent, and a roll-call of the absentees will disclose that fact, and the Chair by simply opening its eyes and looking around the Chamber can see that they are not absent. What a farce then is it!

Mr. MAXEY. I ask the Senator from Wisconsin, if he will permit me, is it not the universal rule in making up the record that every one who does not vote is marked on the record as "absent?"

Mr. CARPENTER. No, sir; he is marked as "absent or not voting." It may be either; so that your record when it is made up tomorrow on these questions will simply show that I, for instance, was either absent or not voting, but it will not show which. Now, I say that fact must be ascertained; I say it is an absurdity to order the Sergeant-at-Arms to go out and request the attendance of Senators that the Chair can see in their seats; and that is not what is wanted here. What the majority want is to send the Sergeant out and request them to vote, not attend. They are attending. They are here now, and the Chair can see them now, as I am addressing the Chair now, and still the Senator from West Virginia proposes to have the Sergeant go out and request me to come in. It is an absurdity because it is a contradiction. It is dealing with a false pretense, a false case, a case that does not exist. If I was not here it would do to call me in, but when I am here and simply do not vote, what an absurdity it is to say that you can send the Sergeant out to ask me to come in! I have been in all night, been in all day.

Mr. MAXEY. That is the way it is marked on the RECORD. I only refer to what the RECORD shows "absent." I think you will find it everywhere that way.

Mr. CONKLING. The Journal is the record of the Senate.

Mr. CARPENTER. The Journal always shows, is required by law to show, how many vote "yea," how many vote "nay," and how many are "absent or not voting."

Mr. MAXEY. It is the same way it is there.

Mr. CARPENTER. No, this is a modern thing.

Mr. THURMAN. The Journal only shows the yeas and nays.

Mr. CARPENTER. On page 18 of this very RECORD handed to me it is called "yeas 36, nays 73, not voting 29."

Mr. HEREFORD. That is in the House where they have a very different roll.

Mr. CARPENTER. Then I am mistaken about that; but it does not touch the argument I have made here, to show that it is simply absurd to send the Sergeant out to ask me to come in when I am here protesting that I am here. When you bring me here you admit you have got through; I take the admission of the learned Senator from Ohio to be the correct statement of the law on this subject; I have no doubt of it. I always held that to be as he did when the things were reversed, and his little squad which he led here with such consummate ability and in such thorough discipline for so many sessions held the republican Senate at bay day after day and night after night, and when, as he says himself, driven to extremities he stood on his reserved rights and concluded that he would not vote.

Mr. THURMAN. Only once.

Mr. CARPENTER. Well once; and we all came to the conclusion that there was no way to compel him. Now the Senate is no stronger under its present rules than it was then; and when you want to make a man vote how absurd it is to make a motion that the Sergeant-at-Arms shall request him to come in when he is in! You have called his name; he hears it; but for some reason,—he has not perhaps made up his mind, or else he does not take any interest in the sub-

ject, he does not care which way it is decided,—he does not vote. You are not going to make him vote by asking the Sergeant-at-Arms to invite him in when he is in. That is simply absurd.

Mr. HEREFORD. That is a long three words. [Laughter.]

Mr. CARPENTER. I have stated my objection to this proceeding.

Mr. HEREFORD. I call for the vote. The rule is that it shall be decided without debate.

Mr. CARPENTER. I think I have the floor by unanimous consent. I do not want it understood that I am compelled to keep it for I do not want it.

Mr. HEREFORD. "Three words" were all the Senator from Wisconsin wanted.

Mr. CARPENTER. Three words are enough. Under this proceeding it is a farce on its face.

Mr. McMILLAN. I should like to make an inquiry of the Chair in reference to the decision which was announced.

The PRESIDING OFFICER. The Chair will hear the inquiry.

Mr. McMILLAN. As I understand the state of the facts, the Senator from West Virginia moved that the Sergeant-at-Arms be directed to request the presence of absent Senators; and the Senator from Wisconsin moved to lay that motion upon the table. Now, do I understand the Chair to decide that the motion to lay on the table voted upon by less than a quorum disposes of the motion to lay on the table?

Mr. HEREFORD. That is exactly what is decided.

Mr. McMILLAN. As I understood the Chair on other occasions, he decided that the motion to lay on the table could not be disposed of by less than a majority of a quorum, but that the motion of the Senator from West Virginia might be disposed of in that way. The motion to lay on the table, as I understood the decision, was one that could only be disposed of when there was a quorum of the Senate present.

Mr. HEREFORD. Now, Mr. President, I ask that the rule be enforced.

The PRESIDING OFFICER. The Chair will answer the inquiry of the Senator from Minnesota as he has answered it on two or three occasions heretofore. The Senator from Tennessee made the first motion to direct the Sergeant-at-Arms to request the presence of absent Senators. That motion was made after it was announced by the Chair and disclosed by the roll-call that there was a quorum of the Senate present. The Senator from West Virginia, under precisely the same circumstances, made his motion to direct the Sergeant-at-Arms to request the presence of absent Senators when there was a quorum already in the Senate; and in those two cases the Chair decided that it took a majority to lay those motions on the table or to decide them. Now, in the case pending there was a roll-call, a vote, and it was disclosed that there was no quorum present. Then it was that the Senator from West Virginia, under Rule 3, made his motion. That rule declares:

Whenever it shall be ascertained that a quorum is not present, a majority of the Senators present may direct the Sergeant-at-Arms to request, and, when necessary, to compel the attendance of the absent Senators, which order shall be determined without debate; and, pending its execution, and until a quorum shall be present, no motion, except a motion to adjourn, nor debate, shall be in order.

The Senator from Wisconsin made his motion to lay on the table, which the Chair decided was in order as in all cases, except probably in the case of a motion to adjourn, and upon the motion to lay on the table the yeas were none and the nays were 25, and the Chair decided that a majority of the Senators present voting in the negative the motion failed and that the question now recurs on the motion of the Senator from West Virginia, upon which the yeas and nays have been ordered.

Mr. WITHERS. May I make an inquiry of the Chair? The Chair has decided repeatedly, and I think correctly, that upon a motion to lay on the table a majority only can decide it. Am I correct in that?

The PRESIDING OFFICER. The Chair has decided, as he has three times now explained in the Senate, that when a motion is made to require the Sergeant-at-Arms to request the presence of absent Senators when there is already a quorum to transact the business of the Senate then any motion affecting that motion must be decided by a quorum of the Senate; but when we are proceeding under Rule 3 and the proceedings are confined to that, then a majority of the Senators present decide a motion to lay upon the table, or to adjourn, or any kindred question.

Mr. WITHERS. The point I wished to call the attention of the Chair to was this, that any question which it requires a majority vote to decide should not be considered in the absence of a majority, and that when the preceding vote disclosed no quorum and a motion is made to proceed under the rule to secure a quorum on that motion being submitted and it is then moved to lay that motion upon the table, you are asking a House which is not a House to transact business.

The PRESIDING OFFICER. The Chair has decided no such thing. As he now states for the fourth time, when such a motion was made with a quorum of the Senate present the Chair decided that it required a quorum to do any business, but when the motion was made in the absence of a quorum, as the rule requires a majority of the Senators present to make the direction, then a majority of those present can decide a motion to lay on the table, or a motion to adjourn, or a motion to go into executive session.

Mr. WITHERS. Mr. President, let us look at the facts as they occurred. A motion was made to adjourn—

Mr. CONKLING. Is this debate in order?

Mr. WITHERS. It is a parliamentary inquiry as to a question of order that I am propounding. Upon that motion to adjourn there was no quorum voting. The Senator from West Virginia moved then that the absentees be sent for, and the Senator from Wisconsin moved to lay that motion on the table. The last vote indicated no quorum. The motion of the Senator from West Virginia proposed to institute proceedings to secure a quorum, and the Senator from Wisconsin moved to lay that upon the table. I suppose that that motion is not in order according to my conception of parliamentary law, the fact being that you are proposing to submit it to a House in which it is disclosed that there is no quorum present—

The PRESIDING OFFICER. Will the Senator answer the Chair what motion is not in order?

Mr. WITHERS. The motion to lay on the table.

The PRESIDING OFFICER. That motion has long since been decided, and is not before the Senate.

Mr. WITHERS. I am speaking on that question. The question has been before the Senate half a dozen times to-night in the same form.

The PRESIDING OFFICER. Only once in the case just decided, and the Chair decided that a majority of the Senators present disposed of the motion just as the Chair would decide that a majority of the Senators present would dispose of a motion to adjourn or a motion to go into executive session.

Mr. HEREFORD. Now I hope we shall have a vote.

The PRESIDING OFFICER. Is the Senate ready for the question?

Mr. CONKLING. What is the question?

The PRESIDING OFFICER. The motion of the Senator from West Virginia that the Sergeant-at-Arms be directed to request the presence of absent Senators. That is the question.

Mr. CONKLING. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. ALLISON, (when his name was called.) I am paired with the Senator from Maryland, [Mr. WHYTE,] as I have stated several times, and therefore refrain from voting.

Mr. McMILLAN, (when his name was called.) I am paired with the Senator from New Jersey, [Mr. MCPHERSON.]

Mr. RANSOM, (when his name was called.) I am paired on this question with the Senator from Vermont, [Mr. MORRILL.]

The roll-call was concluded.

Mr. GORDON. On this question I am paired with the Senator from Rhode Island, [Mr. ANTHONY.]

The result was announced—yeas 22, nays 0; as follows:

YEAS—22.

| | | | |
|------------|-------------------|------------|----------|
| Bailey, | Harris, | Lamar, | Slater, |
| Call, | Hereford, | McDonald, | Vance, |
| Carpenter, | Hill of Georgia, | Maxey, | Walker, |
| Eaton, | Jonas, | Morgan, | Withers. |
| Garland, | Jones of Florida, | Pendleton, | |
| Hampton, | Kernan, | Randolph, | |

NAYS—0.

ABSENT—54.

| | | | |
|------------------|--------------------|------------------|------------|
| Allison, | Coke, | Houston, | Rollins, |
| Anthony, | Conkling, | Ingalls, | Saulsbury, |
| Bayard, | Davis of Illinois, | Johnston, | Sanders, |
| Beck, | Davis of W. Va., | Jones of Nevada, | Sharon, |
| Bell, | Dawes, | Kellogg, | Teller, |
| Blaine, | Edmunds, | Kirkwood, | Thurman. |
| Booth, | Farley, | Logan, | Vest, |
| Bruce, | Ferry, | McMillan, | Voorhees, |
| Burnside, | Gordon, | McPherson, | Wallace, |
| Butler, | Groome, | Morrill, | Whyte, |
| Cameron of Pa., | Grover, | Paddock, | Williams, |
| Cameron of Wis., | Hamlin, | Platt, | Windom. |
| Chandler, | Hill of Colorado, | Plumb, | |
| Cockrell, | Hoar, | Ransom, | |

The PRESIDING OFFICER. The motion prevails, and the Sergeant-at-Arms will proceed to its execution.

Mr. CARPENTER. Mr. President, I rise to ask a parliamentary question. What is he to proceed to execute; those who are shown absent by this roll-call, or those shown absent by some other roll-call, unless the absentees are called to ascertain?

The PRESIDING OFFICER. The Chair cannot decide all these questions until the officer's report is made, and then it will be for the Senate to determine whether he has properly executed the order of the Senate.

Mr. CARPENTER. He cannot notify me, I think.

Mr. HILL, of Georgia. I announce that the Senator from Illinois [Mr. DAVIS] is absent from the Senate by indisposition, and I hope he will not be disturbed by the Sergeant-at-Arms.

Mr. BAYARD. Mr. President—

The PRESIDING OFFICER. The vote has long since been announced by the Chair, and the Chair cannot receive votes.

Mr. GARLAND. I wish to ask that the Senator from Kentucky [Mr. BECK] and the Senator from Texas [Mr. COKE] be excepted from the absentees on account of sickness in their families.

The PRESIDING OFFICER. The Chair cannot make that order.

Mr. GARLAND. I make that request so that it may go on the record.

Mr. PLATT. I desire to announce that the Senator from Michigan

[Mr. CHANDLER] is paired with the Senator from Kentucky, [Mr. BECK.]

Mr. RANSOM. The Senator from Vermont [Mr. MORRILL] paired with me this evening. He was not strong enough to stay in the Senate all night.

Mr. BLAINE, (at two o'clock and forty minutes a. m., Thursday, June 19.) Mr. President, as nature abhors a vacuum, I ask what is the matter pending before the Senate?

The PRESIDING OFFICER. The Chair is waiting upon the report of the Sergeant-at-Arms in execution of the order of the Senate.

Mr. McMILLAN. I understand the roll discovers the absence of a number of Senators on the other side of the Chamber who are at a great distance from Washington and cannot be here to-night. The Sergeant-at-Arms will have an opportunity of reporting to-morrow, and I move that the Senate adjourn.

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

The motion was not agreed to.

Mr. ALLISON. I move to take a recess until twelve o'clock to-morrow that we may get a little rest; I mean twelve o'clock to-day.

The PRESIDING OFFICER. The Senator from Iowa moves that the Senate take a recess until twelve o'clock noon. Is the Senate ready for the question?

The Chair put the question and declared the noes appeared to prevail.

Mr. ALLISON. I must ask for a division on that question.

The question being put, there were on a division—ayes 8, noes 13.

The PRESIDING OFFICER. The motion is lost.

Mr. ALLISON, (at two o'clock and forty-eight minutes a. m.) Mr. President, in order to complete the record I desire to state that about nine o'clock I made a motion to adjourn which I understand has never been announced by the Chair as having been decided. I merely want to complete the record and have it appear that a motion was made to adjourn and it still stands undecided. I should like to know of the Chair what ought to be done in such a case.

The PRESIDING OFFICER. The motion to adjourn was voted down.

Mr. ALLISON. But it was not so declared.

The PRESIDING OFFICER. It was distinctly and repeatedly declared by the Chair.

Mr. ALLISON. But I am speaking now about a motion made about five hours ago.

The PRESIDING OFFICER. The Chair does not remember the circumstance.

Mr. ALLISON. The Chair thinks it is hardly worth while to make any point upon that.

The PRESIDING OFFICER, (at three o'clock a. m.) The Chair will submit to the Senate the report of the Sergeant-at-Arms made in pursuance of the order of the Senate. It will be read by the Secretary.

The Chief Clerk read as follows:

To the President of the Senate:

Sir: In obedience to the order of the Senate in regard to requesting the attendance of absent Senators, I would respectfully report that the Secretary reported as absent the following Senators, to wit:

Messrs. Allison, Anthony, Bayard, Beck, Bell, Blaine, Booth, Bruce, Burnside, Butler, Cameron of Pennsylvania, Cameron of Wisconsin, Chandler, Coke, Conkling, Davis of Illinois, Davis of West Virginia, Dawes, Edmunds, Farley, Ferry, Gordon, Groome, Grover, Hamlin, Hill of Colorado, Hoar, Houston, Ingalls, Johnston, Kellogg, Kirkwood, Logan, McMillan, McPherson, Morrill, Paddock, Platt, Plumb, Rollins, Saulsbury, Saunders, Sharon, Teller, Thurman, Vest, Voorhees, Wallace, Whyte, Williams, and Windom.

I found in the Senate Chamber and adjoining cloak-room Senators Bayard, Blaine, Burnside, Cameron of Wisconsin, Cameron of Pennsylvania, Conkling, Davis of West Virginia, Gordon, Groome, Hill of Colorado, Houston, Ingalls, Logan, Paddock, Ransom, Rollins, Vest, and Windom.

Reported paired: Senators Allison, Edmunds, Ferry, McMillan, Saulsbury, and Thurman.

R. J. BRIGHT,
Sergeant-at-Arms.

Mr. BAYARD. I desire to state that there is some inaccuracy in regard to my absence from the Senate Chamber. At the time the call was made my name was called and I rose to answer and subsequently proposed to record my name. I desire merely to state the fact that I was not absent at any time from the Senate Chamber this evening.

Mr. BURNSIDE. I want to state the same fact.

Mr. BLAINE. For myself, I have not been absent.

The PRESIDING OFFICER. The Senator from Iowa has the floor, and the Chair cannot hear but one Senator at a time.

Mr. ALLISON. I desire to say that the report of the Secretary to the Sergeant-at-Arms was inaccurate in this, that I am reported, as appears there, as absent paired. I have been present all the time, and have as often as I thought necessary announced my pair with the Senator from Maryland, [Mr. WHYTE.] I do not wish to appear as being absent when I am present and paired. I hope the record will be corrected in that regard, Mr. President.

Mr. BLAINE. By a mere inadvertence, or some other cause similar thereto, on some of the roll-calls I may not have answered to my name; but I have been within the walls of the Senate Chamber the entire evening, I believe, without being beyond the threshold; so that there is a very unaccountable mistake on the part of somebody, whether myself or others I do not now affirm.

Mr. McMILLAN. I think the Secretary of the Senate in reporting

me to the Sergeant-at-Arms as absent made a mistake. I was present in my seat. When my name was called I announced a pair with the Senator from New Jersey [Mr. MCPHERSON] and stated as the reason for not voting that pair. I supposed that would be a sufficient reason and would be an excuse on the part of the Senate. I was present in my seat and responded to the call of the Secretary when he called my name.

Mr. CONKLING. May I inquire, was I reported by the Sergeant-at-Arms as absent?

The PRESIDING OFFICER. The Senator was.

Mr. CONKLING. I was not absent. I stood exactly where I stand now when the Sergeant-at-Arms came to me.

The PRESIDING OFFICER. If the Senator will withhold a moment the Chair will state that the report was read, and if the Senators had been present they would have understood it definitely. The Sergeant-at-Arms reports that—

In obedience to the order of the Senate in regard to requesting the attendance of absent Senators, I would respectfully report that the Secretary reported as absent the following Senators.

Among the names there mentioned the name of the Senator from New York appears. Then the Sergeant-at-Arms reports further:

I found in the Senate Chamber and adjoining cloak-rooms Senators Bayard, Blaine, Burnside, Cameron of Wisconsin, &c.

Mr. CONKLING. I wish merely to say that I was not found in an adjoining cloak-room, but I was found exactly where I now stand. The Sergeant-at-Arms inquiring of me if he should report that I was present my reply was "I am here." I suppose that makes me present. I merely wish to say that I was neither absent nor in an adjoining cloak-room, but within four feet of my seat.

Mr. SAULSBURY. I have announced several times in the course of the evening that I am paired with the Senator from Michigan, [Mr. FERRY.] I have been in the Senate Chamber nearly all the evening, and should have voted had I not been paired.

Mr. PADDOCK. Among the number of those reported as absent and not paired, as I remember, the name of my colleague [Mr. SAUNDERS] was read. I desire to state, on his behalf, that he is absent but is paired with the Senator from Texas, [Mr. COKE.] As far as I am concerned, I am here and expect to remain.

Mr. CAMERON, of Pennsylvania. I am announced as being absent. I have not been absent. I have been here the entire evening. Sometimes I have not voted, and probably I shall not hereafter vote at all times, but I have been here during the whole night, and I propose to remain as long as any one else remains.

Mr. WITHERS. I wish to state that my colleague [Mr. JOHNSTON] is detained from the Senate by indisposition, and in addition to that he is paired with the Senator from Colorado, [Mr. TELLER.]

Mr. BURNSIDE. I beg to state that my colleague [Mr. ANTHONY] was called home yesterday by the death of a friend. He is paired with the Senator from Georgia, [Mr. GORDON.]

Mr. PLATT. I see that my name is reported by the Secretary as one of those Senators who are absent. I believe I have not been absent at any roll-call of the Senate this evening.

Mr. LOGAN. Am I numbered among the dead or absent?

The PRESIDING OFFICER. The Senator is reported among the dead and living both, [laughter,] his name having been furnished to the Sergeant-at-Arms as absent from the list and having been found in the Senate Chamber or one of the cloak-rooms.

Mr. LOGAN. One or the other; I have been in one or the other all the evening.

Mr. GROOME. Since it seems to be extremely fashionable to designate the exact spot where we were, I wish to say that although I did not vote on the last roll-call I was in the Senate Chamber when summoned by the Sergeant-at-Arms to be present.

Mr. ALLISON. May I ask now if the report of the Sergeant-at-Arms discloses the presence of a quorum or the absence of a quorum?

The PRESIDING OFFICER. That question has not been determined.

Mr. ALLISON. I should be glad to have it determined.

Mr. MAXEY. Before that is announced I desire to state that my colleague [Mr. COKE] is paired with the Senator from Nebraska, [Mr. SAUNDERS.]

Mr. ALLISON. Is there a quorum present?

The PRESIDING OFFICER. The Chair could probably make an arithmetical calculation and ascertain the fact as to whether the members reported by the Sergeant-at-Arms and those answering to the roll-call constitute a quorum.

Mr. ALLISON. Assuming that a quorum is present, I move that all further proceedings under the call be dispensed with.

The motion was not agreed to.

The PRESIDING OFFICER. What is the pleasure of the Senate?

Mr. HEREFORD. I presume we shall proceed with the further execution of the call and send for the other absentees.

Mr. ALLISON. I venture to make a motion that the Senator from Maryland [Mr. WHYTE] be excused.

The PRESIDING OFFICER. What is the motion of the Senator from West Virginia?

Mr. HEREFORD. The call has not been entirely executed yet, because there are Senators who have not been notified. I presume it will not take a motion to proceed further for the reason that the motion is unexecuted or only partially executed.

Mr. LOGAN. What does the Senator want to do now?

Mr. HEREFORD. To get more Senators in.

Mr. WINDOM. I suggest that we compromise this matter by taking a recess until twelve o'clock to-day while the Sergeant-at-Arms is ascertaining the whereabouts of absent members.

Mr. SLATER. I desire to state that my colleague [Mr. GROVER] is absent from the city on account of the sickness of a member of his family.

Mr. BLAINE. And is understood to be paired with my colleague, [Mr. HAMLIN.]

Mr. SLATER. He is paired with the Senator from Maine, [Mr. HAMLIN.]

Mr. WINDOM. I move that the Senate take a recess until twelve o'clock to-day.

Mr. HEREFORD. I rise to a point of order. No motion for a recess is in order during a call of the Senate.

Mr. WINDOM. I ask unanimous consent that we take a recess, if the Chair hears no objection.

Mr. WITHERS and others. I object.

The PRESIDING OFFICER. Objection is made.

Mr. PADDOCK, (at three o'clock and fifteen minutes a. m.) If my recollection serves me correctly I have not made a motion to adjourn during the present session, and in order that I may make a little record of that kind just once, I now move that the Senate adjourn.

The PRESIDING OFFICER. The question is on the motion of the Senator from Nebraska, that the Senate adjourn.

Mr. PADDOCK. It has been a long time since I have made a motion of this kind and I hope I shall be indulged.

The Senate refused to adjourn.

Mr. PADDOCK. I shall not indulge in any such experiment again, Mr. President.

Mr. CONKLING. What is the question before the Senate, Mr. President?

The PRESIDING OFFICER. The unexecuted order of the Senate in regard to absent Senators. The Sergeant-at-Arms has made one report, and is engaged in a further execution of the order.

After a delay of fifteen minutes,

The PRESIDING OFFICER. The Chair will submit to the Senate an additional report from the Sergeant-at-Arms. It will be read for the information of the Senate.

The Chief Clerk read as follows:

WASHINGTON, June 18, 1879.

To the President of the Senate:

The following Senators are reported to be absent from the city, to wit: Messrs. Anthony, Beck, Butler, Edmunds, Farley, Grover, Hamlin, Hoar, Jones of Nevada, McPherson, Plumb, Sharon, Teller, Whyte, and Williams. And as sick: Messrs. Davis of Illinois, and Johnston.

Messengers have been sent to notify Senators Bell, Bruce, Booth, Chandler, Coke, Dawes, Kellogg, Kirkwood, Morrill, Saunders, Wallace, and Voorhees of the order of the Senate.

Respectfully reported in obedience to the order of the Senate in regard to absent Senators.

R. J. BRIGHT,
Sergeant-at-Arms.

Mr. PADDOCK, (at five o'clock and twelve minutes a. m.) I move that the Senate do now adjourn.

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

The question being put, it was declared that the noes appeared to prevail.

Mr. PADDOCK. Let us have the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. GORDON, (when his name was called.) On this question I am paired with the Senator from Rhode Island, [Mr. ANTHONY.]

Mr. MORGAN, (when Mr. HOUSTON's name was called.) I desire to say that my colleague [Mr. HOUSTON] has retired from the Senate on account of indisposition. Not being able to remain any longer, he has gone to his room.

Mr. McMILLAN, (when his name was called.) I am paired with the Senator from New Jersey, [Mr. MCPHERSON.]

Mr. GROOME, (when Mr. ROLLINS's name was called.) I desire to state that the Senator from New Hampshire [Mr. ROLLINS] has left the Senate because of indisposition. He desired me to keep him right on the record. I therefore desire to say that he would vote "yea," if here.

The roll-call was concluded.

Mr. PLATT. I desire to state that the Senator from Michigan [Mr. CHANDLER] is paired with the Senator from Kentucky, [Mr. BECK], who is absent on account of indisposition.

Mr. SAULSBURY. I am paired with the Senator from Michigan, [Mr. FERRY.]

Mr. PADDOCK. I think the Senator from Texas [Mr. COKE] has voted through inadvertence. As I understand, he has paired with my colleague, [Mr. SAUNDERS.]

Mr. COKE, (after having voted in the negative.) I desire to withdraw my vote. I had forgotten for the moment that I was paired with the Senator from Nebraska, [Mr. SAUNDERS.]

Mr. VANCE. My colleague [Mr. RANSOM] was compelled to leave the Senate Chamber on account of ill-health.

Mr. BELL. I am paired on all political questions with the Senator from Kentucky, [Mr. WILLIAMS.]

Mr. GROOME. I desire to announce that my colleague [Mr. WHYTE] is paired with the Senator from Iowa, [Mr. ALLISON.] If here, my colleague would vote "nay," and I doubt not the Senator from Iowa would vote "yea."

The result was announced—yeas 7, nays 21; as follows:

| YEAS—7. | | | |
|---|---|--|--|
| Burnside, Hill of Colorado, | Kirkwood, Logan, | Paddock, Platt, | Windom. |
| NAYS—21. | | | |
| Call, Cockrell, Davis of W. Va., Eaton, Garland, Groome, | Hampton, Harris, Hereford, Hill of Georgia, Jonas, Jones of Florida, | Kernan, Lamar, Morgan, Randolph, Slater, Vance, | Vest, Walker, Withers. |
| ABSENT—48. | | | |
| Allison, Anthony, Bailey, Bayard, Beck, Bell, Blaine, Booth, Bruce, Butler, Cameron of Pa., Cameron of Wis., | Carpenter, Chandler, Coke, Conkling, Davis of Illinois, Dawes, Edmunds, Farley, Ferry, Gordon, Grover, Hamlin, | Hoar, Houston, Ingalls, Johnston, Jones of Nevada, Kellogg, McDonald, McMillan, McPherson, Morrill, Pendleton, | Plumb, Ransom, Rollins, Saulsbury, Saunders, Sharon, Teller, Thurman, Voorhees, Wallace, Whyte, Williams. |

The PRESIDING OFFICER. The Senate refuses to adjourn.

After an interval of twenty minutes,

The PRESIDING OFFICER. The Chair will lay before the Senate an additional report, a report of progress, by the Sergeant-at-Arms, which will be read for information.

The Chief Clerk read as follows:

WASHINGTON, June 18, 1879.

To the President of the Senate:

In obedience to the order of the Senate in regard to absent Senators, I would respectfully report that Senators Booth, Dawes, and Kellogg answer that they are too unwell to come to the Senate; Senator Wallace, not found.

Senators Morrill, Saunders, and Bruce answer that they will come immediately. Senators Bell, Coke, and Kirkwood report in person.

R. J. BRIGHT,
Sergeant-at-Arms.

Mr. DAVIS, of West Virginia. I presume all the absentees will be notified. I suppose there is a continuation of the call. I notice all who have answered are not here.

The PRESIDING OFFICER. The Chair cannot tell how many have not answered and how many have. There have been three or four reports made.

Mr. PADDOCK. I move that all further proceedings under the call be dispensed with.

Mr. HEREFORD. I rise to a point of order, that no such motion can be made.

The PRESIDING OFFICER. It has been the universal custom of the Chair to sustain all such motions, and the present occupant of the chair will decide the motion in order. It has been decided time and again. I have half a dozen records before me sustaining that point.

Mr. PADDOCK. Is it not always in order after a report made by the Sergeant-at-Arms?

The PRESIDING OFFICER. The question before the Senate is the motion made by the Senator from Nebraska to dispense with further proceedings under the call of the Senate.

Mr. CONKLING called for the yeas and nays, and they were ordered and taken.

Mr. COKE. I am paired with the Senator from Nebraska, [Mr. SAUNDERS.]

Mr. McDONALD. I am paired with the Senator from Wisconsin, [Mr. CARPENTER.] If he were here, I should vote "nay."

The result was announced—yeas 7, nays 23; as follows:

| YEAS—7. | | | |
|--|--|--|---|
| Burnside, Conkling, | Hill of Colorado, Kirkwood, | Paddock, Platt, | Windom. |
| NAYS—23. | | | |
| Bayard, Call, Davis of W. Va., Eaton, Garland, Groome, | Hampton, Harris, Hereford, Hill of Georgia, Jonas, Jones of Florida, | Kernan, Lamar, Maxey, Morgan, Pendleton, Randolph, | Slater, Vance, Vest, Walker, Withers. |
| ABSENT—46. | | | |
| Allison, Anthony, Bailey, Beck, Bell, Blaine, Booth, Bruce, Butler, Cameron of Pa., Cameron of Wis., Carpenter, | Chandler, Cockrell, Coke, Davis of Illinois, Dawes, Edmunds, Farley, Ferry, Gordon, Grover, Hamlin, Hoar, | Houston, Ingalls, Johnston, Jones of Nevada, Kellogg, Logan, McDonald, McMillan, McPherson, Morrill, Plumb, Ransom, | Rollins, Saulsbury, Saunders, Sharon, Teller, Thurman, Voorhees, Wallace, Whyte, Williams. |

So the motion was not agreed to.

The PRESIDING OFFICER, (at five o'clock and forty-two minutes a. m.) The Chair will lay before the Senate a report from the Sergeant-at-Arms, made out on one of the roll-call lists, showing those

absent as furnished by the Clerk and those whom he has notified in pursuance of the order of the Senate.

Mr. DAVIS, of West Virginia. Will the Chair be kind enough to have it reported, so that the Senate can understand it?

The PRESIDING OFFICER. It will be read for the information of the Senate. The list of absentees will be read first.

The Chief Clerk read as follows:

Messrs. Allison, Anthony, Bayard, Beck, Bell, Blaine, Booth, Bruce, Burnside, Butler, Cameron of Pennsylvania, Cameron of Wisconsin, Chandler, Coke, Conkling, Davis of Illinois, Davis of West Virginia, Dawes, Edmunds, Farley, Ferry, Gordon, Groome, Grover, Hamlin, Hill of Colorado, Hoar, Houston, Ingalls, Johnston, Kellogg, Kirkwood, Logan, McMillan, McPherson, Morrill, Paddock, Platt, Plumb, Ransom, Rollins, Saulsbury, Saunders, Sharon, Teller, Thurman, Vest, Voorhees, Wallace, Whyte, Williams, and Windom.

The PRESIDING OFFICER. The Secretary will now read the names of those who have been requested to appear in the Senate.

The Chief Clerk read as follows:

Messrs. Allison, Bayard, Bell, Blaine, Booth, Bruce, Burnside, Cameron of Pennsylvania, Cameron of Wisconsin, Coke, Conkling, Davis of West Virginia, Gordon, Groome, Hill of Colorado, Houston, Ingalls, Kirkwood, Logan, McMillan, Morrill, Paddock, Platt, Ransom, Rollins, Saulsbury, Saunders, Thurman, Vest, and Windom.

Mr. Anthony is absent from the city.

Mr. Beck, out of the city.

Mr. Butler, out of the city.

Mr. Chandler, no answer.

Mr. Davis, of Illinois, sick.

Mr. Dawes, sick.

Mr. Edmunds, out of the city.

Mr. Farley, out of the city.

Mr. Grover, out of the city.

Mr. Hamlin, out of the city.

Mr. Hoar, out of the city.

Mr. Johnston, sick.

Mr. Kellogg, sick.

Mr. McPherson, out of the city.

Mr. Plumb, out of the city.

Mr. Sharon, out of the city.

Mr. Teller, out of the city.

Mr. Wallace, not found.

Mr. Whyte, out of the city.

Mr. Williams, out of the city.

Mr. CONKLING. How many are "out of the city?"

The PRESIDING OFFICER. Twelve "out of the city."

Mr. SAULSBURY. I desire to say, once for all, that I have been here all night. I could not vote because I was paired with the Senator from Michigan, [Mr. FERRY.]

Mr. DAVIS, of West Virginia. Part of the Senators called have paired, and I see no note made of those who have paired and answered to the call. I suggest that there are a number—myself among them—who have not been out of the Chamber, but who have responded to every call that has taken place. I know that the Senator from Delaware [Mr. BAYARD] has been in the Chamber all the time, and yet he is down as absent. I take it the list was furnished of those who did not vote on some particular call, though they might have been in the Senate.

Mr. PADDOCK. I desire to state, so far as I am concerned, that the report is inaccurate. I have been in the Chamber or near to the Chamber—in the cloak-room possibly, but not out of hearing of the Clerk when the roll-call was being proceeded with—since yesterday at twelve o'clock noon.

Mr. PLATT. It seems to me, Mr. President, that there is some mistake about the absentees, as also about those who have been notified. I believe I have not been absent and I have not failed to respond to my name when there has been a call of the Senate. Sometimes I have not voted; but when there has been a call of the Senate I believe I have without exception responded to my name, and I certainly have no recollection of having been requested by the Sergeant-at-Arms to present myself here. There is some mistake about it, evidently.

Mr. CONKLING. I can confirm the Senator from Connecticut. I have not been requested by the Sergeant-at-Arms to attend. I have been present, however, at all times since twelve o'clock yesterday not having been out of the Capitol, and not more than a few steps away from my seat at any time. I have not been absent.

The PRESIDING OFFICER. The Senate will remember that that report which was made by the Sergeant-at-Arms and was read in full in regard to the Senators who were found in the Senate Chamber includes the names of those as well as those who were notified outside of the Senate Chamber.

Mr. CONKLING. That explains it, no doubt.

Mr. PADDOCK. It seems to me that after so elaborate and satisfactory a report from the Sergeant-at-Arms, we can now dispense with further proceedings under the call. I therefore move that all further proceedings under the call be dispensed with.

The PRESIDING OFFICER. The Senator from Nebraska moves that further proceedings under the call be dispensed with.

The motion was not agreed to.

Mr. CAMERON, of Pennsylvania, (at six o'clock and five minutes a. m.) Mr. President, it is about time, I think, to proceed to business. Therefore I move that all further proceedings, under the call be dispensed with; and upon that motion I call for the yeas and nays.

Mr. WITHERS. Was not that the last motion which was acted on by the Senate?

The PRESIDING OFFICER. The Chair does not know that that

would be an objection to it if it were; and the Chair does not know that it was the last motion. The Chair will look at the record, as so many motions of that kind have been made.

Mr. EATON. I suggest to my friend from Pennsylvania that while he is removing disabilities he take them all and move that all proceedings under all the calls be suspended. I would not expect to vote for it, but yet it seems to me that it would be better if he would make all his associates loyal Senators.

The PRESIDING OFFICER. The question is on the motion of the Senator from Pennsylvania, on which the yeas and nays have been demanded.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. McDONALD, (when his name was called.) I am paired with the Senator from Wisconsin, [Mr. CARPENTER.] If he were present, I should vote "nay."

The roll-call was concluded; and the result was announced—yeas 5, nays 22; as follows:

| | | | |
|------------------|--------------------|------------------|------------|
| | | YEAS—5. | |
| Cameron of Pa., | Paddock, | Platt, | Saunders. |
| Conkling, | | | |
| | | NAYS—22. | |
| Call, | Hampton, | Kernan, | Slater, |
| Cockrell, | Harris, | Lamar, | Vance, |
| Coke, | Hereford, | Maxey, | Walker, |
| Davis of W. Va., | Hill of Georgia, | Morgan, | Withers. |
| Eaton, | Jonas, | Pendleton, | |
| Garland, | Jones of Florida, | Randolph, | |
| | | ABSENT—49. | |
| Allison, | Chandler, | Ingalls, | Saulsbury, |
| Anthony, | Davis of Illinois, | Johnston, | Sharon, |
| Bailey, | Dawes, | Jones of Nevada, | Teller, |
| Bayard, | Edmunds, | Kellogg, | Thurman, |
| Beck, | Farley, | Kirkwood, | Vest, |
| Bell, | Ferry, | Logan, | Voorhees, |
| Blaine, | Gordon, | McDonald, | Wallace, |
| Booth, | Groome, | McMillan, | Whyte, |
| Bruce, | Grover, | McPherson, | Williams, |
| Burnside, | Hamlin, | Morrill, | Windom. |
| Butler, | Hill of Colorado, | Plumb, | |
| Cameron of Wis., | Hoar, | Ransom, | |
| Carpenter, | Houston, | Rollins, | |

So the motion was not agreed to.

Mr. PADDOCK, (at seven o'clock a. m.) Would it be in order to call for another report from the Sergeant-at-Arms concerning absentees?

The PRESIDING OFFICER. The Sergeant-at-Arms will report as soon as he has anything to report, the Chair presumes.

Mr. PADDOCK. If he has nothing further to report, I think we might as well dispense with further proceedings under the call. It is a long time since we have had a call of the roll.

Mr. CONKLING. Does the Senator make that motion?

Mr. PADDOCK. I move that all further proceedings under the call be dispensed with.

The motion was not agreed to.

Mr. SAUNDERS, (at seven o'clock and thirty minutes a. m.) I move that further proceedings under the call of the Senate be dispensed with.

Mr. CONKLING. On that let us have the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. PADDOCK, (when his name was called.) I believe the Senator from Tennessee [Mr. BAILEY] is not present, and if he is not here I am paired with him.

The roll-call was concluded.

Mr. BURNSIDE. My colleague [Mr. ANTHONY] is paired with the Senator from Georgia, [Mr. GORDON.] If my colleague were here, he would vote "yea."

The result was announced—yeas 6, nays 16; as follows:

| | | | |
|------------------|--------------------|-------------------|------------|
| | | YEAS—6. | |
| Burnside, | Conkling, | Platt, | Saunders. |
| Cameron of Pa., | Pendleton, | | |
| | | NAYS—16. | |
| Call, | Garland, | Hill of Georgia, | Slater, |
| Coke, | Groome, | Jones of Florida, | Vance, |
| Davis of W. Va., | Harris, | Kernan, | Vest, |
| Eaton, | Hereford, | Morgan, | Withers. |
| | | ABSENT—54. | |
| Allison, | Davis of Illinois, | Jonas, | Ransom, |
| Anthony, | Dawes, | Jones of Nevada, | Rollins, |
| Bailey, | Edmunds, | Kellogg, | Saulsbury, |
| Bayard, | Farley, | Kirkwood, | Sharon, |
| Beck, | Ferry, | Lamar, | Teller, |
| Bell, | Gordon, | Logan, | Thurman, |
| Blaine, | Grover, | McDonald, | Voorhees, |
| Booth, | Hamlin, | McMillan, | Walker, |
| Bruce, | Hampton, | McPherson, | Wallace, |
| Butler, | Hill of Colorado, | Maxey, | Whyte, |
| Cameron of Wis., | Hoar, | Morrill, | Williams, |
| Carpenter, | Houston, | Paddock, | Windom. |
| Chandler, | Ingalls, | Plumb, | |
| Cockrell, | Johnston, | Randolph, | |

So the motion was not agreed to.

Mr. DAVIS, of West Virginia. I judge now we can have an understanding that we shall take the vote to-day. If so, I ask general consent—

Mr. CONKLING. We can have no understanding. That is not what we have staid for.

The PRESIDING OFFICER. What proposition does the Senator from West Virginia make?

Mr. DAVIS, of West Virginia. I do not make any.

Mr. MORRILL, (at nine o'clock and ten minutes a. m.) Mr. President, I have not any doubt that the Senate on each side would be willing to have this bill disposed of during the day, and I take the liberty, therefore, of moving that we adjourn at the present time. I think that reasonable men can reach some proper conclusion about the matter. I move, therefore, that the Senate adjourn.

The PRESIDING OFFICER, (Mr. VANCE in the chair.) The Senator from Vermont moves that the Senate do now adjourn.

Mr. EATON. Not unconditionally, I hope.

Mr. MORRILL. I hope the Senator from Connecticut heard what I said. I said that I had not a particle of doubt, so far as the majority on this side is concerned, that this bill can be disposed of to-day.

Mr. PLATT. I want to say that I cannot consent to any arrangement that it shall be disposed of at any particular time.

Mr. MORRILL. I do not ask that.

The PRESIDING OFFICER. The motion is not debatable.

Mr. PENDLETON. I understood the Senator from Connecticut said he would not agree to any particular time. Will he agree that it shall be done during the day?

Mr. PLATT. I cannot agree that it shall be done at any time.

Mr. EATON. Neither to-day nor to-morrow? Vote down the motion.

The PRESIDING OFFICER. The question is on the motion of the Senator from Vermont, that the Senate do now adjourn.

Mr. EATON. I desire it to be distinctly understood that so far as the democratic members are concerned we have been anxious all the while that there should be an adjournment if this matter could be settled to-day or, legislatively, to-morrow. I mean the legislative day of Thursday, no matter how long that may last, whether it be ten hours, or twelve hours, or twenty hours. I think I understand my colleague. The Senator from New York [Mr. CONKLING] will not agree to this, and therefore I do not blame my colleague for what he said.

The PRESIDING OFFICER. The question is on the motion of the Senator from Vermont, that the Senate do now adjourn.

Mr. MORRILL. I hope that there will be unanimous consent to adjourn.

The motion was not agreed to.

Mr. BURNSIDE, (at nine o'clock and twenty-four minutes a. m.) I move that the Senate take a recess for one hour.

The PRESIDING OFFICER. The Senator from Rhode Island moves that the Senate take a recess for one hour.

Mr. EATON. I hope not; we have been here so long.

Mr. PENDLETON. Make it two hours if there is to be a recess.

Mr. BURNSIDE. I hope gentlemen on the other side will consent to a recess.

The PRESIDING OFFICER. The Chair thinks the motion is not in order.

Mr. BURNSIDE. Is there no method under the rules by which I can ask that Senators be sent for, so that we can have a quorum here? I think it fair that Senators be sent for and brought to the Chamber.

The PRESIDING OFFICER. The Chair will inform the Senator from Rhode Island that the Sergeant-at-Arms is now endeavoring to get Senators here. That is the order of the Senate.

Mr. BURNSIDE. I ask for a report of the Sergeant-at-Arms. Has the motion prevailed directing the Sergeant-at-Arms to bring members here?

Mr. WITHERS. No; to request their attendance.

Mr. BURNSIDE. Then I move that the Sergeant-at-Arms be directed to bring Senators to the Chamber.

The PRESIDING OFFICER. That motion is in order.

Mr. BURNSIDE. That he proceed to bring members here promptly.

Mr. WITHERS. To carry out the rule which says the attendance of absent Senators may be requested or, if necessary, directed by the Senate.

Mr. BURNSIDE. And that he use a sufficient number of deputies to bring them here promptly.

The PRESIDING OFFICER. The motion of the Senator from Rhode Island is that the Sergeant-at-Arms be directed to compel the attendance of absent members.

Mr. BURNSIDE. And that he use a sufficient force of deputies to bring them here promptly.

The PRESIDING OFFICER. That will be understood. Is the Senate ready for the question?

Mr. EATON. What is the question?

The PRESIDING OFFICER. The motion of the Senator from Rhode Island is to direct the Sergeant-at-Arms to compel the attendance of absent members.

Mr. EATON. Before the motion is acted upon we ought to know who the absent members are, and therefore I move a call of the Senate, so that we may know who the absent members are.

Mr. BURNSIDE. I accept that, with the understanding that I will renew my motion after the call of the Senate.

The PRESIDING OFFICER. That does not require a motion in the opinion of the Chair. It can be ordered by the Chair. The Secretary will call the roll of the Senate.

The Secretary proceeded to call the roll.

Mr. BURNSIDE, (when Mr. ANTHONY's name was called.) My colleague [Mr. ANTHONY] was called home yesterday by the death of a friend; otherwise he would be present.

The roll-call was concluded; and the following Senators answered to their names:

| | | | |
|------------------|-------------------|------------|----------|
| Bayard, | Garland, | Kernan, | Vance, |
| Bell, | Gordon, | McDonald, | Vest, |
| Burnside, | Groome, | Morrill, | Walker, |
| Call, | Harris, | Pendleton, | Wallace, |
| Chandler, | Hereford, | Platt, | Withers. |
| Coke, | Hill of Georgia, | Randolph, | |
| Davis of W. Va., | Jonas, | Rollins, | |
| Eaton, | Jones of Florida, | Slater, | |

The PRESIDING OFFICER. The roll-call exhibits twenty-nine Senators present, not a quorum.

Mr. BURNSIDE. Now, I move that those who are found absent by this roll-call be compelled to attend by the Sergeant-at-Arms, and I hope the Chair will give such instructions to him as will make him send men off in carriages to bring Senators here.

The PRESIDING OFFICER. The motion to compel the attendance of the absent Senators is now in order.

Mr. BURNSIDE. I make that motion.

The PRESIDING OFFICER. The Senator from Rhode Island moves that the Sergeant-at-Arms be directed to compel the attendance of absent members, and to use the necessary force.

Mr. BURNSIDE. When I speak of "force" I do not speak of arms, but the force of numbers, so that Senators can be reached simultaneously.

Mr. ROLLINS. You do not mean a military force.

Mr. BURNSIDE. I do not mean an armed force, but a sufficient force in number to bring them here quietly.

The PRESIDING OFFICER. All necessary force is comprehended in the term "compel attendance."

Mr. ROLLINS. Perhaps, if convenient, the Army could be used as a police force!

Mr. RANSOM entered the Chamber and his name was recorded as present.

The PRESIDING OFFICER. The question is on the motion of the Senator from Rhode Island, that the Sergeant-at-Arms be directed to compel the attendance of absent members.

Mr. ROLLINS. I move to strike out the word "compel."

Mr. BURNSIDE. We have heretofore used the word "request."

Mr. ROLLINS. That is all we can do anyway.

Mr. HEREFORD. They have been requested and do not come. There is no use in it.

Mr. ROLLINS. That is all you can do. I move to strike out "compel" and insert "request."

Mr. BURNSIDE. If the Sergeant-at-Arms will send eight or ten carriages and a man with each carriage for these Senators, he can get them here very soon. They went away last night with the understanding that if certain members here would stand guard they would be here at a reasonable hour in the morning. I want those Senators brought here now. I want the understanding carried out.

The PRESIDING OFFICER. The question is not debatable.

Mr. ROLLINS. Allow me to suggest that when the Sergeant-at-Arms finds the Senators all he can do then is to request their attendance. He will not be able to compel them to attend.

Mr. BURNSIDE. Yes, he will.

The PRESIDING OFFICER. The question is on the amendment of the Senator from New Hampshire to the motion of the Senator from Rhode Island to strike out the word "compel" and insert "request."

Mr. THURMAN. In my judgment the best thing we can do is to get on as quietly as we can until Senators get their breakfasts and they will then come in a good humor. If you send for them now, they will come in a bad humor. I think the best thing is not to pass the resolution at all.

Mr. BURNSIDE. It is time they all had their breakfast; it is half past nine o'clock.

Mr. THURMAN. Oh, no; they have not. They left here so late that many of them have not had their breakfasts yet.

Mr. BURNSIDE. All Senators have not the luxurious habits of the Senator from Ohio.

Mr. THURMAN. The Senator from Ohio did not go to bed at all.

Mr. BURNSIDE. I have been called at my house at one o'clock by the Sergeant-at-Arms, and told that I was required to be at the Senate Chamber, and under an order to compel Senators' attendance. I obeyed the order of the Sergeant-at-Arms. I do not see why we cannot make Senators come. We shall not have a quorum at twelve o'clock unless we do something of this kind. I do not see why we should not try the experiment.

Mr. HEREFORD. I suggest to the Senator from Rhode Island that the difficulty is not that the Senators are not here, but that they will not vote although sitting in their seats. That is the trouble. If the Senator will compel his political friends, or induce those who act in harmony with him, to vote when they are in their seats, then the proper legislation can be carried on. It is now nearly the 1st day of July, when the regular appropriations fall, and the democratic party on this floor has been striving all night to carry out these appropriations and not stop the Government; yet the Senators on the opposite side of the Chamber have sat in their seats all night time after

time and time after time, and hour after hour when their names have been called have not answered but have declined to vote. The trouble is not that they are not here, but the trouble is that they will not vote.

Mr. BURNSIDE. It has been in the power of the majority to adjourn ever since a reasonable hour for adjournment was reached yesterday afternoon; and in view of the fact that they occupied the entire day of yesterday, or nearly so, it would have been proper and just in them to have adjourned when that time arrived. Then we could have met here to-day at twelve o'clock and gone on with the bill without any delay whatever, and the republicans would have voted as occasion required; but they did not care to go on with the understanding that they would be compelled to vote upon the bill to-day, whether the debate was finished or not. I do not think there is any question as to which side of the Chamber justice rests in this case. There is no question about it in my mind.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from New Hampshire to strike out the word "compel" and insert the word "request."

The amendment was rejected; there being on a division—ayes 7, noes 16.

Mr. ROLLINS. Is there a quorum?

The PRESIDENT *pro tempore*. No quorum is necessary, it being a question of compelling the attendance of absent members. The question is on the motion of the Senator from Rhode Island, that the Sergeant-at-Arms be directed to compel the attendance of absent members.

The motion was agreed to.

The PRESIDENT *pro tempore*. The Sergeant-at-Arms will proceed to execute the order.

Mr. CONKLING. Mr. President, I understand that during a few moments' absence from the Senate there was a call of the Senate, under what rule I cannot conceive, but that is not important.

The PRESIDENT *pro tempore*. The Chair cannot answer, for the Chair was not in himself.

Mr. CONKLING. I address the Chair merely to report myself as both here and present, and not absent.

Mr. WITHERS, (at eleven o'clock and fifty minutes a. m.) I rise to make a parliamentary inquiry. If the Senate adjourns before twelve o'clock to-day, will the legislative day of Thursday commence at twelve o'clock?

The PRESIDENT *pro tempore*. Certainly it will.

Mr. WITHERS. Then I move that the Senate do now adjourn.

Mr. CONKLING. On that I demand the yeas and nays.

The PRESIDENT *pro tempore*. Is there a second? There is not a sufficient number up.

Mr. CONKLING. Oh, yes, if the Chair will count.

The PRESIDENT *pro tempore*. There were but two Senators who rose to second the call. The Chair will count again.

Mr. DAVIS, of West Virginia. It requires one-fifth of the Senators present.

The PRESIDENT *pro tempore*. The Chair can only make six up.

Mr. CONKLING. I ask that the other side be counted, if the Chair thinks one-fifth have not risen.

The PRESIDENT *pro tempore*. It is obvious to the Chair that there are not one-fifth. The question is on the motion of the Senator from Virginia that the Senate adjourn.

The motion was agreed to; and (at eleven o'clock and fifty-one minutes a. m., Thursday, June 19, 1879,) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, June 18, 1879.

The House met at twelve o'clock m. Prayer by Rev. DAVID WILLS, D. D.

The Journal of yesterday was read.

CORRECTION.

Mr. DIBRELL. I am recorded as not voting on the motion to adjourn yesterday evening. I was present and voted "no."

The SPEAKER. The correction will be made.

The Journal was then approved.

CONWAY NATIONAL BANK.

Mr. NORCROSS, by unanimous consent, introduced a bill (H. R. No. 2329) authorizing the Conway National Bank, of Conway, Massachusetts, to change its location and name; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

ADDITIONAL POST-ROUTES.

Mr. DAVIDSON. I ask unanimous consent to take from the Speaker's table, for consideration at this time, Senate bill No. 637, to establish additional post-roads in the State of Florida.

Mr. DAVIS, of North Carolina. I desire to offer an amendment to the bill.

Mr. McMILLIN. I have an amendment to offer.

Mr. CONGER. There may be other gentlemen who would like to have additional routes inserted in this bill.

The SPEAKER. The Chair will hear them.

Mr. CONGER. I would suggest that if the bill could be referred to the Committee on the Post-Office and Post-Roads those who desire additional post-routes could have them inserted in the bill, and there would be no objection to the committee reporting the bill at any time.

The SPEAKER. The adoption of the suggestion of the gentleman from Michigan [Mr. CONGER] would, the Chair thinks, facilitate business.

Mr. ACKLEN. There are some routes which I would like included in the bill.

Mr. STONE. The Committee on the Post-Office and Post-Roads have already during the present session reported two post-route bills; but there is no objection, I suppose, to their reporting another.

The SPEAKER. The Chair is aware of what the gentleman from Michigan [Mr. STONE] states; still, the suggestion of the gentleman from Michigan [Mr. CONGER] seems to the Chair a good one.

Mr. CONGER. I would like to insert a route in this bill; but I have not the data here now.

The SPEAKER. It had better be understood that the Committee on the Post-Office and Post-Roads shall have leave to report back the bill at any time; and gentlemen who wish to submit amendments which they have prepared had better send them to the committee at once.

Mr. STONE. If gentlemen who desire routes inserted in the bill will send them directly to the clerk of our committee, their propositions will be attended to.

Mr. DAVIDSON. If the committee is to have another meeting during this session, I have no objection to the reference of the bill.

The SPEAKER. It is understood that the committee shall have leave to report at any time; and there is no danger of the bill failing in the House.

Mr. TOWNSHEND, of Illinois. Why should we not pass this bill with the amendments now proposed, and let the committee report an additional bill if it be necessary?

Mr. CONGER. Let the bill be sent to the committee, and let amendments be sent to the Clerk, as my colleague [Mr. STONE] suggests.

Mr. TOWNSHEND, of Illinois. It will be just as easy to get up a new bill for additional routes as to send this bill to the committee for the purpose of having them included.

Mr. DAVIDSON. Having been assured by the gentleman from South Carolina [Mr. EVINS] that there will be another meeting of the committee and that this bill will be reported, I consent to the reference of the bill.

The SPEAKER. The bill will be referred to the Committee on the Post-Office and Post-Roads, with leave to report it back at any time, and gentlemen who desire post-routes inserted are requested to send them promptly to the clerk of the committee.

C. R. FAULKNER.

Mr. BARBER, by unanimous consent, reported from the Committee of Claims a joint resolution (H. R. No. 103) to pay C. R. Faulkner \$32.50, in full for services as messenger in the Forty-fifth Congress; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

PORTRAITS, ETC., FROM BUREAU OF ENGRAVING AND PRINTING.

Mr. HAYES. I ask unanimous consent that the bill (H. R. No. 1989) relating to printing impressions from portraits and vignettes be taken from the Speaker's table, for the purpose of concurring in the amendment of the Senate. The Senate has adopted a substitute for the bill.

Mr. BUCKNER. I object to any other disposition of this bill than a reference of it to the Committee on Banking and Currency.

Mr. HAYES. The Committee on Printing have considered the subject, and are unanimous in favor of immediate action.

Mr. BUCKNER. The bill refers to what shall be done with dies and plates in the Bureau of Engraving. It ought to be considered by the Committee on Banking and Currency, not by the Committee on Printing.

Mr. HAYES. I cannot see what the Committee on Banking and Currency has to do with the question.

The SPEAKER. The amendment of the Senate will be read, after which there will be opportunity for objection.

The Clerk read as follows:

Strike out all after the enacting clause and insert the following:

That the Secretary of the Treasury, at the request of a Senator, Representative, or Delegate in Congress, the head of a Department or bureau, art association, or library, be, and he is hereby, authorized to furnish impressions from any portrait or vignette which is now or may hereafter be a part of the engraved stock of the Bureau of Engraving and Printing, at such rates and under such conditions as he may deem necessary to protect the public interests.

The SPEAKER. Is there objection?

Mr. HAYES. The gentleman from Missouri [Mr. BUCKNER] had better not object. This is substantially the same proposition that passed the House a few days ago.

Mr. BUCKNER. I object to any other disposition of the bill than its reference to the Committee on Banking and Currency.