States vessels under the command of Flag-Officer D. C. Farragut; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

And then, on motion of Mr. HOLMAN, (at five o'clock and fifty minutes p. m.,) the House adjourned.

PETITIONS, ETC.

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

By Mr. ARMFIELD: The petition of J. D. Hunt and others, for an appropriation for educational purposes—to the Committee on Education and Labor.

By Mr. ATKINS: Papers relating to the claim of W. C. Marsh—to the Committee on War Claims.

By Mr. BRUMM: The petitions of G. W. Bartch, T. A. Foster, and 300 others, citizens of Pennsylvania, for an appropriation of money to States and Territories for educational purposes—to the Committee on Education and Labor.

By Mr. CLEMENTS: Papers relating to the claim of the trustees of the Catholic church at Dalton, Georgia, and of the trustees of the Presbyterian church at Marietta, Georgia—severally to the Committee on War Claims.

By Mr. DEZENDORF: The petition of Margaret T. Higgins, for relief—to the same committee.

By Mr. DINGLEY: The petition of W. A. Robinson and others, of Maine, for the passage of the French spoliation claims bill—to the Committee on Foreign Affairs.

By Mr. ELLIS: Papers relating to the claim of James Ryback—to the Committee on War Claims.

By Mr. ERMENTROUT: The petitions of citizens of the United States engaged in importing and refining sugars, relative to the duty on sugar—to the Committee on Ways and Means.

By Mr. ERRETT: The petition of Carnegie Brothers & Co., of Pittsburgh, Pennsylvania, for the passage of the bill for testing iron and steel—to the Committee on Manufactures.

By Mr. HARMER: The petition of citizen of the United States, for the passage of bill (H. R. No. 2222) relative to the duties on sugars deposited in bonded warehouses—to the Committee on Ways and Means.

By Mr. LORD: The petition of John Casbry, for compensation for services as custodian at the Detroit arsenal—to the Committee on Claims.

By Mr. McMILLIN: The petition of Prettyman Jones and 35 others, for the passage of a bill to equalize bounties—to the Select Committee on the Payment of Pensions, Bounty, and Back Pay.

By Mr. PEIRCE: The petition of Professor William H. Riley and 150 others, citizens of Terre Haute, Indiana, asking the appropriation of money for educational purposes—to the Committee on Education and Labor.

By Mr. PETTIBONE: Papers relating to the claim of Abraham Bazinsky, of Alfred F. Brown, and of James Haws—severally to the Committee on War Claims.

By Mr. PHELPS: The petition of citizens of the United States, relative to the duty on sugar—to the Committee on Ways and Means.

By Mr. G. D. ROBINSON: The petition of Lucinda O. Howard and others, for the passage of the French spoliation claims bill—to the Committee on Foreign Affairs.

By Mr. SHACKELFORD: The petition of citizens of Onslow County, North Carolina, praying for appropriation for the improvement of navigation of New River, North Carolina—to the Committee on Commerce.

By Mr. R. W. TOWNSHEND: The petition of citizens of Illinois, for the passage of the bill granting pensions to soldiers and sailors of the late war who were confined in confederate prisons—to the Committee on Invalid Pensions.

By Mr. OSCAR TURNER: The petition of Mrs. Sarah Futrell, for a pension—to the Committee on Pensions.

By Mr. WILLITS: The petition of Oscar Bliss and 42 others, of Rider Post No. 12, Grand Army of the Republic, of Lenawee County, Michigan, in relation to repeal of arrears-of-pension act—to the Committee on Invalid Pensions.

SENATE.

THURSDAY, *April* 27, 1882.

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

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

MILEAGE OF ARMY OFFICERS.

The PRESIDENT *pro tempore*. The Chair laid before the Senate yesterday a letter from the Secretary of War, transmitting, in response to a resolution of February 28, 1882, a report from the Paymaster-General and accompanying papers giving an itemized statement of how, by whom, and under what exigency the $200,000 appropriated for mileage of officers for the fiscal year ending June 30, 1882, will be exhausted before the end of February, &c., which was referred to the Committee on Appropriations, and ordered to be printed. As the Chair did not know that the bundle of papers now before him was attached to the communication, he asks that the motion to print be reconsidered, and that the matter be referred to the Committee on Printing.

Mr. ANTHONY. I make that motion.

The PRESIDENT *pro tempore*. There being no objection, the order to print will be reconsidered, and the papers will be referred to the Committee on Printing. The Journal will be corrected in that respect.

Mr. BECK subsequently said: A communication has been received from the Secretary of War, I understand, of which I was not advised until this moment, relative to mileage, and a bag of books or papers has been sent here with it.

The PRESIDENT *pro tempore*. The order to print has been reconsidered, and the papers have been referred first to the Committee on Printing to determine whether they should be printed.

Mr. BECK. I do not desire the printing of such a large amount of documents or papers.

The PRESIDENT *pro tempore*. The matter is referred to the Committee on Printing now.

Mr. BECK. I should like an early report for the printing of an abstract, because it seems to me there was no occasion to send a bag of paper of that sort here, when that Department has plenty of clerks not very busy, and plenty of officers who might perhaps be better employed than they are. I do not understand why they could not have sent an abstract of the papers.

Mr. EDMUNDS. But it is probable, I will say to my friend from Kentucky, that the Secretary of War felt that he was obeying a requirement or a direction of the Senate in sending everything he had.

Mr. BECK. Perhaps he did. I merely mean to say that the only object I have had in view is to get at the facts to see whether the large deficiency was created for legitimate mileage or not. I have had nothing else in view.

Mr. ANTHONY. If the Senator from Kentucky would be kind enough to indicate the portion of the papers which he desires to have printed, it would aid the Committee on Printing very much.

Mr. BECK. There is a mail-bag full, I understand, which I take it for granted are vouchers merely. What I desire to do is to give the Army all they need, but if they are going to send officers down to Yorktown, and if they are going to have grand dress parades all over the country and invite officers all about and pay them mileage and then come here with a deficiency of $52,000, having spent the whole $200,000 we allowed them in eight months instead of twelve, I think they might tell us how they spent it, without going into great detail as to where it went. It was a legitimate inquiry and not intended to embarrass anybody; but I desired to get at the facts.

The PRESIDENT *pro tempore*. Does the Senator make a motion in regard to the matter?

Mr. BECK. No, sir; I do not really know what it is; let it go to the Committee on Appropriations. I call the attention of the chairman of the Committee on Printing to the matter.

The PRESIDENT *pro tempore*. The Secretary can show the Senator the bag of documents which has been referred to the Committee on Printing.

Mr. BECK. It is absurd to send a bag like that here.

The PRESIDENT *pro tempore*. It was referred to the Committee on Printing in order to decide what should be printed. The Chair supposes there is no other way. That is what ought to be done.

Mr. BECK. I have no doubt that it is a sort of threat to show the amount of idle printing that we are required to do, and it is sent here as an evidence of that fact. I simply asked for a single, plain, legitimate fact that a hundred lines can give.

Mr. EDMUNDS. I feel it to be a duty toward the Secretary of War to say that I do not agree with the Senator from Kentucky, and that I do not think he is justified in saying that the Secretary of War intends it as a threat or intimation or anything else, but only a justifiable and lawful obedience to the direction of the Senate of the United States to send this information. If the Senate calls for universal information he must send it if he is an upright officer. He has sent it, and it is not his fault that it is much or little. Perhaps the bag ought to have been silk, or something of that kind.

Mr. INGALLS. In view of the imputation made by the Senator from Kentucky, it seems to me to be reasonable that the resolution of the Senate should be read, that we may know whether the action of the Secretary has been in obedience to it or not. If it appears on the files I should like to have it read by the Chief Clerk.

Mr. BECK. So would I.

Mr. ANTHONY. The Secretary of War does not print the documents; he sends the papers here by our order, and we print them or not, as we see fit. He is not responsible for the expense of printing.

Mr. SHERMAN. The Senate has already referred the matter of printing to the Committee on Printing; and that was the proper thing to do.

The PRESIDENT *pro tempore*. The resolution will be read.

The Acting Secretary read the following resolution, adopted by the Senate February 28, 1882:

Whereas the Secretary of War has officially advised Congress in the estimates for deficiencies that the $200,000 appropriated for "mileage to officers of the Army"

for the fiscal year ending June 30, 1882, "will be exhausted before the end of February," and that "much inconvenience may be caused by the inability of the (this) Department to reimburse officers for expenses incurred while traveling under orders after that date," and asks an appropriation of $52,000 to meet the deficiency: Therefore,

Resolved, That the Secretary of War be, and he is hereby, directed to furnish to the Senate as soon as practicable an itemized statement of how, by whom, and under what exigency or orders the $200,000 aforesaid has been expended in eight months, and whether the estimate of $52,000 will be sufficient for the remaining four months, stating his reasons for assuming that $52,000 will suffice to complete the service for the fiscal year.

Mr. BECK. I do not think that resolution calls for any such voluminous bag of papers as was sent to us. I merely wanted the estimates, the orders given, and how the money was expended. I supposed an itemized statement in a single column would answer every purpose. I do not mean to reflect on the Secretary of War or anybody else. I mean to call the attention of the Committee on Printing, not to print that bag of documents, but merely to print enough to enable us to know how the money has been expended and the reasons why it was so expended, which can be done in a very few minutes, I suppose, instead of sending us a mail-bag full of miscellaneous documents.

Mr. EDMUNDS. You do not know what is in the bag. They may be the very itemized statements the Senator desired.

Mr. BECK. I hope the Committee on Printing will look into it carefully, and give us the information at the least possible expense.

Mr. HAWLEY. The Senator will notice that his resolution calls for an itemized account. If he had simply asked the Secretary of War to give a general statement of the extra expenditures, of the unusual causes for the expenditures, then what he suggests would have answered, but he calls for exactly what I suppose the Secretary of War sent, an itemized account of the expenditure of $200,000.

Mr. INGALLS. What does the bag contain?

Mr. HAWLEY. What I suppose to be an itemized account, which the Senator called for.

Mr. INGALLS. The matter had better be postponed until we know what the bag contains.

Mr. HAWLEY. As stated by my colleague on the committee, [Mr. ANTHONY,] it does not follow that we are going to print all that matter. It may be examined by the clerk of the Committe on Printing in two hours so as to give all the information requisite.

Mr. ALLISON. I think the resolution also calls for the orders under which the expenditures were made. I have no doubt if we were to investigate the bag of documents we should find that it contains all the orders with reference to mileage accounts.

Mr. BECK. I have no doubt that it contains all the vouchers given by the officers, and that they are all regular. I have no idea that the money was stolen by any one, or that anybody was getting more than he had a right to receive, under the appropriation; but what I wanted was simply what the resolution shows on its face, an abstract of the orders to show where the officers were sent, what they were doing, what duty they were performing, so as to enable us to see whether this money was spent in executing the necessary orders of the Army or whether it was spent in junketing. If it was so spent, then I propose before new appropriations are made to seek to limit the right of that Department to make such expenditures. I believe, for example, and I may be wrong, that $20,000 or $30,000 of that money was spent by officers to go to Yorktown for the Centennial celebration. I deny the right of the Secretary of War to send his officers there at public expense. If I am wrong in that, then I am so far wrong. If, in other words, the orders under which the money was spent were in connection with Army affairs, all right; if not, then let us see if we cannot prevent a repetition of that condition of things.

That is all I want, and a single page or two would give it all. I had no idea that a bag of books would come here, and I am amazed that we are asked to print any such mass of papers.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a letter from the Secretary of War, transmitting a communication from James B. Eads, a member of the Mississippi River commission, dissenting from portions of the report of that commission; which, on motion of Mr. COCKRELL, was ordered to lie on the table and be printed.

FOURTEENTH STREET EXTENSION, WASHINGTON.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a communication from the commissioners of the District of Columbia, transmitting, in response to a resolution of April 14, information concerning the action taken by them for widening the extension of Fourteenth street, with plans and estimated cost of the proposed improvement. The communication will be referred to the committee on the District of Columbia, and be printed. There are plats accompanying the communication. Shall the plats be printed?

Mr. EDMUNDS. No; that is pretty costly business. I think they had better not be printed, without some investigation.

Mr. INGALLS. The printing of the plats is essential to the correct understanding of the report of the commissioners and to the preparation of an intelligent public document. The plats accompany the statement and ought to be printed. I understand they can be reproduced at a very small expense.

Mr. EDMUNDS. I do not object to it. Probably they may be.

The PRESIDENT *pro tempore*. The plats will be printed also, there being no objection.

PETITIONS AND MEMORIALS.

Mr. DAWES. I present the petition of John Miller & Co. and a large number of other firms and merchants in Massachusetts, in support of House bill No. 5656, providing that all distilled whisky in bond on the date of its final passage shall remain in bond for an indefinite period, instead of being subject to withdrawal within three years. I understand that the bill has been reported. If I am mistaken, I ask that the petition be referred to the Committee on Finance.

The PRESIDENT *pro tempore*. The bill is before the Committee on Finance, and the petition will be referred to that committee.

Mr. SLATER presented the petition of H. H. Wheeler, of Wasco County, Oregon, praying compensation for carrying the mails between The Dalles, Oregon, and Canyon City, Oregon, during the years 1864, 1865, and 1866; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. MORGAN presented a petition of citizens of Colbert County, Alabama, praying for an appropriation to be distributed to the common schools of the States and Territories on the basis of illiteracy; which was referred to the Committee on Education and Labor.

Mr. HALE presented a petition of citizens of Machias, Maine, praying that an increase of pension be granted to Lieutenant James P. F. Toby, late of Company B, Thirty-first Regiment Maine Volunteers; which was referred to the Committee on Pensions.

REPORTS OF COMMITTEES.

Mr. ROLLINS, from the Committee on the District of Columbia, to whom was referred the bill (H. R. No. 2871) to provide for the extension of the Capitol, North O Street and South Washington Railway, reported it without amendment.

Mr. COKE. I am instructed by the Committee on Commerce, to whom was referred the bill (S. No. 1609) making an appropriation for continuing work on the jetties in Charleston Harbor, to report it without amendment. I ask, in view of the importance of the bill and the urgency for its immediate passage, that it be acted upon now.

Mr. EDMUNDS. I must ask that it be printed and go over. We can take it up to-morrow morning.

Mr. BUTLER. I hope the Senator from Vermont will not put the bill upon the Calendar. It is an extremely important matter, and a very urgent one.

Mr. INGALLS. To what does it relate?

Mr. BUTLER. It makes an appropriation of $150,000 in advance of the appropriations to be realized from the river and harbor bill for the jetties in Charleston Harbor, upon the urgent request of the Engineer's Department. Of course the appropriation to be made for that work in the river and harbor bill will be charged with this appropriation. That we expect. We only want it to be available immediately inasmuch as the contract under which the parties have been working is about to expire, and the Engineer Department are of the opinion that if they do not have money to go on the Government will lose very seriously and the work will be very seriously jeopardized. The bill simply makes an appropriation of $150,000 in advance of the money to be realized under the river and harbor bill.

Mr. EDMUNDS. A delay of twenty-four hours will not hurt it much in order that the bill may be printed, and we have time to look at the report of the engineers. I shall not object to the bill being taken up out of order to-morrow, so far as I am concerned.

Mr. BUTLER. I have no objection to that in the world. I did not want the bill to go to the Calendar and away down at the bottom of it.

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

BILLS INTRODUCED.

Mr. SHERMAN asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1797) to regulate the coinage of the standard silver dollar; which was read the first time by its title.

Mr. ALLISON. I should like to hear the bill read at length.

The bill was read the second time at length, and referred to the Committee on Finance, as follows:

Be it enacted, &c., That so much of the act passed February 28, 1878, entitled "An act to authorize the coinage of the standard silver dollar and to restore its legal-tender character," as directs the Secretary of the Treasury to purchase from time to time silver bullion, at the market price thereof, not less than two million dollars' worth per month, and to cause the same to be coined monthly into standard silver dollars, be, and the same is hereby, repealed, and the Secretary of the Treasury is hereby authorized and directed to purchase, from time to time, silver bullion at the market price thereof, and to cause the same to be coined into such dollars only when in his opinion a further coinage of said dollars is demanded for public use and convenience; and a sum sufficient to carry out the provisions of this act is hereby appropriated, out of any money in the Treasury not otherwise appropriated.

Mr. COCKRELL asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1798) to quiet titles to lands in Missouri entered under the graduation act; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. FERRY asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1799) for the relief of Oliver H. Greenfield; which was read twice by its title, and referred to the Committee on Claims.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1800) for the relief of Mary A. Lee; which was read twice by its title, and referred to the Committee on Claims.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1801) for the relief of Patrick Casey; which was read twice by its title, and referred to the Committee on Finance.

Mr. CALL asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1802) to allow all homestead settlers who have entered only eighty acres of land to homestead eighty additional acres; which was read twice by its title, and referred to the Committee on Public Lands.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1803) granting a pension to P. B. Perry; which was read twice by its title, and referred to the Committee on Pensions.

CHILI-PERUVIAN INVESTIGATION.

Mr. BLAIR. I ask leave to offer the following privileged resolution, and I ask for its immediate consideration:

Resolved, That HENRY W. BLAIR, a member of the Senate, have leave to testify before the Committee of the House of Representatives on Foreign Affairs in the Chili-Peruvian investigation now being made by that committee.

The resolution was considered by unanimous consent, and agreed to.

APACHE INDIAN OUTRAGE.

Mr. CALL. I offer the following resolution, and ask for its present consideration:

Resolved, That the murders and outrages lately committed on citizens of the United States in Arizona by the Apache Indians demand that the entire military power of the United States shall be used, if necessary, for the punishment of the perpetrators of these outrages and for the protection and security of our people in future.

Mr. INGALLS. Let the resolution be printed.

Mr. EDMUNDS. I object to the resolution. Let it go over.

Mr. CALL. Mr. President——

Mr. EDMUNDS. We passed a law, I will say in explaining my objection, a few years ago, in spite of my opposition and that of my Republican friends, which it was thought by some prevented the President from using the Army for any such purpose. I do not say that it did, but I think we had better consider a little before we try to pass a resolution which may fly in the face of the law.

Mr. CALL. I ask that the resolution lie on the table, and I will call it up for consideration to-morrow morning.

The PRESIDENT *pro tempore*. The resolution will be printed and lie on the table.

HILL'S TARIFFS OF THE WORLD.

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

Resolved by the Senate, (the House of Representatives concurring,) That 2,000 copies of The Tariffs of the World and Analyses Thereof, prepared by Charles S. Hill, and published by D. Appleton & Co., of New York, be purchased at the publishers' rate of $5 per copy, to be distributed as follows: 300 for the use of the Senate, 1,200 for the use of the House of Representatives, and 500 to be used at the discretion of the Secretary of State for the benefit of the consular and diplomatic service of the United States.

Mr. MORGAN. I move that the resolution, with the accompanying papers, be referred to the Committee on Finance, because it is a subject they ought to consider, and afterward it can go to the Committee on Printing.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had concurred in the amendments of the Senate to the bill (H. R. No. 4680) to repeal discriminating duties on tea and coffee, the products of the possessions of the Netherlands.

The message also announced that the House had passed the bill (S. No. 1598) to authorize the Secretary of War to donate to the Ladies' Soldiers' Monument Society of Portsmouth, Ohio, four condemned cannon.

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

A bill (H. R. No. 570) to extend the limits of the port of New Orleans;

A bill (H. R. No. 707) to amend section 4233 of the Revised Statutes of the United States, in relation to danger signals;

A bill (H. R. No. 869) for the relief of Thomas J. Wharton; and

A bill (H. R. No. 5387) providing for the pay of Rear-Admiral Roger N. Stembel.

ENROLLED BILLS SIGNED.

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

A bill (H. R. No. 813) to amend section 5254, title 63, Revised Statutes of the United States, concerning the use of piers and cribs in the Mississippi River; and

A bill (H. R. No. 1712) for the relief of Chaplain M. J. Kelly and others.

ORDER OF BUSINESS.

Mr. EDMUNDS. I move that the Senate proceed to consider the resolution I had the honor to submit yesterday touching the special rule of the Senate known as the Anthony rule.

Mr. BECK. Will the Senator allow me to say a word?

Mr. EDMUNDS. Certainly.

Mr. BECK. I thought yesterday morning, when I had the bill (S. No. 976) to punish the unlawful certification of checks by officers of national banks taken up, and had all the documents published in the RECORD this morning, it measurably made it the unfinished business for this morning.

The PRESIDENT *pro tempore*. The Chair would state to the Senator from Kentucky that there is this provision in the Anthony rule:

That at the conclusion of the morning business for each day, unless, upon motion, the Senate shall at any time otherwise order, the Senate will proceed to the consideration of the Calendar of bills and resolutions.

The words are "unless the Senate shall otherwise order," and the Senator from Vermont asks that the matter to which he has referred be taken up.

Mr. EDMUNDS. I will state to the Senator from Kentucky that in order to relieve ourselves from the embarrassment we were under yesterday as to the meaning of the Anthony rule, I wish to take that subject up and get the conclusion of the Senate upon a proposed amendment, which I think will satisfy everybody.

Mr. BECK. I beg the Senator's pardon. I was not aware that he wished to call that matter up. The papers relating to the bill to which I refer are printed in the RECORD this morning, and I should like to get the action of the Senate upon it.

The PRESIDENT *pro tempore*. If there be no further routine morning business, the morning hour is closed, and the Senator from Vermont has the floor.

THE ANTHONY RULE.

Mr. EDMUNDS. I move to take up the resolution I offered yesterday in relation to the Anthony rule.

The PRESIDENT *pro tempore*. The resolution is before the Senate, there being no objection. It will be read.

The resolution was read, as follows:

Resolved, That the special rule of the Senate for the consideration of matters on the Calendar under limited debate be, and the same is hereby, abolished.

Mr. EDMUNDS. I offered the resolution in that form in order in the shortest way to get the question in a shape in which the Senate could consider it to-day. I now move to amend the resolution by striking out the word "abolished" and inserting—

Amended by adding thereto the following words:
"But if the Senate shall proceed with the consideration of any matter, notwithstanding an objection, the foregoing provisions touching debate shall not apply, but the subject shall be proceeded with under the standing rules of the Senate."

Mr. HOAR. I should like, then, to be permitted to withdraw my resolution; the Senator has expressed so much better what I desire to express in mine.

Mr. PENDLETON. I desire to ask a question for information in regard to the proposed amendment. I understand the Chair to have decided that immediately upon the conclusion of the routine morning business, under the Anthony rule the Senate may proceed on motion to take up any other bill, and that business proceeds then without the limitation of debate. I think that was the ruling made by the Chair the other day. ["No," "No."] Gentlemen around me say that was not the interpretation.

The PRESIDENT *pro tempore*. It is under that ruling that the resolution to amend or repeal the Anthony rule is now taken up.

Mr. PENDLETON. I understand the Chair to have decided that immediately after the conclusion of the routine morning business the Anthony rule goes into operation, but the Senate may on motion take up any bill or resolution and proceed with its discussion under the five-minute rule, before proceeding with the Calendar under the rule.

The PRESIDENT *pro tempore*. No, not under the five-minute rule.

Mr. PENDLETON. Without the limitation of the five-minute rule at that time?

The PRESIDENT *pro tempore*. Without the five-minute rule.

Mr. PENDLETON. Then, after the Senate shall have begun to put into operation the Anthony rule, if an objection is interposed and the bill is taken up, the Chair decided yesterday that the debate then proceeds under the limitations of debate; and now the Senator from Vermont desires that the rule shall stand in full effect except that in the event the objection is overruled the limit upon debate shall not apply. We shall then be able, as I understand it, before the Anthony rule goes into effect, to take up by a majority of the Senate any bill or resolution and proceed without limitation; and if afterward, when in regular order upon the Calendar, any bill is reached under the Anthony rule, then if the Senate, notwithstanding objection, determines to proceed with it, it proceeds under the ordinary rules of debate and without limitation, giving the Senate entire charge, therefore, of its own business.

Mr. EDMUNDS. That states the case.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment to the resolution of the Senator from Vermont.

The amendment was agreed to.

The resolution as amended was agreed to.

Mr. EDMUNDS. Then I may as well now, to save time again, ask leave to withdraw the appeal I took from the decision of the Chair yesterday, because this supersedes the matter.

Mr. INGALLS. I should like to have the rule as amended read.

The PRESIDENT *pro tempore*. The rule will be read as now modified.

The Acting Secretary read the rule as modified, as follows:

Resolved, That at the conclusion of the morning business for each day, unless, upon motion, the Senate shall at any time otherwise order, the Senate will proceed to the consideration of the Calendar of Bills and Resolutions, and continue such consideration until two o'clock; and bills and resolutions that are not objected to shall be taken up in their order, and each Senator shall be entitled to speak once and for five minutes only upon any question; and the objection may be interposed at any stage of the proceedings unless upon motion the Senate shall otherwise order; and this order shall commence immediately after the call for "concurrent and other resolutions," and shall take precedence of the unfinished business and other special orders. But if the Senate shall proceed with the consideration of any matter notwithstanding an objection, the foregoing provisions touching debate shall not apply, but the subject shall be proceeded with under the standing rules of the Senate.

CERTIFICATION OF BANK CHECKS.

The PRESIDENT *pro tempore*. The first case in order on the Calendar is the bill (S. No. 976) to punish the unlawful certification of checks by officers of national banks, which the Senator from Kentucky [Mr. BECK] calls up for consideration.

Mr. ALDRICH. I will state to the Senator from Kentucky that the Senator from Delaware, [Mr. BAYARD,] who is not in his seat this morning, is desirous of being heard upon the bill, and I suggest to him that it go over without prejudice until the return of the Senator from Delaware.

Mr. BECK. I was not aware of that. I understood that the Senator from Delaware did not care to be heard upon it.

Mr. ALDRICH. He informed me that he was anxious to be heard upon it. Possibly the Senator may have some more recent information.

The PRESIDENT *pro tempore*. What is the pleasure of the Senator from Kentucky in regard to the bill? Will he call it up now?

Mr. BECK. I desire to call it up. I have been waiting more than two weeks, first upon one Senator and then upon another. The Senate can do as they like about it.

Mr. ALDRICH. I do not think that the bill ought to be considered under the Anthony rule. In its form as reported by the Committee on Finance it is unobjectionable, but in the form suggested by the Senator from Kentucky it is liable to serious objection. It seems to me that it would be impossible for the Senate to consider the bill under a five-minute rule. So I hope the Senator will consent that the bill may go over and be taken up at some time by a vote of the Senate.

Mr. BECK. Yesterday I laid before the Senate the laws, orders, and reports upon which the bill is based, and the Senator from Rhode Island also laid some papers before the Senate, all of which are in the RECORD this morning. They show upon their face the exact facts. I do not think there can be any trouble in discussing the bill under the five-minute rule or any other rule. The only amendment of which the Senator complains is that I seek to strike out of the amendment of the committee the word "fictitious" before the word "obligation" and the word "pretended" before the word "collateral." That is all that would create any debate.

The PRESIDENT *pro tempore*. Does the Senator from Kentucky ask that the bill be passed over without prejudice until the Senator from Delaware returns?

Mr. BECK. I would rather not have it passed over at all, if I can possibly help it.

Mr. INGALLS. I suggest to the Senator from Rhode Island that under the modification of the Anthony rule which has been adopted this morning all he has to do is to object to the consideration of the bill. The Senator from Kentucky can then move to take it up, and if the majority agree with him, the five-minute rule is abrogated and debate is unlimited.

Mr. ALDRICH. I was aware of that fact, but I disliked to suggest that course. I made the suggestion I did in the hope that some arrangement might be made by which the bill could be taken up in some other way except by a displacement of business under the Anthony rule. The amendment to which the Senator has alluded changes the entire nature of the bill from an unobjectionable bill as it came from the committee to what seems to me to be a very objectionable bill, affecting the entire banking interests of the country in a very serious way. I hope the gentleman will consent to have the bill go over.

Mr. BECK. I desire to proceed with the bill, and if objection is made I shall endeavor to ask the Senate to consider it. It is a very important bill.

Mr. INGALLS. Then, in order to put the amended rule in operation, I object to the present consideration of the bill.

Mr. BECK. I move to proceed to the consideration of the bill, the objection notwithstanding.

Mr. INGALLS. That is right. That is what I wanted done.

Mr. ALLISON. I hope the Senator from Kentucky will not press the bill until the Senator from Delaware returns; which will be in a day or two. I think the Senator from Kansas will withdraw his objection, and there will be no objection made to the consideration of the bill early next week. I think the Senator from Delaware would like to be here when the bill is considered, and he will only be absent for a day or two.

Mr. BECK. I waited some time for the Senator from Rhode Island [Mr. ALDRICH] to get his papers ready. Then I waited for the Senator from Ohio, [Mr. SHERMAN,] who was absent. We shall never get the whole Committee on Finance here, in my opinion, at one time. It is a bill that anybody can understand on one side or the other. It is merely to enforce the law of the land; no more, no less. A bill passed the House of Representatives unanimously ten years ago word for word like this measure. The Comptroller of the Currency certified that the passage of that bill even by the House had for years prevented this illegal action by officers of banks. He reported in 1879 that the whole proceedings were illegal. The Secretary of the Treasury says that such a law ought to pass in some form; that there is no check; that the open certification of checks is a plain, palpable violation of the law, and he was amazed to find nobody was punished under it.

Mr. ALLISON. But the Senator from Kentucky will remember, if he will allow me one moment, that his amendment is the bone of contention.

The PRESIDENT *pro tempore*. This debate is out of order on both sides.

Mr. ALLISON. I know it is.

The PRESIDENT *pro tempore*. Senators cannot argue the merits of the bill on a motion to proceed to its consideration.

Mr. BECK. All the papers are in the RECORD this morning.

The PRESIDENT *pro tempore*. The Senate is proceeding under the Anthony rule, and the debate is against the rule.

Mr. ALLISON. I was only endeavoring to persuade the Senator to postpone the bill.

The PRESIDENT *pro tempore*. Will the Senator from Kentucky agree to have the bill postponed?

Mr. BECK. No, sir, I will not; I desire a vote now on taking it up.

The PRESIDENT *pro tempore*. The Senator from Kentucky, notwithstanding the objection of the Senator from Kansas, moves that the Senate proceed to the consideration of the bill.

Mr. SHERMAN. In the absence of the Senator from Delaware I do not think we ought to take the bill up, although I am perfectly willing to do so at any other time.

The PRESIDENT *pro tempore*. The Senator from Kentucky has been appealed to on that point, the Chair will inform the Senator from Ohio. That matter has been discussed for five minutes.

Mr. SHERMAN. I would not like to take up the bill in the absence of the Senator from Delaware.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Kentucky [Mr. BECK] to proceed to the consideration of the bill.

Mr. BECK. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. MCMILLAN. Will not this supersede the Calendar?

The PRESIDENT *pro tempore*. It will, if taken up, supersede everything. The call will proceed.

The Principal Legislative Clerk proceeded to call the roll.

Mr. HARRIS, (when Mr. JACKSON'S name was called.) My colleague [Mr. JACKSON] is absent from the city. He is paired with the Senator from Iowa, [Mr. MCDILL.]

The roll-call was concluded.

Mr. MCDILL, (after having voted in the negative.) I desire to withdraw my vote. I am paired with the Senator from Tennessee, [Mr. JACKSON.]

Mr. ALLISON, (after having voted in the negative.) I am paired on political questions with the Senator from Georgia, [Mr. BROWN,] but I voted "nay" with a view of waiting for the return of the Senator from Delaware, [Mr. BAYARD.] If it is a political question I withdraw my vote.

Mr. BECK. The Senator can vote if he likes. The Senator from Delaware, when I assured him time and again that I was waiting for the Senator from Ohio and then another, said he cared nothing about it.

Mr. ALLISON. I withdraw my vote.

Mr. BUTLER, (after having voted in the affirmative.) I am paired with the Senator from Pennsylvania, [Mr. CAMERON.] I did not recollect it at the time. I feel bound to withdraw my vote.

The PRESIDENT *pro tempore*. The Chair would have supposed there was no politics in this question, but it seems to have been made a political question by the Senator from Iowa [Mr. MCDILL] withdrawing his vote and two or three others following his example.

Mr. HARRIS. I do not think there is any politics in this question, yet the Senate has divided almost, if not entirely, by party lines.

The PRESIDENT *pro tempore*. So it appears.

Mr. HARRIS. And if I was the Senator from South Carolina I would not vote, and I think the Senator from Iowa does the right thing in not voting.

Mr. BUTLER. I expect I had better withdraw my vote.

The PRESIDENT *pro tempore*. The vote of the Senator from South Carolina is withdrawn.

Mr. RANSOM, (after having voted in the affirmative.) I am paired, Mr. President, as you know, with your colleague, [Mr. LOGAN,] on party questions. I do not so regard this, and I cast my vote without reference to my opinions on the bill itself, simply to let the Senator from Kentucky get up his bill. I withdraw my vote.

Mr. ANTHONY, (after having voted in the negative.) I am paired with the Senator from Delaware [Mr. BAYARD] on political questions. I did not regard this as a political question, and so voted, but I see it has the Senate divided pretty much by party lines. I withdraw my vote.

Mr. ALDRICH. I am paired on political questions with the Senator from Maryland, [Mr. GORMAN,] but after consultation with his colleague, not deeming this a political question, I have voted.

The result was announced—yeas 26, nays 27; as follows:

YEAS—26.

Beck,	Garland,	Jonas,	Saulsbury,
Call,	George,	McPherson,	Slater,
Cockrell,	Groome,	Maxey,	Vance,
Coke,	Grover,	Morgan,	Vest,
Davis of W. Va.,	Hampton,	Pendleton,	Walker.
Fair,	Harris,	Plumb,	
Farley,	Ingalls,	Pugh,	

NAYS—27.

Aldrich,	Edmunds,	Lapham,	Rollins,
Blair,	Frye,	McMillan,	Sawyer,
Cameron of Wis.,	Hale,	Mahone,	Sewell,
Chilcott,	Harrison,	Miller of Cal.,	Sherman,
Conger,	Hawley,	Miller of N. Y.,	Van Wyck,
Davis of Illinois,	Hill of Colorado,	Morrill,	Windom.
Dawes,	Hoar,	Platt.	

ABSENT—23.

Allison,	Cameron of Pa.,	Jones of Florida,	Mitchell,
Anthony,	Ferry,	Jones of Nevada,	Ransom,
Bayard,	Gorman,	Kellogg,	Saunders,
Brown,	Hill of Georgia,	Lamar,	Voorhees,
Butler,	Jackson,	Logan,	Williams.
Camden,	Johnston,	McDill,	

So the motion was not agreed to.

L. MADISON DAY.

Mr. JONAS. The bill (S. No. 73) for the relief of L. Madison Day was passed over without prejudice the day before yesterday. I ask for its consideration now.

Mr. INGALLS. I object to the consideration of that bill. The Senator can move to take it up.

Mr. JONAS. The bill was up for consideration a few days ago and was laid over on the objection of the Senator from Missouri [Mr. COCKRELL] that he desired to refresh his memory and prepare himself for the discussion of the bill.

The PRESIDENT *pro tempore*. The Senator from Michigan [Mr. CONGER] objected also, the Chair thinks.

Mr. CONGER. I did not object. I reported the bill myself.

Mr. INGALLS. The Senator from Louisiana can move to take it up.

Mr. JONAS. I move to take up the bill notwithstanding the objection.

Mr. SHERMAN. That postpones the whole Calendar.

The PRESIDENT *pro tempore*. The Senator from Kansas objects to the consideration of the bill called up by the Senator from Louisiana, and the Senator from Louisiana moves, notwithstanding the objection, that the Senate proceed to the consideration of the bill.

Mr. JONAS. I withdraw the motion.

The PRESIDENT *pro tempore*. The first case on the Calendar will be called.

DR. A. SIDNEY TEBBS.

The bill (S. No. 296) for the relief of Dr. A. Sidney Tebbs was announced as first in order on the Calendar.

Mr. GARLAND. That is the case to the consideration of which objection was made yesterday.

Mr. SHERMAN. It was objected to yesterday by the Senator from Vermont, [Mr. EDMUNDS.]

The PRESIDENT *pro tempore*. The Senator from Vermont [Mr. EDMUNDS] withdrew his appeal from the decision of the Chair and objected to the consideration of this bill, and the Senator from Arkansas [Mr. GARLAND] moved to take it up notwithstanding the objection. The yeas and nays were called for on that motion.

Mr. SHERMAN. I appeal to the Senator from Arkansas and other Senators whether it is advisable for us to constantly thwart the operation of the Anthony rule by attempting to take up bills out of their order?

Mr. GARLAND. My motion is in order.

Mr. SHERMAN. It is in order now, because the rule has been amended so that a single objection puts it over, unless the Senate for the day abandons the Anthony rule. I hope we shall go on regularly. I shall vote against taking up every bill that is objected to until we go on under the Anthony rule and dispose of those cases on the Calendar which are not objected to.

Mr. GARLAND. That is the Senator's privilege, but this motion was made yesterday, and stands now. I am content to have the Senate vote upon it.

The PRESIDENT *pro tempore*. The Senator from Vermont [Mr. EDMUNDS] called for the yeas and nays yesterday. The Secretary informs the Chair that they were not ordered.

Mr. EDMUNDS. Then I call for them again.

The yeas and nays were ordered, and the Principal Legislative Clerk proceeded to call the roll.

Mr. BUTLER, (when his name was called.) I am paired on all political questions with the Senator from Pennsylvania, [Mr. CAMERON.] I presume this is one, and therefore I withhold my vote.

Mr. FRYE, (when his name was called.) I am paired with the Senator from Georgia, [Mr. HILL,] though he generously allowed me to vote when I pleased. I think in this case he would prefer to have the pair operate, and therefore I shall refrain from voting.

Mr. HARRIS, (when Mr. JACKSON'S name was called.) I announce once for all the pair between my colleague [Mr. JACKSON] and the Senator from Iowa, [Mr. MCDILL.] My colleague, if he were here, would vote "yea."

Mr. RANSOM, (when Mr. LOGAN'S name was called.) I am paired with the Senator from Illinois [Mr. LOGAN] on all party questions. The Senator from Iowa [Mr. ALLISON] is paired with the Senator from Georgia [Mr. BROWN] on all party questions. The Senator from Illinois and the Senator from Georgia are both absent. The pairs have been transferred so that those two Senators are paired on this question.

Mr. SAULSBURY, (when his name was called.) If this is a political question, I am paired with the Senator from Michigan, [Mr. FERRY.]

Mr. SAWYER, (when his name was called.) I am paired with the Senator from Indiana [Mr. VOORHEES] on this bill. If he were here, I should vote "nay."

The roll-call was concluded.

Mr. ALLISON. I am paired with the Senator from Georgia, [Mr. BROWN,] but, as was stated by the Senator from North Carolina, that pair has been transferred to the Senator from Illinois, [Mr. LOGAN.] I therefore feel at liberty to vote, and vote "nay."

Mr. ALDRICH, (after having voted in the negative.) As this seems to be a political question I withdraw my vote. I am paired with the Senator from Maryland, [Mr. GORMAN.]

The result was announced—yeas 28, nays 22; as follows:

YEAS—28.

Beck,	Farley,	Ingalls,	Pugh,
Call,	Garland,	Jonas,	Ransom,
Cameron of Wis.,	George,	McPherson,	Sewell,
Cockrell,	Groome,	Maxey,	Slater,
Coke,	Grover,	Morgan,	Vance,
Davis of W. Va.,	Hampton,	Pendleton,	Vest,
Fair,	Harris,	Plumb,	Walker.

NAYS—22.

Allison,	Edmunds,	McMillan,	Rollins,
Blair,	Hale,	Mahone,	Saunders,
Chilcott,	Harrison,	Miller of Cal.,	Sherman,
Conger,	Hawley,	Miller of N. Y.,	Windom.
Davis of Illinois,	Hoar,	Morrill,	
Dawes,	Lapham,	Platt,	

ABSENT—26.

Aldrich,	Ferry,	Jones of Florida,	Saulsbury,
Anthony,	Frye,	Jones of Nevada,	Sawyer,
Bayard,	Gorman,	Kellogg,	Van Wyck,
Brown,	Hill of Colorado,	Lamar,	Voorhees,
Butler,	Hill of Georgia,	Logan,	Williams.
Camden,	Jackson,	McDill,	
Cameron of Pa.,	Johnston,	Mitchell,	

So the motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 296) for the relief of Dr. A. Sidney Tebbs.

The bill was read.

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

That section 1218 of the Revised Statutes of the United States be, and the same is hereby, repealed.

Mr. EDMUNDS. I ask for the reading of that section which it is proposed to repeal.

The Acting Secretary read as follows:

SEC. 1218. No person who had 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.

Mr. EDMUNDS. Mr. President, I move, as this bill is now understood, to make this radical change in the laws, and as three or four bills on this subject are pending in the Committee on the Judiciary covering not only this point but various others that enter into this question, to refer the bill to the Committee on the Judiciary in order that the whole subject may be treated of together.

The PRESIDENT *pro tempore*. It is moved that the bill be referred to the Committee on the Judiciary.

Mr. GARLAND. Ordinarily I should not object to the motion made by the Senator from Vermont; but if the Senate will consider the condition of affairs in reference to this question, I think it will at once see the necessity of taking some general definite action on the subject. I have not looked to refresh my mind, but I do not think there has been a session of Congress since I have been in the Senate that we have not relieved some person from disability under this sec-

tion of the statutes; and whenever the question comes up in that shape it is suggested by some Senator that we had better pass a general bill. Heretofore I have made an effort to have a general bill passed repealing this section. This is the second time that this effort has been made, and made each time in response to a suggestion that we had better pass a general bill and not do this work piecemeal.

I do not know that any committee can throw any light on the subject, because of the fact that we have legislated from session to session in reference to special cases. We relieved at the last session, or the session before the last, Mr. Heiskell, of Maryland, from the difficulties and troubles of this very section.

Mr. EDMUNDS. What was the name, may I ask the Senator?

Mr. GARLAND. J. Monroe Heiskell. When that bill came from the Committee on Military Affairs a suggestion was made by the Senator from Vermont [Mr. EDMUNDS] that we had better do this work as an entirety and not legislate by piecemeal for special cases. Concurring in that suggestion, I offered an amendment in the nature of a substitute, identical almost with the proposition now reported. That remained to be considered before the committee, and at the urgent solicitation of the then Senator from Maryland, Mr. Whyte, I did not insist on the amendment, and the original bill was passed for the relief of Mr. Heiskell. Then came a bill exactly of the same character, and I made the same motion to amend that by repealing section 1218, which we do repeal to some extent at least, in each one of these special bills. It certainly seems to me that it is time, and we have sufficient advice upon it, to legislate generally on the subject. And if any Senator knows of any one unworthy, who should not be embraced in the relief, that would make a different case. But we have not failed yet to relieve any person applying. So if we are going to relieve by name in individual cases, I think we might as well adopt a general bill and repeal the statute at once.

Mr. EDMUNDS. Mr. President, the Senator from Arkansas is undoubtedly correct in his idea that all legislation ought to be made as general as possible. Individual legislation is too often favoritism, influence, contrivance, arrangement, and log-rolling—all that is evil in a law-making and law-abiding community, undoubtedly. This section of the statutes, therefore, that he proposes to repeal comes directly into consideration.

In 1866, after a somewhat serious period in our history the Congress of the United States declared that people who had been engaged in attempting to overthrow the Government should not be employed in the Army of the United States. That was in the light of an experience which had shown that from West Point and Annapolis where officers had been educated and trained at the expense of their country for its service, they had taken the earliest available opportunity to turn their skill and knowledge to the destruction of the Government that had reared them and taught them in its most honorable and trusty service. That was rather a bitter experience. I am not proposing to go into a discussion of the political considerations that led to it; but it is bitter for any country that is a country to have the men, in whatever part of it they may live, whom it has reared to defend its flag, desert it and undertake to overthrow it. It matters not how good the motive may be of the man who feels it his duty to do it, for I do not wish to excite any bitterness in this debate; but for the country that feels it, as we still have a country that did feel it, it is rather a heavy and a bitter experience. Accordingly the United States having in despite of these desertions from the Army, these leavings of it—I do not mean desertion in the sense in which the term is ordinarily understood—been able to preserve the existence of the country through the officers and the soldiers who did adhere to what they had sworn to stand by and defend, Congress provided that those who were engaged in the rebellion should not re-enter the Army of the United States.

Now repeal this section, and it is within the competence of the President of the United States and of the Senate, a vacancy occurring, to appoint Mr. Jefferson Davis (and I only speak of him as the representative man of this great disturbance) to be a brigadier-general and commander-in-chief, if there were a vacancy suitably occurring, of the Army of the United States. It may be that Mr. Davis would now prove perfectly true to the flag, and that no temptation of a new rebellion could seduce him into leaving it and setting up another; but what sort of a lesson would such a spectacle be to the future? What sort of an instruction would it hold out to people who are to be taught to love their country and to stick to it through thick and thin, if they were to see hereafter that the only hazard and risk in going into a rebellion against your country is the chance of being kept out of the fat places and good offices that you left before, just long enough to have your political friends or somebody else get an opening and put you back again?

I think that the rebellion being over, and over for good, it is better to preserve some everlasting monument that there was a right side and a wrong side to it. And I think inasmuch as the Government of the United States turned out to be on the right side and to preserve itself, it is well to teach all future generations that the moment the struggle was over we did not forget that there was any distinction in the right and the wrong of that contest. I do not think you can preserve a republican government or any other in any other way; and I say that without any reflection upon the individual motives or careers of persons who may have been on the other side. But there cannot be two right sides to such a question; and as the Government turned out to be on the right side, I think it better that this perpetual statute-book should hold some unextinguished memorial that we knew the difference between one side and the other.

Mr. MAXEY. Mr. President, the section referred to, 1218, in effect declares that no person who held an office, civil, military, or naval, in the late Confederate States, shall be qualified to hold a position in the Army of the United States. The Military Committee have on mature deliberation deemed it to be wise to repeal that section. It was properly committed to that committee because the persons named in that section were proposing to receive an office and were to receive it in the Army alone, and it was presumed that the Military Committee ought to have something to say in respect to the character of men who should go into the Army.

I have no bitterness in regard to this matter. I have no bitterness whatever toward any man in the North who in good faith, honestly believing that he was right, pursued the right as he understood it; and I cannot follow the Senator from Vermont in that portion of his argument or appeal or whatever you may think proper to call it. There are some relics of the war left on the statute-book which in my judgment had better not be there. One is the absurdity that the Senator from Vermont, who I have no doubt was truly loyal and patriotic to the Federal Government as any man in the Union, is bound to take an oath that he was remarkably loyal, extraordinarily true to the flag of the Union, when I do not pretend to have been so, and I am excused from taking that oath which he is required to take. That occurs to me to be a supremely ridiculous statute.

The war has been over for seventeen years, and a man who served in the confederate army or in the civil employment of the confederacy in any capacity whatever or in its navy is declared by this statute to have committed the unpardonable sin. "Stand by thyself, come not near to me; for I am holier than thou." I do not like that sort of sentiment. I do not believe in it. I do not think I am any holier than the gentlemen who saw proper to support bravely and truly the flag which they believe to represent the Union. I do not believe in that kind of thing. It is putting the brand of Cain upon every man who ever served in the confederate army or navy or in civil service of the confederacy during the war, in so far as holding a position in the Army of the United States is concerned. It goes no further. He can be a Senator, he can be a Representative, he can sit in Cabinet council, and hold the most important positions connected with the conduct of this Government; he may be the law officer of the Government, and give his statements in regard to the laws which are to control the entire country; that is all right. He may control the postal affairs of this country; that is all right. He is competent to be President of the United States under the law, or to preside over the Senate, or to hold any position whatever save a position in the Army.

I remember a case which came up from my own State, sent here by General Mackenzie, and I think he is a reasonably loyal man. He is certainly so regarded. A bill was introduced and referred by the Senate to the Committee on Military Affairs. Its examination disclosed that a young man who had entered the confederate army when sixteen or seventeen years old, and served through the war, acquired a fondness for military life, and entered into the United States Army in the cavalry. On account of his soldierly demeanor he was promoted first to be a corporal and then to be a sergeant. Then it was ascertained that that was in direct conflict with this section 1218, and he had to be reduced to the ranks because he could not hold a position in the Army. He was competent, he was qualified to stand on guard; he was competent and qualified to wear the uniform of a soldier, but he was not competent to be a non-commissioned officer; in other words, he could go into the Army, and however good a soldier he might be, however true to the flag he represented, he was not entitled to have that promotion which is the pride of every man, private or officer, in the Army who is worthy to wear the uniform of the Army of the United States.

It occurs to me that that is unwise, and, as was said the other day by the Senator from Kentucky, [Mr. BECK,] you might take a page who served in one of the Legislatures, and under this section he would be disqualified from holding any position in the Army. This bill confers no appointment upon anybody, but it simply says to the President of the United States, if upon a full investigation and a hearing of the character of a citizen of the United States, who pays his taxes and who is as liable to be called into service as anybody else, if the President believes that man to be qualified for a position he shall have the right to put him there, notwithstanding this section 1218. That seems to me to be a fair and just view of the case.

If this discrimination is to be kept up to the end of all time, no man who served in the civil employment of the confederacy, as the honorable Senator from Arkansas on my left [Mr. GARLAND] did, or who served in the military service, as a good many of us did, or in the confederate navy, can hold the most humble position in the Army. If that is to be the sentiment, if it is to be held out to the world that we are so untrue, so disloyal, so much to be feared by the Government that we cannot be intrusted in any position, then let us know it, let us understand it, be fair about it, be candid about it, and let us understand where our people stand in regard to this matter.

I cannot understand that character of speech which tells us, "We do not want to bring up these old things; we do not want to say

anything to arouse feeling," and yet do it and refuse to repeal a section of the law which in its very nature has that effect.

Mr. BECK. Allusion has been made by the Senator from Arkansas to the fact that unless we dispose of this matter in this way there is very little opportunity or prospect of receiving any report in regard to it from the Committee on the Judiciary. I have endeavored for a long time to have this section repealed, because of its flagrant injustice and inherent meanness. I hold in my hand three Senate bills, one dated December 11, 1878, introduced by me, to repeal section 1218 of the Revised Statutes, simply quoting the act it seeks to repeal. It was referred to the Committee on the Judiciary. Another was introduced by me on the 21st of March, 1879, which was read twice and referred to the Committee on the Judiciary, in the same words, and again on the first day of this session, on the 5th day of December, 1881, I introduced a bill to repeal this section, which was again referred to the Committee on the Judiciary. None of these bills have ever been heard of. I introduced bills, as the Senator from Arkansas very properly remarked, persistently, and I intend as long as I am here to continue to introduce them, one to remove the political disabilities of all men, another to repeal the iron-clad oath, which General Grant urged should be done, and in his messages to the Senate denounced more than once as an outrage on American civilization, and bills, as I have said, to repeal section 1218 of the Revised Statutes whereby the young men of the South are sought to be branded forever, laws which are, as the Senator from Vermont said, to be maintained as a perpetual monument of the rebellion.

Why, sir, this is the poorest and most miserable piece of prejudice and injustice that remains on the statute-book. No young man is now authorized or allowed even to present himself before the President of the United States to ask for any position in the Army of the United States "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."

Let me state a case that occurred under my own observation. My attention was sharply called to it, because I went to the Secretary of War with as intelligent a young man as I ever saw, from near Clarksville, Tennessee, some three years ago, who had as high qualifications as any person could well have; yet he could not be recommended nor his case considered, because he had served as a page in the Tennessee Legislature when he was a small boy, knowing at the time no more of the action of the body that he was serving than any page on this floor knows of our proceedings; he had been guilty of no act of rebellion, but he happened to be the son of a poor man, whose father could not send him off to college and educate him, as the sons of many Senators around me doubtless were, during the time he was working to make a living. He had to get him employment in the civil service of the State of Tennessee as a page in the Legislature; yet, forsooth, he stands to-day forbidden by our law even to apply for a place in the Army of the United States. What a burlesque it is that such a law should remain in force, in order to maintain and retain an everlasting monument of the rebellion. Shall we keep that discrimination up against boys, for there is no man who was old enough to take any prominent part in the war who is not over age to-day to apply for any position in the Army of the United States, or that the Senate would be likely to confirm if he should apply?

The statutes now provide that the common soldiers when enlisted must be between sixteen and thirty-five. I do not suppose any lieutenant would be appointed who was over that age. A man cannot be made a lieutenant, I am told, after he is thirty-five. There is no man who was over seventeen years when the war ended who could by any possibility be appointed; none of them could have held any position in the confederate army or navy; all older than that are ineligible, so that the only vengeance Congress can work and the only everlasting monument it can raise to perpetuate the vindictiveness of the spirit of the men who raise it is to erect it over the poor boys who were compelled to take service either under the Confederate States or under some State within the confederacy.

Why, sir, I suppose there are many Senators here who had boys of twelve or fourteen during the war who did not place them in any service, and they are eligible to positions in the Army. They held no office; they were not pages; they were not doing menial work; there was no other work during those years of the war except in the service of the Government. I think Southern men will all tell you there was no money to be earned, except either under the Confederate States or under some State connected with the confederacy. Private employment was out of the question. Every human being who could work, even down to the small boy, was either engaged in making powder, or manufacturing blankets, or doing something or waiting on somebody connected with the Army or with some of the States that were engaged in the war, and these are the only classes of persons section 1218 reaches. This fact, therefore, stands upon the statute-book to-day that, while the sons of Senators here who were educated without having to take employment, the sons of the men of wealth, the sons of the leading officers of the army and navy of the confederacy, the sons of the great politicians of the Southern States, all are eligible to Army positions, all can go to the President and perhaps get many gentlemen on the other side to go with them and recommend them for positions in the Army of the United States, and very properly. I am not finding fault with that. The sons of these distinguished gentlemen are beyond question as true men as any in all the country. I do not want to raise an everlasting monument even over them; but you only reach by this section and you only perpetuate by this section a disability upon the boys who were compelled to work for a living, whose fathers may have been conscripted, whose families might have been starving but for the little pittance they could earn by their labor during those years of strife; and now, forsooth, they and they alone are to be excluded from even presenting themselves and asking for a position in the Army of the United States. That statement of the case is a true one, and it is shameful; yes, disgraceful, that such a section should longer remain as a part of the laws of the United States.

Mr. HAMPTON. Mr. President, I reported this bill to the Senate from the Committee on Military Affairs, and I desire to state the history of the case.

The original bill was one for the relief of Dr. Tebbs. The same bill was passed with very great unanimity by the Senate at the last session of Congress and was lost in the House simply because it could not be taken up. Again this year the bill was brought up and reported favorably, and when it came before the Senate the Senator from Arkansas [Mr. GARLAND] put his amendment upon it and the Senate recommitted it to the Committee on Military Affairs. That committee after consideration reported back the substitute of the Senator from Arkansas favorably, and that is now before the Senate for consideration.

I need not say that I have no personal interest in the repeal of this section. It is scarcely possible that I should ever be called upon to enter service in another war, but I do think that the statute as it now stands on the book is a reflection upon our legislation. I think it is a relic of the war legislation. I think it should be repealed, because now, while some young men who were in the confederate army can enlist, and many have enlisted in the United States Army, they are precluded by the statute from any mode of acquiring promotion, though they may have been the most gallant soldiers in the service. I think, therefore, that it is eminently proper that we should wipe that law now from the statute-book.

Mr. HARRISON. Will the Senator from South Carolina allow me to interrupt him for a moment for a suggestion?

Mr. HAMPTON. Certainly.

Mr. HARRISON. The suggestion I desire to make to him is this: I have followed with some minuteness the case of Dr. Tebbs as stated by him before the Military Committee. If I recollect aright, it was the case of a young man who, when only fifteen years of age, went into the confederate service. Now, I suggest to the Senator that he allow the amendment of the committee to be disagreed to and pass the bill as it originally stood, and then let the subject which we are debating now, the proposition for a general modification or repeal of this law, to go back to the Military Committee.

For one I am in favor of amending at least the section which has been referred to. I do not think the subject had as careful consideration in the Military Committee as it ought to have had, and if the Senator will consent to allow the general subject go back we can pass the original bill. It may be, I think it is probable, that there should be some exceptions in this repeal. But by passing the particular bill which was originally introduced and referring the general subject to the Military Committee we shall get early action upon it and have it in a position in which any limitations or restrictions which ought to be imposed upon the repeal can be presented. I hope the Senator will consent to that disposition of the question.

Mr. HAMPTON. I have no authority to agree to any such proposition. I was merely the organ of the committee in presenting the report, and the substitute was offered by the Senator from Arkansas, [Mr. GARLAND.] Of course it is competent for the Senate to make any disposition of the subject it pleases; but I can do nothing at all.

I was about to say that I regretted very much to hear the remarks of the Senator from Vermont. His reading of history certainly makes him know that in the old nations they never erected monuments to any one for triumphs in civil wars, and I was sorry to hear him say that he wanted a class of his fellow-citizens to stand as a monument forever of our unhappy war. Nor do I agree with him in assuming to myself what he has attempted to do—pronounce emphatically who was right and who was wrong. My convictions were as sincere as his, and I hope as honest; but I will recall to him an instance that happened during the war and commend it to his consideration. There was an old gentleman who had two sons, one in the Federal and one in the confederate service. In the providence of God they were both brought home to him dead at one time. He buried them side by side, and the only epitaph he put on their tombs was: "God alone knows who was right."

Mr. EDMUNDS. Mr. President, very likely the Senator from South Carolina is correct in his illustration. God alone knows who is right now. But men who have responsibilities must decide for themselves and their own actions who is right, for that is what God has made us for, as far as I understand it; and I have yet to learn that this Government stood as a common parent of warring States, children, indifferent a feeling for both sides, and when both sides came back the Government was to say "God forgive us all, nobody knows who was right." I had the impression that one or the other of the children, to use the illustration, was making war on his father and his mother

and his creator, and under the Constitution his superior, and therefore there must be a right side and a wrong side.

To be sure the God of battles could only tell which was right and which was wrong, and the God of battles did tell; and the thing that astonishes me is that my good friends on the other side continually insist upon forcing us to say something or to unsay something that obliges us to admit that after all there was not any difference in the sides but that the winning side was just as wrong as the side that lost, and that nobody can tell which way the thing ought to have been determined after all. I cannot agree to that proposition. I do not think the Senator would have agreed to it if the stars and bars were now floating over the Capitol, instead of the Stars and Stripes; there would then have been a winning side and a side that would build its perpetual memorials of its success, not of personal disgrace to anybody—for I do not say that at all—but of the triumph of a government that was to preserve in its statutes somewhere and always that one great truth of the success of a government under a constitution in its own preservation.

It is not the person of this individual who seeks to be an officer, or of any Senator, or of any man anywhere, that I have anything to do with; but I cannot get it out of my mind that the future welfare of this country is in a large measure dependent upon our adhering now to the idea that the Government did achieve the success that it achieved, and that it achieved it upon the principles that it proceeded upon then, liberty and equality, and that are represented in the amendments of the Constitution that grew out of this success, and in the measures of legislation to enforce those amendments that Congress passed. And yet I am not able even to forget as to men these measures that we have taken and to forget the distinction between classes in this country, because year by year and month by month there is one party in this Chamber and in another to which I cannot allude, that whenever it has the power forces upon us and upon the President of the United States as it did three or four years ago measures to repeal and undo everything in the statutes of the United States that have grown out of success over the rebellion and these changes in the Constitution, putting upon appropriation bills riders and threats to the President of the United States that the Government should stop unless every act of Congress that defended civil rights, unless every act of Congress that defended political rights that the Constitution clearly gave, should be wiped out. Still Senators stand up and say how vindictive it is for gentlemen on this side of the Chamber to speak on these matters. If you do not wish these matters spoken of, leave these laws that under your Constitution have been passed to preserve and protect the liberty that the war and the Constitution have now achieved intact and alone, and do not bring forward every chance you have measures to wipe them off one by one or altogether, as you did three or four years ago, and when we resist say "Oh, you are vindictive about the rebellion; you do not allow us at last to win by voting here what we could not win with all our bravery by the sword, and undo everything that has been done."

There is the difference, Mr. President, it is the difference not of personal recollections or dislikes at all. Senators know that; they know that there is not the slightest personal prejudice or hostility on the part of any Senator on this side of the Chamber toward any gentleman who was in the rebellion or who sympathized with it. They know, if they think for a moment, that all we stand for is the doctrine that this Government did succeed upon principles of liberty, that it amended its Constitution accordingly, and passed laws to secure that liberty under that Constitution, and that when they are assailed we mean to defend them if we can. That is all. Is that vindictive? Is that unfair? Is that unkind? It is not, Mr. President. It is not, unless we undo everything and send down to posterity the word to all our children that after all this Union is nothing but what it was claimed to be by those who went into the rebellion, an aggregation of independent States who may separate when they will, and in respect to the citizens of whom even now, under the Constitution, the Congress of the United States has no right to pass laws for the preservation of their constitutional rights.

I am ready to face a question of that kind now and at all times; and my friend from South Carolina and my friend from Kentucky will not misunderstand me, I am sure, in what I am now saying.

I do not wish to take up your time, sir, upon a topic of this sort. I think, as I have moved, that as this measure opened these broad questions not only on this bill but on half a dozen others that are under consideration by the committee of which the Senator from Arkansas as well as myself is a member, it would be wiser to send this measure there for consideration, and I can tell the Senator from Arkansas that so far as I am concerned—and I think I can speak for all my political brethren—we shall be quite ready to meet the whole subject at any time that is agreeable to him.

Mr. HAMPTON. I would make a suggestion which I think will obviate some of the difficulties of the Senator from Vermont, [Mr. EDMUNDS,] and perhaps meet those of the Senator from Indiana, [Mr. HARRISON.] The latter seemed to intimate just now that there was a possibility that, if this statute is repealed, some of those who have been educated at West Point or Annapolis might be restored to the Army. I, for one, am perfectly willing that a proviso shall be put in with regard to that. If it should be offered from the other side, I should have no objection to that.

Mr. MAXEY. I suggest to the Senator from South Carolina that, whatever may be his own individual opinion, that is not the action of the committee, and, as one member of the committee, I should regard it as unjust.

Mr. HAMPTON. I only speak my individual opinion, and not that of the committee, of course. I should have no objection to that, because those persons are all beyond the age for appointment to the Army.

I hope the Senator from Vermont will understand that I attributed no vindictive feeling to him. I thought that he was actuated, and very often is here, by rather a chronic habit of objecting. He remembers perhaps the poem of the great lyric poet of Vermont:

> Our vow is recorded, our banner unfurled;
> In the name of Vermont, we defy all the world.

[Laughter.]

Mr. VEST. Mr. President——

The PRESIDENT *pro tempore*. The Chair would state to the Senator from Missouri that it is within a minute or two of two o'clock. If he wants to speak longer, the bill had better go over until to-morrow.

Mr. VEST. I do not want to detain the Senate. I simply want to say, as one of the class that comes within the ban of the law that is proposed to be repealed, for I served in the military and civil service of the late confederacy, that I do not believe, and I am glad to say that I do not believe that the Senator from Vermont [Mr. EDMUNDS] voices the sentiment of the American people upon this question. I am glad to believe, sir, that the people of the United States, the great body of them, are anxious to obliterate every mark and monument of the late war between the States or between the Government and certain States. I do not believe that the people of the United States in this age and with our civilization desire to erect any monument of that occurrence. Recent events have shown, if they show anything, that the great body of the people of this country, north, south, east, and west, desire, above all things, material advancement and material prosperity without going back to the obsolete ideas of sectional hate and sectional strife.

Mr. President, the Senator from Vermont says that the Government must keep before the people the evidences of its triumphs, that the Government must preserve the fruits of the war. Does that Senator mean to say that this statute is necessary to preserve the fruits of the war, to keep before the people the successes of the United States in that war? Your flag, our flag, waves in triumph in every township of this broad Union. From one end of the Union to the other not one man, woman, or child disputes the national supremacy. Your taxes are collected; your national name is respected. Sir, do the people need anything else to recollect that war except the graves of our common dead and the common gallantry of the soldiers of both sections? Will any Senator on the other side of this Chamber tell me that this statute, conceived in the bitterness of the strife that came just after the war when men's passion were aflame, as sword and bayonet had been aflame throughout the land, is necessary for any purpose except to voice and express the hate that ought to have died with the success of the national Government? Now, I say to the Senator——

The PRESIDENT *pro tempore*. Two o'clock has arrived.

Mr. EDMUNDS. I hope the Senator will be allowed to proceed.

The PRESIDENT *pro tempore*. If there be unanimous consent, the Senator from Missouri may proceed.

Mr. EDMUNDS. There is no objection.

Mr. HAWLEY. The regular order will be resumed at the close of the Senator's remarks.

The PRESIDENT *pro tempore*. Certainly, unless the Senate order otherwise.

Mr. VEST. Now I will say to the Senator from Vermont, for one, speaking for myself, why I object to this statute.

When we were received back into the Union—although I believe the dogma of the Republican party is that we were never out of the Union—we came back upon the express terms of equality before the law, or else a fraud was practiced upon the country and upon its history. You meet us to-day as coequals here, representing sovereign States. I ask the Senator from Vermont, if a war should be flagrant now with a foreign nation, would you accept our blood and our arms in defense of this country or not? I ask now the Senate of the United States to say would you expect or would you desire or would you even permit the confederates that fought you in the late war to fight for the country to which they have sworn allegiance or not? If you would, then you should not exclude from the Army and Navy of the United States those whose blood and whose arms are ready for the defense of our common country.

Sir, I do not propose to mince words in regard to this subject now, but I say to the Senator from Vermont that it is useless for him to tell me that he believes my professions of loyalty to this country when he heaps upon my brow the ban of proscription and of hate. It is useless for the Senator to say that he has no personal feeling of unkindness to any Senator on this side of the Chamber, when in the same breath he says, "You are not the equals of the other citizens of the United States; although you say that you are loyal to the Government, we are not willing to trust you."

As I said once before on the arrearages of pensions bill when pending in the Senate, I ask and those who were with me ask nothing

from this Government except the simple concession that we were honest in our devotion to the confederate cause and honest when we swear that we accept all the legitimate results of defeat; and to those who risked all and lost all, every just and generous mind should concede that much.

Sir, to-day the people of the United States want peace, not in terms, but peace in fact. They want the material prosperity of the country advanced. They want the past put behind them, except in so far as it may bind the Union closer between the sections by demonstrating in that great war the gallantry of the common American name and the common American lineage. The Senator asks why revive this question? Sir, we simply ask for the legitimate consequences of what the Senator and his colleagues say when they profess to believe that we are worthy to represent sovereign States upon this floor as Senators of the United States. What inconsistency is it when we are admitted here, and our brain, such as it is, is given to the public service, and yet we are told that our hearts, our blood, our arms are unfit for the military or naval service of our common country?

That is the reason why we object to this statute. I object to it because while the profession is that we are believed to be sincere in our professions of loyalty to the Union, this statute says in so many words, "You are unfit to be trusted in the common defense of this whole Union of which you profess to be loyal citizens."

The PRESIDENT *pro tempore*. The time for the consideration of the unfinished business has arrived. The Chair will, however, take occasion to lay before the Senate some House bills for reference.

HOUSE BILLS REFERRED.

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

A bill (H. R. No. 570) to extend the limits of the port of New Orleans; and

A bill (H. R. No. 707) to amend section 4233 of the Revised Statutes of the United States, in relation to danger signals.

The bill (H. R. No. 869) for the relief of Thomas J. Wharton was read twice by its title, and referred to the Committee on Claims.

The bill (H. R. No. 5387) providing for the pay of Rear-Admiral Roger N. Stembel was read twice by its title, and referred to the Committee on Naval Affairs.

CHINESE IMMIGRATION.

The Senate resumed the consideration of the bill (H. R. No. 5804) to execute certain treaty stipulations relating to Chinese.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Vermont [Mr. EDMUNDS] to section 15.

Mr. EDMUNDS. I withdraw that amendment, as I was under a misapprehension when I offered it. I thought that the section stood in the bill, but I understand it was stricken out in Committee of the Whole, and therefore I withdraw the amendment so as to leave the question pending on agreeing to the amendment made in Committee of the Whole striking out that section.

Mr. ALLISON. Was the skilled-labor section agreed to in Committee of the Whole?

Mr. MILLER, of California. Just the reverse; it was disagreed to. The fourteenth section was agreed to.

Mr. ALLISON. That is very remarkable.

The PRESIDENT *pro tempore*. The section in regard to skilled labor was stricken out by a vote of 29 to 28.

Mr. MORRILL. I now move a reinsertion of the fourteenth section.

The PRESIDENT *pro tempore*. An amendment of the Committee on Foreign Relations was to strike out the fifteenth section, and that was agreed to in Committee of the Whole.

Mr. MORRILL. I move to strike out the fourteenth section.

The PRESIDENT *pro tempore*. The question now is, Will the Senate concur in the amendment of the Committee of the Whole striking out the fifteenth section?

Mr. EDMUNDS. The amendment of the committee having been to strike out the fifteenth section?

The PRESIDENT *pro tempore*. Yes, sir; that was agreed to.

Mr. EDMUNDS. The question is on concurring in the amendment made as in Committee of the Whole striking out section 15?

The PRESIDENT *pro tempore*. Yes, sir.

Mr. EDMUNDS. That is the way I understand it, and therefore I withdraw the amendment I offered to section 15, because that section is already stricken out.

The PRESIDENT *pro tempore*. The vote is to be taken on that question.

Mr. HOAR. The Committee of the Whole have merely proposed to the Senate to strike that out. The section is still in the bill. In the Senate it has not been stricken out.

Mr. EDMUNDS. It was stricken out in committee, and if we agree to what the Committee of the Whole has done, it is out.

Mr. HOAR. Certainly.

The PRESIDENT *pro tempore*. The question is, Will the Senate concur with the Committee of the Whole in striking out section 15.

Mr. HOAR. An amendment to the section is still in order.

Mr. EDMUNDS. But if the Senate will agree to the amendment made in committee there will be nothing to amend, and if the Senate does not agree to the amendment striking it out, I can then move my amendment.

Mr. SAUNDERS. I intended this morning to call up another matter; but this bill seems to be of considerable importance, and I give way for this bill until it is disposed of.

Mr. FARLEY. Mr. President, I was addressing the Senate yesterday in reference to the amendment that had been reported by the committee in regard to skilled and unskilled labor. I had occasion to remark that the interpretation given by some Senators who had spoken upon that question, and by the President of the United States, and by the Chinese minister, was that that provision in the bill was in violation of the terms of the treaty. Now, sir, I am not disposed to take up the time of the Senate in discussing the proposition as to whether that amendment ought to be adopted by the Senate or not, further than to say that the general sentiment on the part of those on our side of this question, those who are in favor of this bill is that unless that provision is retained in the bill, which has been proposed to be striken out by the Committee on Foreign Relations, the bill will be rendered ineffective for the purposes for which it was introduced. I confess, taking the whole history of the legislation upon this subject, that the party upon whose votes depends the passage of this bill have had very little to do with the preparation of this legislation. In other words, this side of the Chamber, the members of the Democratic party on this side of the Chamber, who have been unanimous in their support of this measure, have not been called into private council to examine or prepare the legislation that was supposed to be necessary in the passage of a law on this subject.

I have been disposed from the outset, I am disposed now, to entirely ignore and lay aside all party considerations in order to obtain this relief which our people so much need. I have not been governed in my action in support of this bill by any party consideration. I have advocated the passage of this measure because I believe that the best interests of the people of the Pacific coast would be subserved by some legislation that would prohibit the further immigration of this element that we complain of as being a curse to our best interests. I, for one, am disposed to ignore party considerations so far as this bill is concerned. But notwithstanding it was a well-known fact that upon this side of the Chamber, so far as this body is concerned, depended the success of this measure, we were not even called into private consultation to determine the character of the bill that might be introduced here; the matter seems to have been conducted in a close corporation; and I am free to confess that there are many defects in this bill, which at this time perhaps it is too late to remedy. On this side of the Chamber there are four Democratic Senators from the Pacific States, neither one of whom has even been consulted as to the character of the bill or its provisions.

Mr. WINDOM. I should like to ask the Senator a question, with his permission.

Mr. FARLEY. Certainly.

Mr. WINDOM. Did not the chairman of the Committee on Foreign Relations specially invite the Senator to come and be heard on that subject?

Mr. FARLEY. I was about to come to that.

Mr. WINDOM. Did not the Senator appear before the committee and express his views? I am surprised at the statement of the Senator that no one had been consulted.

Mr. FARLEY. This will explain what I meant by saying what I did: I did receive a letter from the chairman of the Committee on Foreign Relations to appear before that committee upon—what? There were two bills presented which were before that committee for consideration. One was the bill introduced by my colleague before the veto message had been passed upon, which was in fact a notice—not intended so by my colleague; I am not calling in question his good motives—to those on the opposite side of the Chamber who were opposing the bill and who were disposed to advocate and stand by the President's veto that another bill would be introduced before a vote had been taken on the vetoed bill in this body to determine whether or not we could pass it over the veto.

After the vote had been taken here, and the veto of the President had been sustained, I introduced a bill asking for a limitation of fifteen years on the immigration of Chinese. My colleague had introduced a bill for ten years. Although there was nothing said in the message of the President that indicated that he would sign any bill fixing any number of years as the period of limitation contained in it, yet I supposed information might have been received by those who pretend to know that such a bill would meet the approbation of the President. I have no authority for so stating, but that bill introduced by my colleague has never been reported back to the Senate. A similar bill was introduced in the other branch of Congress, and was put through that body in a manner that gave to those upon whom depended its success a chance to say, if they had been so disposed, "We have not had an opportunity even to give the reasons why we support this bill, or why we opposed certain provisions of it; therefore, if the bill shall turn out to be defective, if it shall fail of its object, if it shall fail to accomplish that which we desire it shall accomplish, upon the heads of those who have taken it into this close corporation to determine its character let the responsibility rest."

Mr. MILLER, of California. Will my colleague yield to me for a moment?

Mr. FARLEY. Certainly.

Mr. MILLER, of California. If the Senator sees any defects in this bill, will it not be his duty to move amendments to cure those defects?

Mr. FARLEY. I am aware of that right which I have.

Mr. MILLER, of California. If the Senator fails to move any amendments and the bill should be inoperative or defective, I think he will be liable to responsibility equal to that of anybody else.

Mr. FARLEY. In answer to the suggestion of my colleague, I want to say that this bill seems to have been considered by the Committee on Foreign Relations, which is composed of very able Senators, and they have given it investigation in such a way that no one on this side of the Chamber has had an opportunity to consider it, unless he was on the committee, beyond a general review of the bill. It is now perhaps too late to secure amendments that might be introduced to make the bill in better condition than it is.

The honorable Senator from Minnesota, who is chairman of the Committee on Foreign Relations, has suggested that I was called before that committee. I understood that I was called there for the purpose of presenting my views in regard to the two bills that were then pending before that committee. I did go before the committee in response to the invitation given by the chairman of the committee. The morning that I was there, there was no quorum present, and no transaction took place; no consideration of either of the bills was taken by the committee, because there was no quorum of the committee present. I received no further notice, and therefore did not again appear before the committee. I learned afterward that the bill was going to be pressed through the House by the gentleman who had assumed or taken control of it, and I saw by the newspaper reports from the Pacific coast that an honorable gentleman in the other branch of Congress [Mr. PAGE] made his report on this bill, and his colleagues from the State of California, two Democrats and one Republican, were not consulted or talked with at all about its provisions, and were not permitted to say one word in reference to its character.

Mr. WINDOM. I want to say, if the Senator will allow me, a single word. The committee traveled out of its usual course in this matter, in order to give to the Senator, who was understood to have a great deal of information on this subject, full opportunity to be heard. I wrote him a general invitation to appear before the committee to give us his views, and to inform the committee as he might think best; and certainly the committee would have been glad to have heard anything he desired to say. We did hear all that the Senator presented that day; and having once invited him to express his sentiments, (and committees do not usually send around to inquire the views of Senators, having traveled out of the usual line of duty,) it seems to me the Senator can hardly complain that he had not full opportunity to be heard before that committee.

Mr. FARLEY. I am not complaining of any want of courtesy on the part of the committee. I hope the Senator from Minnesota, if he so understood me, will take what I say in reference to that matter as being true.

Mr. WINDOM. Certainly.

Mr. FARLEY. I received that courtesy which the Senator has suggested, and I am not particularly complaining of any other proposition, except this, that I took up the Pacific coast papers, some of them, a very small part of them, in which I find dispatches from Washington stating that there is a disposition on the part of the Democrats here to retard and prevent legislation upon this subject. How those dispatches found their way into the press of the Pacific coast States I am unable to say. It is a well-known fact, and known to my colleague, that no Democrat on this side of the Chamber has done any act or attempted to do anything that looked like retarding action on this measure. On the contrary, on the Democratic votes in the Senate depends the success of this measure. I simply say this in answer to these small attempts on the part of a portion, and a very small portion, and not a very highly respectable portion of the public press on the Pacific coast to make party capital out of this question.

Mr. President, I appeal for the support of my statement to the three Democratic Senators from the Pacific coast, who are here and have sustained action in the legislation proposed on this question. The two Senators from Oregon, the honorable Senator from Nevada, [Mr. FAIR,] and myself have never been in any private consultation with either one of our colleagues from the Pacific coast to be advised with as to what legislation was actually necessary on this subject.

While, as I said a moment ago, I do not attach to my colleague any improper motive, I simply say that the action of my colleague in introducing the bill before there was a final vote had upon the vetoed measure, while not so intended, in fact had the effect to mortify those who were disposed to sustain the veto of the President that another bill had already been introduced which might be changed to give them entire satisfaction if the veto should be sustained.

Now, I come to the question of skilled labor, and I wish to notice some remarks of the honorable Senator from Ohio, [Mr. SHERMAN,] whom I do not see in his seat, made when an effort was made to refer the bill vetoed by the President to the Committee on Foreign Relations for consideration. What object the honorable Senator could have had in making that motion I was unable to perceive. I am yet unable to perceive the object, unless it was for the purpose of preventing a vote in this body upon that question—to prevent votes from going upon the record showing how gentlemen stood in reference to that vetoed bill—when there was another bill then pending, and that would have been the excuse, I doubt not, of the Committee on Foreign Relations for not reporting the vetoed bill had it ever gotten into the folds of that committee. I noticed that the honorable Senator from Ohio, in speaking of skilled labor, used this language in his speech made on the 5th of April, found in the CONGRESSIONAL RECORD, page 2609:

> Here is a treaty yielded to us by China for our benefit, not for theirs—they do not claim anything from it—by which they agree that the importation of Chinese laborers shall be suspended for a time in this country.

Yielded to us by the Chinese! They had nothing to gain by it! The honorable Senator forgot to take into consideration that there was also a commercial treaty entered into between the two governments at that time, by which we agreed so far as we could agree to suppress the opium trade. There was a benefit that the Chinese Government claimed to have received; and both treaties that were entered into by the two governments were reciprocal and beneficial to both parties, as was supposed by those who entered into the treaties.

Then said the honorable Senator in that same speech:

> Then you make the word "laborers" embrace a class of people that in no country in the world are classed by the term "laborers."

Let us see.

> A merchant who manufactures and sells his own wares, a mechanic, a blacksmith, the shoemaker at his last who manufactures shoes that he sells himself, the hatter, described by Benjamin Franklin, who makes hats to sell, are included in the term "skilled labor."

The Chinese minister, who objected to the passage of this bill—and his objections were made known to the President, and they seemed to be of so much importance in the view of the executive department that the objections made by the Chinese minister were embodied in the President's veto message—goes to the extent of saying that the laundry business, the cigar business, the shoemaking, the tailoring, the blacksmithing, and all that kind of work is not to be considered as common labor but skilled labor. Now, I say that if that definition is not given by the provisions of this bill as to what skilled labor is or what is intended by the provisions of the bill, we might as well have no bill at all, because every Chinaman that may be shipped to California or to Oregon or Nevada will come as a skilled laborer. That will be the result of it. Therefore I say that the amendment reported by the committee to a very great extent would destroy the effect of this bill. That section was proposed by the honorable Senator from Oregon, [Mr. GROVER,] and it passed and was one of the provisions of the bill that has been heretofore vetoed by the President. It is in the bill of the House, but the committee propose to strike it out.

The honorable Senator from Ohio goes on after referring to this class of laborers, the blacksmith, the shoemaker, the hatter, the tailor, and says:

> I ask if that is a fair construction of the treaty? Is it right? I say it is not, and that some provision ought to be made which would enable Chinamen—

I call attention to the language of the honorable Senator upon this question, and I shall ask the people of the State I have the honor in part to represent and the people of the entire Pacific States to pay attention to the langnage used by that honorable Senator in favor of referring this bill to the Committee on Foreign Relations—

> I ask if that is a fair construction of the treaty? Is it right? I say it is not, and that some provision ought to be made which would enable Chinamen who are skilled men to come; Chinamen who have a family and have a home and children, educated as many of them are, and we know that some of them are educated as highly as the most refined in our favored land. Why should they be excluded? When they wish to come here as skilled artisans and laborers, wonderfully skilled in certain branches of manufacture, and contribute their labor and mingle with others, why should they not come? All the reasons against cooly immigration cease when you speak of these men. The immigrants that we want to exclude are those men who have no wives, children, or homes, who are mere pauper laborers, who are worse than pauper laborers, who are contract laborers, coolies, a class of men who tend to degrade all labor, who can live so cheaply that no man, white or black, can compete with them. That is the mischief to be guarded against; that is the object to be sought; but now, because we have by the kindness of the Chinese Government—

By the magnanimity of the Chinese Government!—

> made a treaty which enables us to limit the importation of laborers into this country, we declare that all Chinese shall be considered laborers except, forsooth, those described in the thirteenth section of the bill.

If the main portion of that language should be inserted into a bill allowing the entrance of the classes of people mentioned by the honorable Senator from Ohio and the classes mentioned in the memorandum which the Chinese minister sent to the President and which was made a part of his veto message, then I say we had as well have no law at all. The objections made by the Chinese minister in this memorandum which was a part of the President's veto message were:

> II. The inclusion of "skilled labor" in the bill is an addition to the words and intent of the treaty. It will operate with harshness upon a class of Chinese merchants entitled to admission to the United States under the terms of the treaty. The shoe merchants and cigar merchants of China manufacture the goods they sell at their places of business, and to shut out the "skilled labor" they need would practically shut them out as well, since it would prevent them from carrying on their business in this country. The laundryman who keeps his shop and has a small capital with which to prosecute his trade cannot in any just sense be included in the class of "laborers," and the merchant tailor comes in the same category.

The laundrymen, as I said yesterday in the few remarks I submitted to the Senate, are a class of people against whom the most bitter

prejudices exist in our State. They have monopolized the laundry business in the State of California. There is much feeling on the part of those who have been driven from that employment on which depended the support of themselves and their families. Pass through any city or any village throughout the State of California, and I apprehend it is so in Oregon and Nevada but more so in California because we have more Chinamen, and you will find the laundry notice on all their little huts—"Washing." The men and women, mostly poor widows having families dependent upon them for support, who were formerly in that business have been driven out of employment so far as that branch of labor is concerned by the invasion of the Chinese.

Mr. President, I apprehend that it is hardly necessary to say anything further upon that point. I come now to the ten-year clause of this bill. I introduced a bill immediately after the veto of the President, fixing the limitation at fifteen years. I have no disposition, nor do I intend by any act of mine, to prevent legislation on this subject. I am informed, I do not know that the authority is good, that the President would not sign a twelve or a fifteen or a sixteen year bill, but that he would sign a ten-year bill. I do not know who has authority to say that, but I have heard the rumor that the President would sign a ten-year bill, but would not sign a fifteen-year bill. I introduced the fifteen-year bill in good faith, believing that as it had been intimated that the idea of the President was that the twenty years' limitation was too long, and ten years would meet with his approbation, a division would be advisable. In other words, as we say out West, we might split the difference with him, and give him a fifteen-year bill instead of a ten-year bill; but after introducing that bill, finding that my colleague and others were persistent in their ten-year bill, I have not pressed the fifteen-year bill, nor do I intend to do so now. I intend to yield that point, believing, however, as I do believe, that the ten years' limitation will be inadequate to accomplish the objects that we seek by reason of passing a limitation in reference to Chinese immigration. It will leave it an open question, a question to be agitated from now until the expiration of the ten years, upon the Pacific coast, and it will more or less find its way into partisan politics. It will be so not only on the Pacific coast, but I want to assure my friends on this side of the mountains that it will be so here. I notice large meetings of people in Philadelphia, in Chicago, in New York, and other portions of the States on this side of the Rocky Mountains, that are expressing their sentiments on this subject, who do not desire to see this cheap labor brought into our country to come in competition with those who are already struggling for a maintenance for themselves and their families. Even in the old State of Massachusetts, I find to-day in picking up the newspapers, and for the last two or three weeks, accounts of strikes among the common laborers who are engaged in the manufacturing business in some portions of that State. You find them in other States. Why? Because of the very low rate of wages there paid for their services, and the inadequacy of the amount which they receive to support themselves and their families in their every-day life.

I had occasion yesterday to refer to the character of the Chinese, and it came in the line of my thought at the time to refer to a colony that had been sent up to Massachusetts some years ago to engage in the business of manufacturing shoes. The senior Senator from Massachusetts, [Mr. DAWES,] whom I do not now see in his seat, undertook to give me the history in reference to that colonization. I stated that they were the cause of riots even in that staid old Commonwealth. The Senator said that I was mistaken; that I was totally ignorant as to the cause of their going there and the cause of their leaving. He afterward attempted to enlighten me upon that subject. I had not the immediate data before me, but I assert now—I see the junior Senator from that State in his seat—that the presence of those Chinese in the State of Massachusetts, the object of their coming there being known to the people of the town where they were to be employed, had the effect to congregate around the depot where they landed a crowd of people, and that stones were used against those Chinamen, and they had to be protected by the police in marching them to their quarters.

Mr. HOAR. The Senator from California will permit me to say——

Mr. FARLEY. I want any information I can get. If I am incorrect I wish to be corrected.

Mr. HOAR. I do not know what the Senator refers to. Very likely the presence of this oriental colony attracted a crowd, such as would be attracted by Barnum's museum, and such as I think would be attracted by the presence of that very distinguished gentleman, the Senator from California himself, whom our people would be curious to hear——

Mr. FARLEY. Would they be likely to throw stones at me?

Mr. HOAR. I was about to make an observation on that point. Whether any boys in the crowd may have thrown stones at those Chinese I do not know; but that any injury was inflicted upon them, that there was anything in the nature of such mobs as were described in the testimony of the witnesses before the Congressional committee having attacked them in California, I utterly deny. They went peaceably and quietly to their work, they remained at their work, visited freely by all classes of citizens. They came and went undisturbed, unmolested, perfectly protected by law for years in that manufacturing village, and I do know that there was not a tithe or a hundredth part of the violence used toward them which I have known used more than once by Democratic ruffians against Republican torchlight processions in our manufacturing villages in heated political campaigns. And in saying that I do not wish to be understood in the least as imputing to the Democracy in my State any more than to any other class of citizens any remarkable or undue violence or outrage. In England and in Ireland everybody knows that at almost every heated contested election the mob on one side or the other will indulge in some violence and outrage of this kind. It has happened in my own State more than once. While I do not know whether it be true or be not true that from the crowd which assembled from motives of curiosity to see these Chinese men stones were thrown, I do know, I think——

Mr. FARLEY. That they were not? Is that what you mean?

Mr. HOAR. The Senator perhaps had better wait and hear what I was about to say.

Mr. FARLEY. I will wait.

Mr. HOAR. I do know that there was nothing which could properly be described as a mob, mob violence, or endangering those people, or as amounting to a very serious and important molestation.

Mr. FARLEY. Were not the police called into requisition to see that the Chinamen were marched to their quarters?

Mr. HOAR. I do not know whether they were or not. I think it very likely.

Mr. FARLEY. If it was necessary to call out the police to see that these people were safely escorted to their place of abode, there would seem to have been some serious molestation to them.

Mr. HOAR. I should like to ask the honorable Senator from California a question.

Mr. FARLEY. The Senator must excuse me. I asked him a question.

Mr. HOAR. Well.

Mr. FARLEY. Now he turns around and wishes to ask me one. That is the difficulty with a great many of us, I admit. I refuse to answer the Senator's question until he answers mine.

Mr. HOAR. I think I have answered the Senator's question. I do not know whether that particular thing be true or not.

Mr. FARLEY. The question I put to the Senator was this: Was there not apprehension of danger; and if there was no apprehension why call the police into requisition?

Mr. HOAR. I dare say it may have been done; I do not know. I never have heard that the police were called out or were not called out, and I cannot answer; but I am willing, if the Senator has any information to that effect, to assume it to be the case. Now, the question I want to ask the Senator from California is this, if he will permit me to ask him——

Mr. FARLEY. With pleasure.

Mr. HOAR. Does he want the truth about this matter, or does he want to get a perverted statement?

Mr. FARLEY. I want the truth.

Mr. HOAR. Now, does the Senator from California want to know himself the fact which he is asking about? If he does, I can tell him it was just this: when these strange people first arrived from the ends of the earth, there was a crowd assembled at the depot in a thickly settled manufacturing village in Massachusetts, and out of that crowd some two or three boys may have thrown some stones, so that the police attended them to the place where they were to live. Does the Senator want to stop at that, or is he willing also to state to his people and put into his speech the fact which I affirm of my knowledge, and affirm with my colleague who has just come in, now sitting by my side, to whom I might more properly have left this colloquy, that those men dwelt in that town thereafter for years as undisturbed, as unmolested, as safe, as much respected as any other citizens of the place in all their legal rights, earning their wages, raising their wages, and staying in their employment until such time as they could do better elsewhere? Now, will the Senator be kind enough to put that into his speech?

Mr. FARLEY. It is not necessary for me to put it there. The Senator has put it there. Why should I go on and put it there now?

Mr. HOAR. Will he be kind enough to take it into his comprehension?

Mr. FARLEY. I will try as far as I am able to comprehend it, but the Senator has put it into my speech, and therefore it will be unnecessary for me to do so.

The Senator asks me if I wish to know the truth. I have gotten from that Senator and from his colleague their statements, and I must accept what they say as being true. I suppose they were both present and know what took place at that time. That being the case their statement will stand with me; but if there are records that show a different state of facts, while I still would be disposed to take the word of either one of those Senators upon any question, the records perhaps would need to be explained away.

Mr. DAWES. If the Senator has any records I should like to see them.

Mr. FARLEY. I have not myself. I understand that there are records which show that when those people landed at the depot a mob of persons, learning what they had been brought there for, to enter into the business of manufacturing shoes, which would be in competition with those who were engaged in that employment, assembled around the depot, and that the Chinamen were stoned and

the police were called into requisition to protect them; but the honorable Senator from Massachusetts says that was a mistake.

Mr. HOAR. No, sir, I did not say so.

Mr. FARLEY. What did you say?

Mr. HOAR. I asked the Senator if he would not take into his comprehension what I said.

Mr. FARLEY. The Senator says so many things and sometimes contradictory (as I suppose is the case with myself) that it is hard to comprehend him.

Mr. HOAR. What I said was exactly this: that that crowd very probably may have collected from motives of curiosity, but I can neither affirm nor deny——

Mr. FARLEY. Then it is an open question.

Mr. HOAR. Let me finish my sentence. I can neither affirm nor deny whether some boys or mischievous persons in that crowd threw stones and whether the police came and conducted these people; but I am prepared to affirm that if that happened (which I neither affirm nor deny) there was no riot equal in extent or in danger to what frequently occurs in regard to the political processions of one party at the hands of the other party in ordinary excited campaigns. It was a stone-throwing of the most trifling character. It did not endanger the men; it did not affect their moving about those streets in as much safety as my honored colleague who lived in that town formerly would have moved if he had continued to live there. That is what I said.

Mr. FARLEY. Having got to the point that stones were thrown, now we will leave it at that point.

Mr. HOAR. I only said in regard to that that I did not know whether they were or not. Now, what does the Senator from California mean by saying that he has got to the point where stones were thrown?

Mr. FARLEY. The Senator says that perhaps stones were thrown.

Mr. HOAR. I said I did not know.

Mr. FARLEY. Then the Senator does not know but that a number were thrown, and that the Chinamen were in great danger.

Mr. HOAR. Does the Senator mean to affirm from my saying that I did not know what happened, and then taking what I said might have occurred, that I said it did happen?

Mr. FARLEY. You said you were not there?

Mr. HOAR. Yes.

Mr. FARLEY. You said stones were perhaps thrown?

Mr. HOAR. I do not propose to pursue a colloquy with the Senator in that style.

Mr. FARLEY. The statement amounts to this, that the honorable Senator knows nothing about what took place there. He says they lived there afterward. Let that be so. Suppose they did. I understand the reason of their being there in peace was that they were receiving the same rate of wages that white persons were receiving, and, therefore, there was no occasion for the mob to rise. But I should not have referred——

Mr. DAWES. Will the Senator allow me a word?

Mr. FARLEY. Certainly.

Mr. DAWES. I was not in when this discussion arose. I resided in the town where this took place till within a few years, and I now reside within twenty miles of it, and the trains run a dozen times a day between my own residence and that place. The gentleman who employed those Chinamen was a personal friend of mine and my near neighbor for twenty years; he is now my personal friend, and was here in Washington when this discussion arose in the House, and when for the first time in my life I saw upon the RECORD that a Representative stated that there was a riot when these Chinamen arrived there. The first time I ever heard of it was when I saw in the RECORD of the next day that statement by a Representative from Kentucky. The Representative from that district, my successor, was not present in the House at the time, but in a few days afterward he corrected that statement. When the bill was up here originally the Senator from California made some allusion to it, and I corrected it then. Yesterday I told the Senator, so as I am aware, all I knew about the story.

Mr. FARLEY. I have not referred to what the Senator said.

Mr. DAWES. I will state it, then, myself. The Chinamen came to North Adams under these circumstances: a shoe manufacturer there who employed a large number of men, a good many of them, a large proportion of them, a controlling proportion of them, being precisely that kind of men in reference to whom the Senator expressed apprehension here yesterday that they would commit violence in San Francisco, against whose violence the best people were struggling to maintain the peace very properly in San Francisco, men who go by the name, among shoe manufacturers, of Crispins. They had combined and prescribed terms to this manufacturer, upon which alone he was permitted to manufacture shoes, whom he should employ, and whom he should not employ, and how long he should work them. After taking some advice—I will not say how much; I knew what his purpose was myself—he went to San Francisco and engaged some fifty Chinamen, made a personal engagement with each individual Chinaman to come to North Adams and take the place of those men. Those men were not aware of what his business there was, nor was anybody in North Adams; and nobody in North Adams that I know of ever had seen a Chinaman before. When they arrived at the depot all manner of curiosity seized the people of the town, and they rushed down to the depot in crowds. When the Crispins, who had undertaken to prescribe the terms upon which, and upon which alone, this manufacturer could hereafter manufacture shoes, were aware of what the Chinamen came for, they were angry, just as a certain class of people are intensely angry in San Francisco to-day, and they used violent language all around there; and I can tell the Senator that I heard that one or two of them threw a stone into the crowd, but the police—the ordinary police who are about the town and about their business—interfered, and there was not the slightest trouble after that. The Chinamen went in peace through the streets, a sight the people had never seen before, to their quarters, and went about their work, attracting great crowds day after day from different parts of the county to see these Chinamen work. There never was, with the exception of perhaps a stone or two that I told the Senator of, the slightest violence used toward those people. They adapted themselves with wonderful facility to the new work to which they came. The Crispin idea that they could dictate terms faded out in Massachusetts. These fifty Chinamen were indirectly a great blessing to the other laboring-men in Massachusetts and to the capitalists who employ labor in Massachusetts. The time came when, by their adaptation to work, they were able to produce as much as any other workmen, and they demanded an equivalent for it, and then competition in labor had to settle the question. It was either competition in skill or competition in compensation, one or the other, that determined who should be hired. They were hired on the same terms; they worked on the same terms; they continued on the same terms; they accomplished the same results as others, and the foreigners who came from the east, and the foreigners who came from the west, the Europeans and the Asiatics——

Mr. FARLEY. I did not yield for a speech, but the Senator may go on.

Mr. DAWES. If the Senator does not like to have this kind of a speech, be it so. These workmen understood that there was a public sentiment that was stronger than anything else, that upheld every man, wherever he was born, in the right to compensation for his labor, and to the application of that compensation as he pleased; and that was the end of the experiment.

Mr. VEST. May I ask the Senator from Massachusetts a question?

Mr. FARLEY. If Senators will not take up all my time, I can soon get through.

Mr. DAWES. I was called out of a conference committee to listen to the Senator's repetition of that violence in the town that I lived in so long, and I felt it my duty to vindicate history.

Mr. FARLEY. All right.

Mr. VEST. Of course I know nothing about it personally; but I call the Senator's attention to the fact that the New York Tribune, which was then a leading Republican paper as it is to-day, contemporaneously with the occurrence at North Adams, to which he refers, made the statement, as will be seen by reference to its files, that Mr. Sampson, the employer of these Chinese, seventy-five in number—the Senator spoke of them as fifty—was compelled for weeks, if not for months, to employ a guard on the premises to protect them from violence, to put up reflectors so that no one could approach the buildings without being seen by night, and that he expressed his determination, and published it, to spend $50,000, if necessary, to have these Chinese stay in Massachusetts.

Mr. DAWES. Have you the files?

Mr. VEST. Yes, sir.

Mr. DAWES. Suppose you put that statement in the RECORD.

Mr. VEST. This is taken from the New York Tribune of June 18, 1870:

> Mr. Sampson determined to sink $50,000, if necessary, in carrying the thing through. He doubles his night-watch, illuminates the grounds about his building by powerful reflectors, laughs at the threats of the Crispins, and is confident of success as of the rising of the sun to-morrow.

In this same connection, in order to vindicate the truth or to demonstrate the falsehood of history, I call the Senator's attention to the further fact that in the New York Herald of June 26, 1870, are the proceedings of a public meeting, said to have been composed of 4,000 citizens of North Adams, Massachusetts, in which resolutions of a very violent and inflammatory character were passed against the importation of Chinese to that community or that State, and that Mr. Henry Wilson, then a Senator of the United States from Massachusetts, afterward Vice-President, introduced about the same time in the Senate a bill prohibiting the importation or the immigration of Chinese to the State of Massachusetts or to the United States. This history, whether false or veracious I know not, goes on further to say that at the meeting referred to—

> Mr. Troup made an enthusiastic speech and suggested the sending of an influential man to Washington to urge Congressman DAWES to look after their interests and hasten the consideration of Wilson's bill.

Whether the messenger arrived or not is within the consciousness of my friend from Massachusetts; but such is the history and I put it in for what it is worth.

Mr. DAWES. Mr. President——

Mr. EDMUNDS. I ask Senators to give way in order that I may request the Chair to lay before the Senate a message from the President of the United States.

Mr. FARLEY. Wait until I get through.

Mr. EDMUNDS. It is as to violation of law in Arizona.

The PRESIDENT *pro tempore*. Will the Senator from California give way?

Mr. FARLEY. I yield.

AFFAIRS IN ARIZONA.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a message from the President of the United States, which will be read.

The Acting Secretary read as follows:

To the Senate and House of Representatives:

By recent information received from official and other sources, I am advised that an alarming state of disorder continues to exist within the Territory of Arizona, and that lawlessness has already gained such head there as to require a resort to extraordinary means to repress it.

The governor of the Territory, under date of the 31st ultimo, reports that violence and anarchy prevail, particularly in Cochise County and along the Mexican border; that robbery, murder, and resistance to law have become so common as to cease causing surprise, and that the people are greatly intimidated and losing confidence in the protection of the law. I transmit his communication herewith, and call special attention thereto.

In a telegram from the General of the Army, dated at Tucson, Arizona, on the 11th instant, herewith transmitted, that officer states that he hears of lawlessness and disorders which seem well attested, and that the civil officers have not sufficient force to make arrests and hold the prisoners for trial, or punish them when convicted.

Much of this disorder is caused by armed bands of desperadoes, known as cowboys, by whom depredations are not only committed within the Territory, but, it is alleged, predatory incursions made therefrom into Mexico. In my message to Congress at the beginning of the present session, I called attention to the existence of these bands, and suggested that the setting on foot within our own territory of brigandage and armed marauding expeditions against friendly nations and their citizens be made punishable as an offense against the United States.

I renew this suggestion: to effectually repress the lawlessness prevailing within the Territory, a prompt execution of the process of the courts and vigorous enforcement of the laws against offenders are needed. This the civil authorities there are unable to do without the aid of other means and forces than they can now avail themselves of. To meet the present emergencies the governor asks that provision be made to Congress to enable him to employ and maintain temporarily a volunteer militia force to aid the civil authorities, the members of which force to be invested with the same powers and authority as are conferred by the laws of the Territory upon peace officers thereof.

On the ground of economy, as well as effectiveness, however, it appears to me to be more advisable to permit the co-operation with the civil authorities of a part of the Army as a *posse comitatus*. Believing that this, in addition to such use of the Army as may be made under the powers already conferred by section 5298 of the Revised Statutes, would be adequate to secure the accomplishment of the ends in view, I again call the attention of Congress to the expediency of so amending section 15 of the act of June 18, 1878, chapter 263, as to allow the military forces to be employed as a *posse comitatus* to assist the civil authorities within a Territory to execute the laws therein. This use of the Army, as I have in my former message observed, would not seem to be within the alleged evil against which that legislation was aimed.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *April* 26, 1882.

The PRESIDENT *pro tempore*. Is it the pleasure of the Senate that the accompanying papers be read?

Mr. EDMUNDS. No, sir; let them all be printed and referred to the Committee on the Judiciary.

The message and papers were referred to the Committee on the Judiciary and ordered to be printed.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had yesterday approved and signed the following acts:

An act (S. No. 26) to amend section 2326 of the Revised Statutes, in regard to mineral lands, and for other purposes;

An act (S. No. 361) for a public building at Frankfort, Kentucky; and

An act (S. No. 1677) to amend the act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 1049) to promote the efficiency of the Life-Saving Service and to encourage the saving of life from shipwreck.

CHINESE IMMIGRATION.

The Senate resumed the consideration of the bill (H. R. No. 5804) to execute certain treaty stipulations relating to Chinese.

Mr. FARLEY. Mr. President, I do not intend to take up the time of the Senate for more than a very few moments longer, and I hardly deem it necessary to do so, for I do not know that I can throw any further light on the proposition I have been discussing than I have already attempted to present.

Very strange arguments have been made on the floor of the Senate in reference to this proposed legislation. I find the honorable Senators from Massachusetts, both of them, and the distinguished Senator from Connecticut [Mr. HAWLEY] asserting doctrines that if carried out according to their views, so as to prevent legislation on this subject, would force on us the evils that would necessarily flow from a continuation of the immigration of those people not only to the Pacific coast but to other portions of the United States. In my opinion those evils would be almost incalculable. Look at the very case cited, and admitted so far as the two Senators from Massachusetts are concerned, though neither of them was present. Take the newspaper reports, which were read by the honorable Senator from Missouri, the Tribune and the Herald reports of those meetings. The point has suggested itself to me that if it took seventy-five men for a month or two months to guard and protect those people at North Adams, would it not require the Army of the United States to protect the people in Boston against a proportionate number there?

Mr. DAWES. There is no such statement as that. Seventy-five men!

Mr. FARLEY. The Senator from Missouri referred to a resolution passed.

Mr. DAWES. About seventy-five men in a town of 4,000.

Mr. FARLEY. It required that many policemen to protect seventy-five Chinese. How many men would it take to protect 100,000 in the city of Boston?

Mr. HOAR. How many men would it take to protect a class in school?

Mr. FARLEY. I do not know the number.

Mr. HOAR. I am afraid it would be hard on the masters of the district schools.

Mr. FARLEY. I do not know what the Senator means by class. The Senators from Massachusetts are in the habit of referring to classes. The Senator used an expression which called forth what I have had to say in reference to North Adams, speaking of sand-lotters and the danger of violence in California. Why, sir, I want to say to the Senator from Massachusetts that this question of agitation and danger to the Chinese is not confined to what he terms sand-lotters.

The honorable Senator a few moments ago took occasion to refer to the throwing of stones, and said that at Republican processions stones were thrown by Democratic ruffians. I want to say to that honorable Senator that I suppose there are ruffians in the Democratic party, but I think when you come to number the ruffians you will find as many in the Republican party as you will find in the Democratic party. That is not an expression which I would have used, but it has been used; it is before the country; let it go for what it is worth.

The cry in opposition to this legislation, that it is instigated by the rough elements of California, is without foundation. We have rough elements there as you have everywhere else, but that is not the element that prompts this legislation; it is not the element that is now seeking relief at the hands of Congress. It is the producing element of that country, the manufacturers, the merchants, the farmers, the every-day laborers, the very men who make capital and make wealth, that are the very foundation of wealth. The common laborers are the men who are complaining against this immigration. Why should they be termed "sand-lotters?" I know there were men in that organization who were looked upon as a class of agitators, that were bad men, but in that very organization there were a number of good men. There were some bad elements in it, I admit, but you did find some of the best class of citizens who, feeling that they were suffering wrongs at the hands of the Government without protection of law, entered into that organization for the purpose of relieving themselves from the difficulties and embarrassments by which they were surrounded. The manufacturers and layers of brick and the builders of buildings were members of what was called the sand-lot organization, and some of them are as good men, as I said a moment ago, as you will find in any other portion of the United States of America.

The reason why I referred at all to the North Adams matter was to show that even in Massachusetts you were not free from riot. I did it in answer to the continuous charge that this kind of legislation is only desired by that class of men known as sand-lotters and common agitators in the State of California. I thought that had been effectually answered when it was announced in the Senate in the debate on the passage of the bill which was vetoed by the President, by the statement that out of 161,000 votes polled in the State 154,000 votes declared openly against further Chinese immigration. Yet were they all "sand-lotters?" Are the people of California to be termed a lot of ruffians, Democratic ruffians, who would stone Republican torch-light processions, according to the idea of the honorable Senator from Massachusetts?

The honorable Senator from Connecticut, [Mr. HAWLEY,] in his remarks yesterday, which I hoped to have found in the RECORD this morning, took occasion to refer to this proposed legislation in the most detractory manner. He asked day before yesterday that we proceed to the consideration of this measure in silence and in mourning. Yesterday he referred to the character of the legislation as being that of the dark ages, going back thirty years to pick up a statute which was then passed and quoting that as being a sample of legislation of which this was a piece, and said that that was enacted in the dark ages. It was a statute passed thirty-odd years ago in accordance with a provision of the Constitution of the United States, a statute which had been voted for by Daniel Webster and the great statesmen of that day, and yet the honorable Senator from Connecticut held up that statute as one that would be fit for the dark ages. He drew a picture of those who were violating the law and trampling upon the Constitution, and undertook to show that this character of legislation would be read in the future side by side

with that legislation which he termed to have been passed in the dark ages.

Mr. President, if these are the sentiments of the Eastern people, the sooner the Western people know it the better for themselves. No people can afford to suffer the evils that we are suffering by reason of this immigration without the appeals which their representatives are making for them in the Congress of the United States. We are a law-abiding people on that coast. We have never violated the law as a whole. There are persons there who violate the law, as elsewhere, but the better class of people stand by the law and by the Constitution of the country. Such assaults upon legislation of this kind are calculated to irritate and agitate the public mind throughout the country, particularly where the evil exists of which we are to-day complaining.

I do not know that I have anything further to say in reference to this matter. I am anxious to have this legislation enacted as soon as possible. I do not know what the President of the United States will do; I do not suppose anybody else does; but if he will sign this ten-years' bill I am willing to take it. I shall not be the cause of defeating any legislation here that will have the effect to bring about the result which we seek. I believe that the ten-year limitation is too short a time; I believe it ought to be put at twenty years. One of the commissioners who negotiated this treaty with China has publicly stated, and it is published in the press of the country, that while the negotiations were being carried on by the Chinese diplomates the understanding was that the limitation should be thirty or thirty-three years. That is what one of the commissioners appointed for the purpose of negotiating this treaty says. Another commissioner differs with him in reference to that statement of fact. I refer to the statement of Mr. John F. Swift, of California, a gentleman who was appointed one of the commissioners for the purpose of negotiating the treaty, in which he says that the Chinese people would not have complained, notwithstanding the protest of the Chinese minister which the President of the United States sent to the Senate in his veto message, if the limitation had been fifty years; that he fully expected it to be not less than thirty years. Yet the President of the United States, perhaps not knowing the views of the commissioner, took the views, I suppose, of the Chinese minister to justify the veto which he sent to this body.

Mr. VEST. Here is the statement.

Mr. FARLEY. The honorable Senator from Missouri has handed me the statement which was made by Mr. Swift, one of the commissioners, which I will read:

The Call——

The Morning Call, of San Francisco, a leading paper of that city—

The Call publishes an interview with John F. Swift, ex-treaty commissioner to China, who says, regarding the twenty years' suspension clause of the Chinese bill, that the commissioners of both countries contemplated a considerably longer period when discussing the terms of the treaty. The Chinese commissioners understood even better than we did the problem of the competition in labor, and were willing to agree to a means of relief. The time of suspension was thoroughly discussed, and it was agreed that a suspension of thirty-three years, or one generation, would be necessary to remedy the evils complained of. "I fully hoped that a suspension would have been proposed for thirty years. The Chinese Government would not have considered the faith of the treaty impaired if it had been for fifty years or more."

Such is the language of one of the commissioners who negotiated this treaty, but it seems that the statement of the Chinese minister had its influence. I do not say that it controlled the action of the President of the United States, for I am very far from desiring to say anything that could be considered improper about the President. I am not one of those who are disposed to assail the President, because it is his right to veto a bill, and he may have acted, and I am willing to concede that he did act, according to his views of propriety, but I think he acted under a mistaken idea. I think it was a misfortune to the country, a misfortune to the entire people, that the veto was ever made of the twenty-years' limitation bill. Be that as it may, we have to meet the exigencies that now present themselves before us. That being the case, I shall ask my friends, I shall ask every Senator here, to vote for the ten-years' bill without any additional time. I believe that we ought to pass a fifteen-years' bill; but rather than jeopardize any legislation on this subject I will consent, and now ask every Senator who has been in favor of passing any bill here to vote for the bill as it now stands, unless other alterations can be made which will improve the bill in many other respects.

I insist and hope that when the vote comes to be taken upon the clause which was originally put in the first bill by the honorable Senator from Oregon, [Mr. GROVER,] the provision defining skilled and unskilled laborers, it will not be stricken out, and that the amendment proposed by the committee striking it out will not be concurred in.

Mr. DAWES. Mr. President, I stated yesterday what I repeat to-day, that I did not intend to trouble the Senate upon this bill. I had submitted the reasons why I could not support the bill when it was up before, and I was willing to rest there and leave the measure, if it must pass, without any embarrassment consequent upon anything I might say. I am on my feet only because of what seems to me to be a very strange effort to involve a portion of the people of Massachusetts in that wild and what appears to me to be mad excitement against the Chinese laborer out of which has come this legislation. Had there been no allusion to those people, I should not have said a word.

To my surprise, and in my absence, the whole matter is renewed again to-day. I desire nothing but the truth in the case, but I desire the truth to go upon the record as far as my own State is concerned; I desire it not only for my State, but for my neighbors, with whom I have lived a great many years, and who would justly hold me accountable if I sat here quietly and heard them slandered as they have been to-day.

I do not know but that the Senators from California and Missouri, having what I have now before me, may have been to some extent justified in some of their remarks, but I come back to reiterate the statement that the charge made is wholly without foundation; that there was in fact no more than what I have stated once here to-day; and that what the Senators from those States have supposed sustained the allegation is, when you come to look at even that, an utter failure. It is based upon two statements reprodnced here from newspapers, the New York papers of the time. The first of them is what is said to be a letter from North Adams to the New York Tribune of that day. Who the letter-writer is does not appear. Whether he was sent there to produce some sensation that would excel the accounts in the Massachusetts papers of this novel proceeding does not appear. I assume that the gentleman who used this article in support of the bill in the other branch has selected out of the letter the very worst phrase he could find; and it is this:

Mr. Sampson determined to sink $50,000, if necessary, in carrying the thing through. He doubles his night-watch, illuminates the grounds about his building by powerful reflectors, laughs at the threats of the Crispins, and is confident of success as of the rising of the sun to-morrow.

That does not relate any violence, not enough to disturb a leaf. It relates that Mr. Sampson thought the threats of the Crispins that they would do him some injury justified him in taking unusual precaution, just as when there have been incendiary fires in the community a man feels justified in doubling the watch of his private property. It does not show that the slightest piece of violence was inflicted or the hair of a man's head disturbed. It does show that Mr. Sampson was very calm and very confident, as confident of success as he was of the rising of the sun to-morrow. That is all that it relates, except the fact that these Crispins were put out of employment after having dictated the only terms upon which this manufacturer could proceed, themselves having only a residence in this country by virtue of that generous indulgence which they failed to appreciate when they met a foreigner from another shore. That is all there is to that. Then there is an editorial in the New York Tribune. Lord save us from editorials either in the New York Tribune or the Herald. The next extract is from an editorial in the New York Tribune. The editor I do not think knew any more about it than I do. This is the sum-total of that editorial:

The demonstration of the Crispins, whose strike has compelled manufacturers to import these cheap cooly laborers, was serious at first, but having dwindled to mere threats, will result in nothing else.

It was a serious demonstration. I understood always that they were a good deal ruffled, and that although there were no sand-lots upon which they could gather and harangue the people, they were serious, and there never was a more serious sight taken of their way of improving labor in Massachusetts than that sight presented by seventy-five freemen, not bound by any order or secret association, willing to work where they could get the most and for employers who would pay them the most. It was a serious question at the time, but it did not involve any violence. The editorial goes on further to say:

We are glad to have this experiment tried, but we don't like to see crowded New England made the scene as long as unpopulated and just as rich districts are groaning for laborers.

That is not any very strong evidence of violence in North Adams as I understand testimony. I am not a good hand at weighing testimony, but as I understand it, to the best of my ability, this statement of the New York Tribune, the worst that they could find in the whole editorial, is that when the Crispins saw that their plans were being defeated they were serious about it; and while the New York Tribune was glad the experiment was tried it was sorry it was not tried where laborers were more needed. Then the gentleman who uses this in the other branch and who is called in here to aid this matter goes on further and tells the House what he might do. He does not tell what he does do, but what he might do, and I want to read what he says he might do:

I might also have given the details of an indignation meeting held on June 23, 1870, at North Adams—

I wish he had—

in which, as I find from the New York Herald of June 26, three or four thousand people were assembled and to whom fiery and inflammatory speeches were delivered.

The men, women, and children, all told, in that village are about four thousand. There is not a hall there that will hold one thousand.

Mr. VEST. They might have held the meeting out of doors.

Mr. DAWES. The Senator from Missouri is equal to the occasion; they might have held it out of doors. But this is the trouble:

Among others "Mr. Troup made an enthusiastic speech and suggested the sending of an influential man to Washington to urge Congressman DAWES to look after their interests and hasten the consideration of Wilson's bill."

That man Troup is a new character. I never heard of him before. No such man lives in that town. How he came there I do not know. There is no one in the community that I ever heard of by that name. The distinguished Senator from Louisiana [Mr. JONAS] came to my rescue a moment ago and stated that Mr. Troup was a distinguished Greenback speaker from Connecticut or somewhere else.

Mr. EDMUNDS. And he has *troops* of friends. [Laughter.]

Mr. DAWES. He has troops of friends, my friend from Vermont on my right says. He never got as far as Washington. If he did he never introduced himself to me, and I never heard of that meeting before. That is about equal to Falstaff's army, and about as efficient an army, and about as respectable an army, allow me to say.

Mr. Wilson did introduce a bill in the Senate to make the importation of inimigrants under labor contracts unlawful. That is the bill which ultimately, as I understand it, became the law punishing the cooly trade. That did not have anything to do with these seventy-five persons who came from San Francisco to North Adams, for I know about them. I not only know Mr. Sampson, but I know in San Francisco the men who engaged these men. I saw them myself in San Francisco, and I know that they made individual contracts with each of these men as a contract is made with day-laborers everywhere in Massachusetts, and having no other element in it; and they came to North Adams upon an agreed price with their employer and went away after they had fulfilled their agreement and he had fulfilled his.

Mr. SAULSBURY. Will the Senator allow me to ask him a question for information?

Mr. DAWES. Yes, sir.

Mr. SAULSBURY. I ask the Senator whether the contract with those Chinese in San Francisco to come to North Adams was at a less rate of wages than were paid to ordinary operatives in those mills in Massachusetts?

Mr. DAWES. The Senator asks me if Mr. Sampson went to San Francisco and engaged men who had never learned the shoe trade at all, men who were not acquainted with the language, to come to North Adams to learn that trade, and if he agreed to pay them just as much as he would pay a skilled man who had already learned it. That is the interrogatory. I do not think he did. I think he provided in the contract that until they learned the trade and were able to make shoes as well as those Crispins who had undertaken to prescribe terms, he would not pay them so much as after they had learned.

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

Mr. DAWES. Certainly.

Mr. FARLEY. Do I understand the Senator to say that the contract was made with those Chinamen individually?

Mr. DAWES. I trust the Senator understood what I said.

Mr. FARLEY. I say I so understood the Senator. I want to say to the Senator that such contracts in the State of California are unprecedented, for the reason that where that number of Chinamen are hired to do any kind of work they are hired through the Six Companies, or the head of the company to which they belong.

Mr. DAWES. There is a good deal in California that is unprecedented, and a good deal that is more remarkable than this constantly happening in California unprecedented, and which would seem to us unsophisticated Eastern men as wonderfully unprecedented. I do not mean to say that Mr. Sampson himself went individually to each one of these men, of whose language he was entirely ignorant. I do say that he employed a man in San Francisco who did understand their language to make contracts with them. Each individual man had his contract with Mr. Sampson, through his agent, to perform in Massachusetts a particular kind of work described, and it was made as fairly and as openly and above reproach as Mr. Sampson ever made a contract with any other man, and no man ever was fairer than he.

Mr. President, I hope this is the last of this North Adams riot or of Henry Wilson's name being brought in here as attempting to keep an honest and free man from an opportunity upon the soil of the United States of earning his livelihood without legislative hinderance.

One word, and only one word, about some other matters said by the Senator from California. He has cited here in defense of a twenty-year bill to-day the statement of one of the commissioners, whose name he gave, that in his opinion a bill prohibiting the immigration of Chinese for thirty or thirty-five or forty years would not be in conflict with the treaty as it was understood by the Chinese. Alongside of that should be the statement of President Angell, one of the commissioners, that they never dreamt of any seclusion that would exceed more than five years.

Mr. FARLEY. They are both leading Republicans, and it is a question of veracity as between the two.

Mr. DAWES. The Senator is not a Republican.

Mr. FARLEY. No, sir; I am not.

Mr. DAWES. And the Senator's use of it is what I complain of. I do not mean to intimate by that that the Senator is not entitled to credit, he will understand me, because of his politics. I do not mean to intimate that.

Mr. FARLEY. I said it was a question of veracity between those two men.

Mr. DAWES. I do not think the question whether those two gentlemen are Republicans or not has anything to do with the statement the Senator made. The statement is made of the opinion of one of them, and the statement is made of the declaration of the other. I desire to have that go into the RECORD along with the declaration which the Senator makes.

One word more. The Senator complains of the allusions to what are called the "sand-lotters" so frequently here. So far as I have used them I want the Senator to understand that I do not mean to say that the Senators who have advocated this bill from the Pacific coast are of that character, or that the majority of the people of those States are of that character, or that any large number of them are of that character, but what I meant to say when I used the term first, and the only use I desire to make of it, is that the best people of the Pacific States—and I know they are a large majority of those people—the law and order loving people of the Pacific States, the intelligent, generous, enterprising people of those States who have built them up and made them what they are, have surrendered to these few persons. At first they resisted, denounced their agrarianism, denounced their violent speeches, resisted them for a while, but they have gradually yielded to their influence. When I have used that term I have not used it, I trust the Senator will understand, as descriptive of the Senators and others who now are supporting this measure, but I use it as descriptive of the source from which has come this measure, out of which it is born, and to express the regret that these good men, in whose keeping ultimately must be the character and the future and the power and influence of the Pacific slope in this Republic, (they must take care of it,) have not succeeded, as I believe they did try to do in the beginning, in putting down this violent agrarianism, and instead thereof have left themselves under its influence, and have been led themselves into these violent measures because they do not see now how they can rescue themselves from the grasp of this violence. That is the only use I have desired to make of it, and by no means to charge the Senators or anybody here advocating this measure with any such disposition or any such character, but to complain of them that they have not controlled themselves rather than to have been controlled by this element.

Mr. VEST. Mr. President, as this debate seems to have risen to the dignity of a historical discussion as to the public feeling in the State of Massachusetts in 1870, and as I have the greatest respect for that historic State and the greatest unwillingness to do any injustice either to its people or to their honored representatives, I propose, notwithstanding the request of my friend from Massachusetts, to continue the discussion for a moment or two in order to ascertain whether the strictures upon the sand-lotters of California and the people of California are deserved in the light of events that have come down to us by testimony which would be convincing, I think, to any jury of ordinary intelligence, and whether the same feelings, the same opinions, the same prejudice, if the Senators from Massachusetts so term it, exist even in the God-fearing and law-abiding dominion of Massachusetts itself.

With all due deference to the Senator, [Mr. DAWES,] he has not made out his case that the coming of seventy-five Chinese to that State's domain was not the occasion of great excitement, of indignation meetings, of precautions to prevent attacks upon them, and, as I shall undertake to show by the political history of the Commonwealth, the formation of political parties and the enunciation of political platforms based upon the distinctive feature of opposition to Chinese immigration.

I do not know, except from what my distinguished friend from Massachusetts has said, what his idea is of a state of profound popular tranquility and peace. In my State, accused of being given over to border ruffianism, to the James brothers, to mail robbing and murder upon the highway—even there when a gentleman employing seventy-five laborers of any sort finds it necessary to use bull-dogs, policemen, and reflectors, and says he will spend $50,000 in order to carry out the experiment, we assume that there is not a state of profound tranquility such as the Senator said existed then in the State of Massachusetts.

More than that, if the testimony, the contemporaneous testimony, I may say, of the newspapers of that time were manufactured by these editors with mendacious foresight and prophetic lying, and they made the statements as to the Chinese at North Adams knowing at the time that the occasion would afterward arise when it would become pertinent to a discussion in the Senate of the United States, even then, if that be the case, still contemporaneous history shows that there was political excitement in Massachusetts over Chinese immigration, because, as can be found by reference to any political text-book in the same year, in 1870, two conventions were held, and so great was this issue, so salient was this angle in popular opinion which the leaders of those parties sought to reach, that in the two platforms of the two parties were incorporated the planks of opposition to the further immigration of Chinese into the State of Massachusetts.

Aye, sir, more than that; at the following elections the two candidates standing upon these platforms received one-half of the votes of the State of Massachusetts. What other issues were in those platforms it matters not now to inquire; there stood the distinctive issue, because a new issue, not the tariff, not the distribution of the proceeds of public lands, not the United States Bank, none of the

stale, flat, and unprofitable issues of the past created excitement and popular feeling, but a new issue, an issue that in all ages of the world has aroused the passions and inflamed the blood of men, right or wrong, beyond all others, the issue of race.

Sir, is it necessary to go back in history to find how violent is the feeling thus engendered? Look at our steady forefathers of England. When upon the accession of James the First to the English throne his countrymen, the Scotch, came in hordes to partake of his new-found honors, the literature of the day is full of the abuse and even of the proceedings of meetings to denounce the Scotch who were coming to take possession of the fair fields and the wealth of England, and that in a nation proverbial for its law-abiding, conservative spirit, and against a people of the same race, the countrymen of Scott and Burns. No wonder that in Massachusetts there existed feeling and excitement against a race so utterly dissimilar and foreign to the people of New England as the Chinese.

But more than this: to establish the fact that my friend from Massachusetts, and I say it respectfully, is mistaken as to the public feeling in his own State, besides these platforms, besides these votes, the great leader of the Republican party of that day in his State, notwithstanding my friend's request I dare to mention his name again, Henry Wilson, saw proper to come to the Senate of the United States and introduce a measure which prohibited the introduction of cooly labor, my friend says. But he expounded that bill and gave his opinions in a speech which he delivered in 1870 upon this floor; and what said Mr. Wilson then?

I think the time has come when we should have some action upon this subject—

Referring to the Chinese question——

Mr. DAWES. What is the Senator reading from?

Mr. VEST. I read from a speech delivered by Mr. Wilson in the United States Senate on the 23d of June, 1870.

Mr. DAWES. In what number of the RECORD?

Mr. VEST. It is found on page 40 of number 66, the RECORD of March 17—not the one from which the Senator quoted, but another. This was when Mr. Stewart attempted to call up his anti-Chinese bill, Senate bill No. 973. Mr. Wilson said:

I think the time has come when we should have some action upon this subject; for it does seem to me at the present day that there is a conspiracy of capital in this country to cast a drag-net over creation for the purpose of bringing degraded labor here to lower and degrade our laboring-men. And I think it is time to meet that question.

The then Senator from Massachusetts, accurate in the use of language, a statesman who weighed well his words because he was one of the great leaders of the Republican party, does not say cooly labor, but he says degraded labor brought to this country for the purpose of competing with the labor of citizens of the United States. Even if the bill introduced by the Senator from Massachusetts at that day, Mr. Wilson, applied only to cooly labor it established the general principle and was in accordance with the feeling of the people of his State that the Chinese should not come to this country to compete with the laboring classes of America. I stand here to-day to announce that doctrine and to advocate it, and to cast my vote for it. When the junior Senator from Massachusetts, [Mr. HOAR,] for whose learning and eloquence I have the greatest respect, (and I read his speech last night, for I was detained from the Senate at the time it was delivered; I read it with great pleasure and great attention,) declares that this country is to become the great missionary station of the world, that the Declaration of Independence meant that our institutions were made not for Americans and for their descendants, but for the whole world to come here and take possession of this continent, bought with our blood and our treasure and that of our fathers, I deny the doctrine, æsthetical as it may be and much as it appeals to the feeling of missionary Christianity among our people.

Sir, this is a question of practical statesmanship. I am first for my own people against the world. I am first for the American system, which protects the labor and the interests of the American people before all others.

What is this Chinese immigration? Are they citizens of the United States? Do they come here to meet the reciprocal obligation between our people and the Government to which they owe allegiance? I understand the doctrine of government is that government protects the citizen in life, liberty, and property, and the citizen assumes the responsibilities and the duties of allegiance to the government and a part in the government of the country itself. The greatest responsibility and the greatest duty of any dweller in these United States is his share in the Government and the legislation of this great country. Do the Chinese come here to share these responsibilities? They are parasites, like those insects which fasten themselves upon vegetables or upon animals and feed and feed until satiety causes them to release their hold. They come to this country not to partake in the responsibilities of citizenship; they come here with no love for our institutions; they do not hold intercourse with the people of the United States except for gain; they do not homologate in any degree with them. On the contrary, they are parasites when they come, parasites while they are here, and parasites when they go.

But a few weeks have elapsed, a few days I might say, since the velvety ears and silken consciences of gentlemen in this Chamber were lacerated and torn over the crime of polygamy, and we passed a bill of attainder, as I honestly believe, to strike down polygamy upon the plains of Utah. There must be but one wife in our God-loving and God-fearing civilization. Break through the Constitution, tear down its prohibitions, for a man shall have but one wife and one concubine in this God-fearing, God-loving country of ours. But to-day these same gentlemen are here exhausting logic, beggaring rhetoric, tearing the language to tatters to tell you that these Chinese whose religion is polygamy, whose religion it is to have all the wives they can buy and all the concubines they can barter for, shall be permitted to come in hordes to this country. More polygamy in the shape of Chinese, but none for white men who are our citizens. That is the doctrine which is preached to-day.

The Chinese are not only practical polygamists, but it is their religion. There is not an American instinct among them. The emperor is the head of the church and the head of the state, and despotic in everything, both as to church and as to state. They come among us and are fungi upon our body politic, and they take from California $45,000,000 annually to be carried back to the celestial kingdom. Even when dead—as part of their contract and part of their religion—the dead-cart comes to carry back their polygamous ashes to the graves of their polygamous sires.

Yet we are told that the Congress of the United States must legislate to strike down polygamy by means outside of the Constitution even, but the Chinese, the almond-eyed idols of the Senators from Massachusetts, are as sacred as the holy elephants of Siam!

Mr. President, for one I am for my own people first. The adult male population of California to-day is, I believe, some two hundred and sixty thousand. Seventy-five thousand adult Chinese are now in the single State of California alone. Put that proportion of Chinese in Massachusetts, and Mr. Troup's eloquent stump speech made at North Adams would not amount to the first letter in the alphabet compared to the vehement eloquence of my distinguished friends from Massachusetts. Put the same proportion of Chinese at Plymouth Rock and what would avail the memory of the illustrous men who brought with them civil and religious liberty to those historic shores? Resolutions and stump speeches and appeals to Congress would take the place of the æsthetic harangues which we hear to-day.

I say there is not one State in this Union that would not rebel against a population like that inflicted on California. But a few short years or months ago, when the negroes, allied to us by a thousand acts of kindness, mingling with the American people, (a dependent race, gentle, amiable, I shall not say and could not say one word against them, for every tie of infancy, every memory of childhood, is mingled with recollections of that race,) under some strange and phenomenal excitement, undertook to find a new home in one of the great States of the Northwest I well remember the people of that State rose upon the borders where they were about to land and prohibited the steamers from putting them upon their soil. It is true that afterward they went into the back counties, and I trust to-day are peaceable and prosperous citizens; but I mention this to show that the people of California are not alone in their belief that this is under God a country of Caucasians, a country of white men, a country to be governed by white men.

As the Senator from Nevada [Mr. JONES] said, rising above party, your experiment in the Southern States of putting the negro above the white man is a miserable failure, and it stands to-day a monument to the fact that the intellect of the Caucasian race, bayoneted to the earth, plunged into blood up to the chin, will yet rise to the full height of the destiny which God has placed before it. The brains, the energy, the intellect, the sinews and nerves of the race to which we belong will never be trampled under foot by Mongolian, or African, or mixed or Indian blood. Nothing except its own blood, coming with superior force and equal brain, will ever be able for a single instant to make it lower its lofty crest.

Sir, I had not intended to discuss this question. I only wished to emphasize what in my judgment is the great key-note to the whole of it. Not in the learned and eloquent speech of the junior Senator from Massachusetts does he meet the proposition as I have put it. Nowhere in this whole debate in either House of Congress has the evidence been brought that the Chinese come here for any other purpose but to fatten upon the people of the United States and carry their plunder back with them. They are not of us; they are not with us. They cannot be made American citizens by any process known to our laws or even to the laws of God himself. They are made for a different destiny. They are crystallized in their habits and their opinions.

In this morning's paper I saw, copied from a San Francisco journal, that now upon the boisterous waves of the Pacific rocks a vessel filled with Chinese women, brought to this country for what? Brought here to dispense the smiles of wife and mother over happy homes? Brought here in order to be the conservative influences of a healthy civilization? Brought here in order that woman may be elevated and become the great center of all that is holy and refined and loved among men? Oh, no; brought here for the single and sole purpose of ministering to the lust and appetite of those who come here to make money to buy women with. And still our statesmen gagged at polygamy in Utah!

Strike down white polygamy in Utah, but let in the tawny curse through the Golden Gate!

Mr. President, for myself, when my people of the Pacific States, blood of my blood and bone of my bone, call to me, "Deliver us

from the body of this death, deliver us from this incubus and these fungi which are fastened upon us," I shall not be deaf to the appeal. As Prentiss, of Mississippi, said once, "I am first for my own hearth, then for my county, then my State, then for the Union, and then for the world." Sir, in the concentric circles of the human heart comes at last the formation of a great Government and a great State. Take away the individuality, the home feeling, the home love of a man, and what is he? I oppose woman suffrage because it brings down the deity of home, woman, as wife and mother. I oppose it because it destroys all that is conservative and sacred in society.

For the same reason, among others, I oppose Chinese immigration. They have no homes with us; they come here to carry back $45,000,000 annually from the people of California, and leave behind them only the memory of their vile habits and their most infamous doctrines.

To the thrifty German, the generous and gallant Celt, the hardy Scandinavian, to all who come to share the responsibilities and work out the problem of our civilization and destiny, to all who seek home and shelter in our vast domain, fling wide the portals; but to the people that come not for homes or shelter but only for gain, who have no share in our destiny, no love for our institutions, no reverence for our religion, we have the right to say, and do say, "You have no lot or part in this great matter."

Sir, I have no stings of conscience when I am told that I violate the Declaration of Independence. It says that the enjoyment of life, liberty, and property are inalienable rights; but the Constitution of the United States, which I have sworn at that desk to support, says that, in order to form a more perfect Government, we make this Constitution for ourselves, not the Chinese—for ourselves and our children after us. I desire for myself to leave no better legacy than that I have voted for a bill which says to all the world, "if you desire to partake of the blessings you must partake of the responsibilities of American citizenship; but if you come only to prey upon the people of this country without assimilation, without homogeneity, then we say to you in the holy duty of protecting our own rights, our own people, our own industries, go back to the country to which you rightly belong and to the institutions which you prefer to our own."

The PRESIDENT *pro tempore*. The question is on concurring in the amendment made as in Committee of the Whole, striking out the fifteenth section of the bill.

Mr. GROVER. There was an amendment offered to that amendment.

The PRESIDENT *pro tempore*. It has been withdrawn.

Mr. GROVER. I will just say one word upon this question. The President has not opposed this clause in the bill, but approves it, so that I will say to the Senate in voting to retain this section they will not vote against the objections of the President.

Mr. HAWLEY. Is there any such expression as that in the message?

Mr. GROVER. There certainly is.

Mr. HAWLEY. That the President approves that section? I ask not that I care, not that it is my duty or business to know anything about it or as affecting my vote at all.

Mr. GROVER. He states as a proper construction of the treaty that we can reject all except those named as permitted. I will call for the reading of that clause of the message of the President.

The Acting Secretary read as follows:

> As to the class of persons to be affected by the treaty, the Americans inserted in their draft a provision that the words "Chinese laborers" signify all immigration other than that for "teaching, trade, travel, study, and curiosity." The Chinese objected to this that it operated to include artisans in the class of laborers whose immigration might be forbidden. The Americans replied that they "could" not consent that artisans shall be excluded from the class of Chinese laborers, for it is this very competition of skilled labor, in the cities where the Chinese labor immigration concentrates, which has caused the embarrassment and popular discontent. In the subsequent negotiations this definition dropped out, and does not appear in the treaty. Article II of the treaty confers the rights, privileges, immunities, and exemptions which are accorded to citizens and subjects of the most favored nation upon Chinese subjects proceeding to the United States as teachers, students, merchants, or from curiosity. The American commissioners report that the Chinese Government claimed that in this article they did, by exclusion, provide that nobody should be entitled to claim the benefit of the general provisions of the Burlingame treaty but those who might go to the United States in those capacities or for those purposes. I accept this as the definition of the word "laborers," as used in the treaty.

Mr. HARRISON. I only want to make a suggestion. In the treaty the word "laborers" is used. I take it that it is not in the power of Congress to enlarge the meaning of that word. Whatever it meant in the treaty it would mean the same thing as used in the law; we cannot make it mean more than that. Therefore, why not let it stand in the law as in the treaty, and let the use of that word include what it will?

Mr. GROVER. I object to the proposition of the Senator from Indiana for the reason that the word can be defined in different ways, and if it is left to be construed by those who administer the law they will have to determine it either one way or the other, or we shall lose the beneficial effects of the law.

Mr. HARRISON. It is possible that the Senator is right in saying that the word may be construed differently; but can we enlarge the meaning of it as it is used in the treaty? That is the question I present. If we use the same word in the law that is used in the treaty we are going as far as we can go, for we cannot enlarge the word as it is used in the treaty.

Mr. GROVER. Then I ask that we put a legislative interpretation upon it to enable those who are unlearned in the law to know what they are doing when they are administering the law.

Mr. MILLER, of California. In the original draft of the bill there was no such provision as this. There was nothing in the bill to define what the word "laborers" meant, it being supposed by the framers of the bill that whatever interpretation might be placed by the courts upon the word "laborers" as used in the treaty would govern, notwithstanding a definition might be given by Congress. In other words, even if we undertook to define the meaning of the word "laborers," that definition would be construed with the treaty by the courts in such a manner as to harmonize the treaty with the act of Congress. We start out with the presumption in the beginning that Congress will not legislate to violate a treaty, so that in fact it is probable that the words of the treaty would govern unless there was a plain intent manifest that Congress intended to violate the treaty or legislate in conflict with it. That intent appearing, there is no question that a subsequent act of Congress would override a former treaty.

These were the reasons why there was no attempt at a definition of the word "laborers." I do not believe that the amendment offered by the Senator from Oregon, which constitutes the section now contended for by him, does enlarge the meaning of the word as used by the treaty. I do not know but that it restricts the meaning. I had no objection to it, because I believe that finally the words of the treaty will govern, but there is the fact to be considered in reference to it that we can arrive very nearly at a definition of what is a skilled laborer. It means, I apprehend, an artisan, a mechanic, or a laborer who is skilled in his employment, whose skill or knowledge or use of his faculties forms the most important factor in his labor. What is an unskilled laborer? An unskilled laborer, I suppose, is one who is totally without skill. I suppose that the man who shovels earth or carries a burden would be called an unskilled laborer. It is true that skill is an element perhaps in all labor, but men are skilled laborers in degree. Between the unskilled laborer who is a man totally or nearly without skill in his employment, and the skilled laborer who is an artisan or mechanic, there is an intermediate class who might be construed to be neither the one nor the other.

I do not say that such an interpretation would be given to this section, but it might be. I think it would be straining a point to do it. I have no objection to these words, because I apprehend that whether they do include all laborers, skilled and unskilled, and the intermediate class, the words of the treaty would finally govern. Our object, of course, is to include in this description all classes of laborers. The truth is, I suppose, that the word "laborers" is intended to be descriptive of a class of people perfectly well known in California and throughout the Pacific coast, and is not intended to include those of any other class, such as traders or bankers or professional men as lawyers or doctors. I imagine there would be no very great difficulty in arriving at what was meant by the commissioners on both sides when they used the word "laborers."

If any one can show a good reason for apprehension that skilled laborers, so called, would come into the country under this bill unless this section were adopted, I should certainly desire to have it adopted. Otherwise I should not care anything about it.

Mr. GROVER. I will read from a journal received this morning, showing the apprehension in California. I read from the Daily Record Union of April 22, which discusses the amendment made by the committee striking out the section when the bill was reported to this body.

Mr. BUTLER. Published where?

Mr. GROVER. Published in Sacramento, the capital of the State of California. Under the heading of "The Chinese Bill" the paper says:

> Among the amendments to the House Chinese bill in the Senate committee is the excision of a provision to the effect that the word "laborers" shall be held to include artisans and miners. * * * The word "laborers" may be construed to mean simply day-laborers or unskilled workmen. That, indeed, is its most obvious signification, and for that reason the addition of the provision struck out by the Senate committee is not only not a redundancy, but it is absolutely indispensable to the effectiveness of the bill. Should it be passed without that clause we are confident that a successful effort will be made to evade its provisions by pretending that all the Chinese who come here subsequently are not "laborers," but skilled workmen or something else which the law does not cover.

Mr. HARRISON. Will the Senator from Oregon allow me to make a suggestion to him? He reads an extract from a paper to the effect that the word "laborers" as used in the treaty, or as used in the law, may be limited by a meaning applied to those who are unskilled. If the courts should so decide, giving that meaning to the word "laborers" as used in the treaty, would the Senator from Oregon be in favor of going beyond what we are authorized to do by our treaty?

Mr. GROVER. I will answer the Senator from Indiana in this wise: the commissioners on the part of the United States who negotiated this treaty are unanimous in their expression that this clause is properly in the bill.

Mr. HARRISON. It reminds me of a will case that I was once trying when the lawyer who drew the will was on the other side. There was a great deal of controversy about its meaning, and he undertook to settle it by saying that he wrote the will and knew what it meant. It seems to me that is a parallel case with our commissioners undertaking to say what the word means.

Mr. GROVER. I will add to what I remarked before that the President of the United States, after considering the protest of the Chinese embassador and reading what the American commissioners said, decided that this clause was correctly in the bill. Therefore, after those two authorities most nearly connected with the negotiations of the treaty have decided that this clause is correctly in the bill, and after the latest expression from California has decided that there will be an evasion if this clause is stricken out, I take the position that the law, if against the judgment of the empire of China, will stand notwithstanding the treaty. If any court should decide that there is a conflict between the law and the treaty, I think the treaty will go to the wall.

Mr. HARRISON. That does not answer my question. Is the Senator from Oregon in favor of driving the treaty to the wall by legislation here?

Mr. GROVER. I think I have answered that sufficiently in stating that the commissioners and the President have given their construction of the treaty. That is the American view of it, and I follow that.

Mr. HARRISON. That does not answer the question at all. The question I asked the Senator is whether if the treaty and the law in the section to which he has referred are in conflict, he still believes in passing the law and driving the treaty to the wall? or in other words trampling upon our treaty obligations?

Mr. GROVER. The Senator presumes a case which does not exist. The strongest authorities which we can cite—those engaged in making the treaty—decide that this is properly in the bill; and I stand by those authorities.

Mr. LAPHAM. Mr. President, I have been of opinion from the commencement of this discussion that the safer way is to use in this bill the language of the treaty, and not to undertake anything by way of change or of definition. That should all be left to the future determination of the two powers entering into the treaty, as will be obvious from a provision of the treaty to which I shall presently call attention.

My main object in rising at this time is to suggest that those gentlemen who have chosen in the course of this discussion to more than intimate that it was improper for the President of the United States to consult with the Chinese minister before determining his action upon the bill which was vetoed, have fallen into a great error with respect to the whole scope and object of the treaty. It will only be necessary for me to read the fourth article of the treaty to show that the action of the President was not only discreet and wise, but called for by the very spirit and language of the treaty itself.

Article 4 of the treaty is as follows:

> The high contracting powers having agreed upon the foregoing articles, whenever the Government of the United States shall adopt legislative measures in accordance therewith, such measures will be communicated to the Government of China. If the measures as enacted are found to work hardships upon the subjects of China, the Chinese minister at Washington may bring the matter to the notice of the Secretary of State of the United States, who will consider the subject with him; and the Chinese foreign office may also bring the matter to the notice of the United States minister at Peking and consider the subject with him, to the end that mutual and unqualified benefit may result.

It will be seen from the language of this provision of the treaty that the whole object of it was to prepare the way for arrangements between these governments which would in the end be mutual and satisfactory to both, and it was the very highest part of executive wisdom for the President to have gone to the Chinese minister or to have allowed the Chinese minister to come to him, and suggest with reference to the bill, before determining whether to affix his signature to it or not; it was within the spirit and scope and intent of the treaty, as understood mutually by the parties before it was agreed upon. This whole article clearly foreshadows that such was to be the policy.

Now, upon the very question of what is the definition of the term "laborer," if we follow the language of the treaty and use the term "laborer," that will be a subject for future consideration between the Chinese minister and the Secretary of State. We cannot here, without violating this treaty, fix an arbitrary definition beyond which we cannot go or behind which we cannot fall. If we do that, we do injustice to its very language and spirit.

Mr. SAULSBURY. I wish to call the Senator's attention to the language of the 4th article of the treaty, which he read, and to ask him whether that does not apply to a bill after it has become a law, of which the Chinese Government may complain? I have no disposition myself to criticize the action of the President, but I understand the Senator to justify the action of the President, before the bill which had passed both Houses of Congress became a law in consulting the Chinese minister to ascertain whether it would be in harmony with the will and wishes and pleasure of the Chinese Government. I understand that provision he has read from the treaty to apply to a measure of legislation after it has become a law, of which the Chinese Government may complain, and not to a law in embryo, which has not yet received the signature of the President.

Mr. LAPHAM. Literally it is true, as the Senator from Delaware suggests, that the specific terms of this section provide in relation to communications which are to take place after the enactment of laws by Congress; the Senator is right in that respect; but that is not the fair spirit and interpretation of this provision; that is adopting the letter which killeth and forgetting the spirit which maketh alive. The object of this provision was to have whatever legislation should take place between the two countries mutual and satisfactory to both, and therefore that action of the Executive, about which so much has been said, I beg to repeat again, and in regard to which it has been more than intimated that he acted unwisely and improperly, was not only wise, but prudent, in view of the provisions of the whole of this treaty.

My only object was to call attention to this by way of suggesting that if we are to have between the Chinese minister and the Secretary of State, or between the United States minister at Peking and the Chinese authorities there from time to time communications with the view of determining what is proper in this respect, for us to undertake here to say what the term "laborers" as used in the treaty shall mean, for us to undertake here in advance to give a definition to that term is an improper and unwise act of legislation on our part.

Mr. SAULSBURY. Mr. President, I concur thoroughly with the suggestion of the Senator from Indiana that we cannot enlarge the meaning of the term used in the treaty by our action here. The term "laborer," whatever it may mean, is used in the treaty, and I apprehend we cannot enlarge what is included in that term without doing violence to the treaty. But it has been shown by the Senator from Oregon that in the negotiations which led to this treaty the negotiators on both sides did understand that that term was to include not only the common laborer, but the skilled laborer, that might desire to come to this country; and the President of the United States, after having examined fully the negotiations between the negotiators, accepts the construction of the American negotiators, that skilled laborers were included in the term "laborers." If that is true, then it occurs to me that it is eminently proper in this bill that we should not only use the term "laborers," but use the term "skilled laborers," because this law is to be put in execution by agents, by some persons authorized by the Government of the United States to put it into effect, and we have provided specific penalties for parties who may be connected with the execution of this provision of law for a violation of it.

For instance, the owner or master of a ship may consider that if he brings skilled laborers to this country they are not included in this general term "laborers," and he becomes amenable to the penalties of this bill for acting upon his construction if he does so. So of custom-house officers or others who aid and abet the landing of persons who are obnoxious to the provisions of this treaty. While they might claim that they were acting under the idea that skilled laborers were not included in the term "laborers," putting their own construction upon the act, they might be subsequently held to the penalties provided in this bill for a violation of its provisions. I think, therefore, that it is eminently proper that in this bill, as it is to be executed by other parties before the action of the courts in the construction of this measure, we should advertise them at once what is meant and intended to be included in the terms employed in this legislation.

So I think it is not only right that we should do it, but it is proper and just to the men who will fall under the penalties of this law for a violation of it unless such a construction may be put upon it. I shall vote for it in the interest of such parties, not believing that it violates the provisions or intent of the general term, and I shall vote for it because I think it is in the interest of ship-owners and ship-masters and custom-house officers and others who will have to superintend the execution of this law, so that they shall be plainly instructed as to what is the intention of the act.

Mr. MORGAN obtained the floor.

Mr. PLUMB. Will the Senator from Alabama yield a moment until I present a conference report?

Mr. MORGAN. Yes.

Mr. PLUMB. I move, then, with the consent of the Senate, that the present order of business be laid aside.

Mr. HOAR. That is not necessary; a conference report is privileged.

Mr. PLUMB. There are some reasons why this report should be considered this evening if possible, which concern the convenience of the other branch of Congress.

The PRESIDENT *pro tempore*. It is a privileged question. The report will be received.

THE POST-OFFICE APPROPRIATION BILL.

Mr. PLUMB. I present the report of the conference committee on the Post-Office appropriation bill, and ask to have it read.

The Acting Secretary read as follows:

> The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 3548) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1883, 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 2, 6, 11, 18, and 20.
>
> That the House recede from its disagreement to the amendments of the Senate numbered 1, 14, 16, and 19, and agree to the same.
>
> Amendment numbered 15:
>
> That the House recede from its disagreement to the amendment of the Senate numbered 15 and agree to the same with an amendment, as follows: Strike out all of said amendment and insert in lieu thereof the following: "For necessary and special facilities on trunk lines, $600,000; said facilities to be extended as far as practicable to the principal cities of the United States;" and the Senate agree to the same.

Amendment numbered 17:

That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment, as follows: Add at the end of the amended paragraph the following: "And the Postmaster-General is authorized to designate postmasters at Presidential post-offices as disbursing officers for the payment of the salaries of the officers and employés of the postal-service concerned in the transportation of mails or in their distribution in transit, and for such other payments as they are now authorized to make from postal revenues;" and the Senate agree to the same.

Amendment numbered 21:

That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same, with an amendment, as follows: In lieu of the sum proposed, insert "$1,902,177.90;" and the Senate agree to the same.

P. B. PLUMB,
W. B. ALLISON,
J. B. BECK,
Managers on the part of the Senate.

L. B. CASWELL,
J. G. CANNON,
E. JNO. ELLIS,
Managers on the part of the House.

Mr. PLUMB. I will briefly explain the provisions of the bill as now reported as compared with those as passed by the Senate.

The first amendment which was the subject of controversy was in regard to advertising in the District of Columbia. After consultation it was thought inadvisable to act on that question on an appropriation bill, as it seemed to present some matters of importance with regard to other localities as well, and it was not found practicable to meet the views of the Senate committee upon the question of local advertising without entering upon these other questions which are of larger scope. The Senate therefore recede from that amendment.

It also recedes from an item of $10,000 which was added to miscellaneous and incidental expenses of the office of the First Assistant Postmaster-General.

It recedes from an item in regard to contracts. The Senate provided by amendment that the Postmaster-General, as to contracts hereafter made, might in case the contractor sublet his contract declare the contract off and enter into a contract with the sub-contractor. The Senate recedes so far as that applies these provisions to contracts hereafter to be made, and does that in view of the fact that the amendment of the Senate, leaving the discretion with the Postmaster-General to do this whenever he sees that the interests of the service may require it, is agreed to by the House.

The next difference was in regard to the necessary and special mail facilities. The Senate added to the sum provided for by the House $150,000, making a total of $650,000. The House conferees have agreed to the sum of $600,000, with a change of the provision of the Senate amendment in regard to the distribution of that fund. The Postmaster-General seemed to think that under such construction of the language of the Senate amendment as he would be obliged to give he would not have authority necessarily to make such distribution of this fund as would make continuous service throughout the country, but would perhaps be liable to break up the continuity of the service, and therefore destroy measurably its efficiency. For the purpose of meeting that objection the conference agreed upon the following phraseology:

For necessary and special facilities on trunk lines, $600,000; said facilities to be extended, as far as practicable, to the principal cities of the United States.

After conference with the Postmaster-General, and very extended conference in committee, it was believed that this language would as fully accomplish the purpose had in view as that originally agreed upon by the Senate.

Mr. INGALLS. How much does that enlarge the amount provided for in the House bill?

Mr. PLUMB. It enlarges the amount provided by the House bill $100,000. It adds to the sum appropriated for this purpose last year $175,000, the amount last year being $425,000.

Mr. BECK. It reduces the amount agreed on by the Senate $50,000.

Mr. PLUMB. It diminishes the amount voted by the Senate $50,000.

Mr. BECK. And on the positive assurance that that was all that could be carried at the other end, we thought it better to do it.

Mr. DAVIS, of West Virginia. I understand the Senator to say that the amount appropriated last year was $425,000.

Mr. PLUMB. Yes, sir.

Mr. DAVIS, of West Virginia. My understanding was that it was $500,000.

Mr. PLUMB. No, $425,000.

Mr. DAVIS, of West Virginia. It was stated here in debate, and I believe it to be a fact, that probably fully two-thirds of the sum that has heretofore been appropriated for fast-mail service has gone to the city of New York, and that all the rest of the country gets but one-fourth. I ask my colleague on the committee whether the Postmaster-General or the superintendent of the railway mail service made an explanation of why it was that such a large proportion of the sum appropriated for the purpose of hastening the mails should be given to one city? I understand it to be a fact that there is a train leaving New York and supplying the entire Southwest, going by way of Philadelphia, Baltimore, Washington, and thence to Cincinnati, Saint Louis, Louisville, Indianapolis, and all the Southwestern country, by which the mail can be actually carried several hours quicker than by the train receiving expedited pay. The train of which I speak gets no aid whatever from the Government, while other trains get probably from fifty to eighty thousand dollars for the purpose of hurrying the mail service to those very points. Was that fact, if it be a fact, discussed in committee with the Postmaster-General and the gentleman who has charge of the railway mail service?

Mr. PLUMB. The relative speed and time of trains between New York and Cincinnati over the Pennsylvania road and over the Baltimore and Ohio road was discussed before the committee. It was not developed, I think, that the Baltimore and Ohio trains made the trip to Cincinnati in less time than that made on what is known as the expedited trains of the Pennsylvania Railroad Company. The Pennsylvania Railroad expedited trains made the time between New York and Cincinnati about two hours less than the ordinary time of the Baltimore and Ohio trains, and that point of expedition enabled the mail so carried from New York to Cincinnati to be taken on board the Cincinnati Southern and its connections with the Louisville and Nashville, which would not have been the case if it was carried over the Baltimore and Ohio, though the time was only two hours different.

So far as the expenditure of this sum of money for the benefit of New York City is concerned, without responding directly to the question in that form, I will say that the theory upon which this money has been spent heretofore has been that there should be an initial point, a point from which the service should commence, and from which it should be extended to such portions of the country as could be reached with the money in hand. New York was deemed to be the proper place for that initial point. You must start somewhere. Naturally the expedited service would start from the sea-coast; naturally also, it would start from the principal city on the sea-coast, and there is no question about New York being that place. The question as to whether it should be extended from there up to Springfield, in Massachusetts, or some other point, was incidentally discussed, but the general fact that New York is the proper initial point is not, I think, seriously denied. The question as to the lines of railroad that should be employed to render this service leading out of New York City is another question, and as to that necessarily discretion must be vested in the Postmaster-General.

Mr. MAXEY. I ask the Senator from Kansas if the use of the words of the conference committee, that the Postmaster-General is to fairly distribute the service as far as practicable to different cities, is the slightest restriction on him; whether that will cause him to change his present system of distributing the main portion of this appropriation to the city of New York and routes from that city? In other words, can we get any benefit at all out of the $600,000 according to the wording of the amendment as reported by the committee of conference?

Mr. PLUMB. Under any form of words that may be employed the law gives certain discretion to the Postmaster-General. It is impossible to prescribe it with any reasonable certainty by any form of words that can be devised in the law. We discussed, however, with the Postmaster-General the question of the proper distribution of this money, and we believe that this result which I will mention will be obtained. We believe the time between New York City and San Francisco will be shortened practically two days; that, of course, the intermediate points will gain proportionately; that the region of country of which Saint Paul is the capital will receive a corresponding benefit; that the mail will be carried to Saint Louis on a faster schedule than at present, and that it will be carried from Saint Louis to Kansas City in such a way that the present time between New York and Kansas City will be shortened twelve hours; that that shortening of the time will also be at least that much gained by Denison, and consequently connecting points in Northern Texas; that the benefit of this service will be extended to New Orleans by some connection from the existing expedited line which is now what is called the Atlantic Coast Line, extending from New York by way of Baltimore, Washington, Richmond, Fredericksburgh, Weldon, and so on, to Savannah, we suppose; and that from some point on that line service will be extended by way of Atlanta to New Orleans, and that either from Atlanta or from some other point which will be most available for that purpose the line will be extended from Cincinnati in such a way that the South will have the benefit, not only of the Atlantic Coast Line but of connection with that line to New Orleans, and a connection between Cincinnati and that New Orleans line. That, as we believe, will be about the result to be obtained by the expenditure of this $600,000. Of course, as the cost of this service is to be determined by negotiation between the Department and the railroad companies, this cannot be precisely known, but this is what we expect, and what the committee have reason to believe will be accomplished.

Mr. DAVIS, of West Virginia. I am not quite satisfied that the amount of money appropriated by this bill as now reported is going to be equally and equitably distributed. I believe that there should be a fair distribution of it. The merchants and the commercial men of the city of Baltimore, for instance, ought to have, as they help to pay the taxes, an equal distribution with other cities. Take a merchant in New York and a merchant in Baltimore, Baltimore being the nearest seaport to the southwest, what is the result? The Government pays for the transportation of the mail out of the city of New York in different directions, aiding that city to overcome the difference in distance of which other cities nearer to the producer

should have the advantage. For instance, a train leaves New York, as I have said, to-night at seven o'clock, by the way of Philadelphia, Baltimore, and Washington, for the West. That train, I understand, is probably quicker than any other train that goes to the Southwest, and yet no encouragement is given it whatever. A train starts at the same hour, probably, from New York, but goes by another route, by none of these cities, by the lake route, entirely away from any of the commercial seaports, and $100,000 or thereabouts is given it for quick passage. Is that right? Is that just? Ought it to be?

I believe it would be far better and fairer for the whole country if there was nothing paid whatever, if the whole amount was stricken out, or a fair and equal distribution made among all the people, and not confine it to one special place. For instance, I have in my hand a report from the Department which shows that between New York and Springfield $17,674 is paid for a fast-mail train; again, from New York to Buffalo $40,000; from New York to Chicago $38,000, and so on. I might go on and show that the great bulk of it is for lines from New York and the entire Southwest is entirely neglected. I think it would be to the advantage of the whole country to-day if the entire amount was dropped, and not tax all the people to keep up commercial facilities for a part. New York is a large city entitled to a share, but because she is large and wealthy and powerful is that any reason why the smaller cities should be taxed for her benefit? Is that any reason why the two hundred or three hundred miles she is further off from Cincinnati or the Southwest should be overcome by the payment of money from the people's pockets? It is not right in principle, and it ought not to be tolerated.

I am not on this sub-committee, and I ask my colleague upon the Committee on Appropriations whether or not in the discussion with the Postmaster-General the subject came up generally, and whether or not he intimated or the committee had good reason to believe that a more just and equitable division of this $600,000 would be made?

Mr. PLUMB. The committee do believe that under the expenditure of this sum of $600,000 provided for in the bill as it now stands there will be very much less cause of complaint in the direction the Senator has indicated than heretofore, if that objection is not wholly removed. The seventeenth amendment——

Mr. HARRIS. Before the Senator leaves that point, I should like to inquire if he has reason to believe from the discussion with the conferees of the House that an agreement could be reached if the Senate conferees should propose to strike out that whole appropriation of $600,000, and obviate the whole question by striking it out? That would be equal to all sections.

Mr. PLUMB. I will say in reply to the Senator from Tennessee, that the Senate conferees tendered that proposition to the House conferees, and it was declined. When we doubted our ability to agree upon the amount and the distribution, we fell back upon that as perhaps our first choice; at all events, as something we were willing to do; but that was declined.

Mr. DAVIS, of West Virginia. I ask the Senator whether or not it appeared that the Government was under obligations to continue this fast-mail service with these favored railroad companies longer than the present year?

Mr. PLUMB. Not at all.

Mr. DAVIS, of West Virginia. And whether it reaches into another year; in other words, whether the Government is under contract for any particular time?

Mr. PLUMB. The Government is under contract for no particular time, and can stop it to-morrow, can stop the whole service to-morrow.

Mr. DAVIS, of West Virginia. Then I am inclined to believe it would be better to let the Senate vote on whether or not that whole amount ought not to be stricken out and let the mails of the whole country stand equally and without preference to any particular section. I am very much that way inclined. Unless the Senators who have been specially charged with this bill, with which I do not wish to interfere, believe it better not to do that, I think we had better try that. I shall be glad to hear from the gentlemen who have had the bill in charge on that point.

Mr. PLUMB. I want to call attention to the fact that the other amendments are formal except as to the franking privilege.

Mr. DAVIS, of West Virginia. I understand if we vote down the conference committee's report it will be understood what it is upon, and it will go back to the conference committee with a full understanding in that respect.

Mr. PLUMB. Mr. President——

Mr. BUTLER. Will the Senator from Kansas yield for an adjournment?

Mr PLUMB. It is important that this report should be disposed of this evening one way or the other.

Mr. BUTLER. It is almost five o'clock.

Mr. PLUMB. The next important amendment, and the only one that remained to be considered, was that which the Senate put on this bill restoring the franking privilege. From that the Senate conferees recede.

The PRESIDENT *pro tempore*. The question is on concurring in the report of the committee of conference.

The report was concurred in, there being on a division—ayes 28, noes 21.

Mr. BUTLER. I move that the Senate adjourn.

The motion was agreed to; and (at four o'clock and fifty-eight minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *April* 27, 1882.

The House met at eleven o'clock a. m. Prayer by the Chaplain, Rev. F. D. POWER.

The Journal of yesterday was read and approved.

DANGER SIGNALS.

Mr. CRAPO. Mr. Speaker, I ask by unanimous consent that the House Calendar be discharged from the further consideration of the bill (H. R. No. 707) to amend section 4233 of the Revised Statutes of the United States, in relation to danger signals; and that it be passed as proposed to be amended.

The bill, as proposed to be amended, was read, as follows:

That three commissioned officers of the Navy, to be appointed by the Secretary of the Navy, one of whom is to be the chief executive officer of the board herein specified, and two officers from the Revenue Marine Service of the United States, to be appointed by the Secretary of the Treasury, be, and are hereby, created and constituted a board by the name of the marine signal board of the United States.

SEC. 2. That said board is hereby authorized to draft, prescribe, and adopt, subject to the approval of the President of the United States, a code and system of marine light and fog signals and regulations, and from time to time to improve and change the same.

SEC. 3. That upon the adoption and approval of a code and system of signals and regulations as aforesaid, the clauses marked "A," "B," and "C," respectively, in rule 15 of section 4233 of the Revised Statutes of the United States, shall thereupon and thereby be and become repealed and the following substituted therefor:

"(A) Steam and sail vessels under way shall sound a steam-whistle or fog-horn or ring a bell in execution of and conformity to such code and system of signals and regulations, and by means of such apparatus as said board may adopt.

"(B) Sail and steam vessels not under way shall ring a bell or sound a steam-whistle or fog-horn in execution of and conformity to such code and system of signals and regulations, and by means of such apparatus as said board may adopt."

SEC. 4. That any statute of the United States in conflict herewith be, and the same is hereby, repealed; and that this act shall take effect upon its passage.

Mr. CRAPO. One word of explanation to show the urgency and importance of the passage of this bill.

Mr. RANDALL. Reserving the right to object.

Mr. CRAPO. Allow me a word of explanation.

Mr. RANDALL. Certainly; we want to know primarily whether this bill has been referred to the Committee on Commerce.

Mr. GUENTHER. Mr. Speaker, I will state to the gentleman from Pennsylvania that as chairman of the sub-committee of the Committee on Commerce, to which this bill was referred, I was instructed to report it back to the House as amended with a favorable recommendation. It was submitted to the Secretary of the Navy, and he, as well as the Chief of the Bureau of Navigation, heartily and unqualifiedly indorses it. This amended bill was also referred by the committee of the Senate to the Secretary of the Treasury, and he approved it in even stronger language. In addition to all this the President of the United States last week transmitted to the Senate a message, in which he calls attention to subject-matter; that is, to the prevention of collisions at sea, and urges the speedy passage of an adequate remedial measure.

Mr. HOLMAN. I ask the bill be again read, as it was not distinctly heard in this part of the Hall.

Mr. RANDALL. Is there a report accompanying this bill? If there is, it had better be read.

Mr. CRAPO. I think I can state in a word enough to satisfy the House of the importance of passing this bill. The maritime powers of Europe, in connection with some of those of South America, have united in the adoption of an international code with reference to fog and danger signals at sea. That code is in conflict with the regulations of the United States statutes upon the same subject. The result of this is that if two vessels approach each other in a fog at sea, one an American and the other a foreign vessel, the American ship, as in duty bound, obeys the regulations contained in the United States statutes with reference to cautionary signals at sea, or otherwise would incur the penalties provided by the statutes. The foreign vessel follows the international code which has been adopted as I have stated by all the maritime powers of Europe. The result is that if a collision occurs and a question of liability is raised in the courts and adjudicated by a foreign admirality court, the American vessel is found to be in fault simply because her commander follows the United States statute as in duty bound, and not the international code. Now this bill provides that we shall take steps to bring our code into harmony with the international code, not by adopting that directly but by appointing a board of officers to examine into the question and make a report to the President upon the subject. That is all this bill provides, and it is a matter which, as I have said, demands immediate consideration.

Mr. HOLMAN. Why not make this a permanent board?

Mr. CRAPO. It is, as the language of the first section of the bill indicates, a continuing board, but without additional compensation. It is simply a board authorized to examine into the question and report to the President their conclusions in reference to this system of danger signals.

Mr. HOLMAN. It would seem very appropriate that this should be a permanent board, so that the signals adopted by the other governments by general consent shall be followed by ours. I did not clearly understand this provision of the bill from the reading of it, as it was imperfectly heard here. I therefore ask that it may be read again, so that we may understand it.

The bill was again read.

Mr. CRAPO. It will be seen that this provides simply for a board of three commissioned officers of the Navy and two officers of the Revenue Marine to examine into the subject.

Mr. RANDALL. This seems to be, by the language of the bill, a permanent board, and perhaps it is proper; but I would like to ask the gentleman whether any provision is made for increased pay of those commissioned officers of the Navy who are to serve upon it?

Mr. CRAPO. There is no increased compensation at all in the bill.

Mr. TOWNSHEND, of Illinois. I was not present when this subject came up, and desire to ask the gentleman from Massachusetts what committee reports this?

Mr. CRAPO. It comes from the Committee on Commerce.

Mr. TOWNSHEND, of Illinois. Is it the unanimous report of the committee?

Mr. CRAPO. It is the unanimous report of the committee. It is also recommended by the Secretary of the Treasury, the Secretary of the Navy, and the Secretary of State. There is also a special message from the President before Congress in reference to the subject. I ask the passage of the bill.

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

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

The latter motion was agreed to.

PORT OF NEW ORLEANS.

Mr. GIBSON. I ask unanimous consent to take from the House Calendar the bill (H. R. No. 570) to extend the limits of the port of New Orleans, and that it be put upon its passage.

The SPEAKER. The bill will be read, subject to objection.

The Clerk read as follows:

Be it enacted, &c., That the port of New Orleans is hereby extended to embrace all that part of the left bank of the Mississippi River within the corporate limits of the city of New Orleans, and to include a frontage and area on the right bank of the Mississippi River as great as that hereby given to it on the left bank, so that the said port of New Orleans shall embrace an equal front and area on both sides of the Mississippi River.

SEC. 2. That it shall be lawful for the Secretary of the Treasury, under such rules and regulations as he shall prescribe, to permit goods and merchandise and all imported commodities to be unladen on the right bank of the Mississippi River at the port of New Orleans.

Amend the title so as to read: "A bill to extend the limits of the port of New Orleans."

Mr. GIBSON. This is the bill as amended by the committee. It makes no appropriation.

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

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

The latter motion was agreed to.

ELECTRIC LIGHT AT HELL GATE.

Mr. RICHARDSON, of New York, by unanimous consent, from the Committee on Commerce, reported back with a favorable recommendation the bill (H. R. No. 2407) making an appropriation for the erection of one or more electric lights at Hell Gate, New York; which, with the accompanying report, was ordered to be printed, and referred to the Committee on Appropriations.

REAR-ADMIRAL ROGER N. STEMBEL.

Mr. TALBOTT. I ask unanimous consent to discharge the Committee of the Whole House on the Private Calendar from the further consideration of the bill (H. R. No. 5387) providing for the pay of Rear-Admiral Roger N. Stembel, and that the same be put upon its passage.

The SPEAKER. The bill will be read, subject to objection.

The bill was read, as follows:

Be it enacted, &c., That Rear-Admiral Roger N. Stembel, United States Navy, be paid, out of any unexpended moneys in the Treasury, the pay and compensation of a rear-admiral on the retired list from and after June 5, 1874, that being the date of his promotion to the retired list as a rear-admiral.

Mr. RANDALL. Is that bill retroactive in its provision for this payment?

Mr. SPARKS. It provides for payment from the date of his present commission and is eminently just. This brave old officer entered the Navy over half a century ago; has faithfully discharged every duty. During the late war he was so terribly wounded that his recovery was regarded as almost a miracle. He is still suffering from the effects of his wound and can never hope for complete and final relief. There ought to be no objection to the passage of the bill.

Mr. TALBOTT. It fixes the pay only from the date of the commission. He has held the rank without pay, and this provides that his pay shall commence from the date of his promotion.

Mr. HOLMAN. Let the report in this case be printed in the RECORD, to show the ground of our action here to-day.

The report is as follows:

The Committee on Naval Affairs, to whom was referred the memorial of Rear-Admiral R. N. Stembel praying to be allowed the pay of rear-admiral from the date of his promotion from the rank of commodore, having considered the same, respectfully report as follows:

Rear-Admiral Stembel entered the Navy of the United States as a midshipman March 27, 1832; and honorably, and with great credit to himself and country, passed through the various lesser grades of the service up to 1870, when he was promoted to and duly commissioned commodore. In 1871 he was ordered to and commanded, respectively, the north and south squadrons of the Pacific fleets; and subsequently, by order of the Navy Department, commanded the entire naval forces on the Pacific station; thus, as commodore, maintaining all the responsibilities and performing all the duties of a rear-admiral afloat.

Having arrived at the age of sixty-two years, under the compulsory retirement act of the Navy he was retired from active service with the rank and pay of commodore; and subsequently, on the 5th day of June, 1874, under the act of Congress approved July, 1866, he was promoted to and commissioned rear-admiral on the retired list; but which commission did not carry with it the pay of the grade to which, under the law, he was thus promoted.

The case of Admiral Stembel is peculiar and exceptional in this, that while for half a century he has most efficiently and gallantly filled all the grades in the Navy from midshipman to and including that of rear-admiral, without a single charge or breath of suspicion against him or his acts as an officer, but, on the contrary, has received the constant commendation of his superiors in command for meritorious conduct, he now finds himself a commissioned rear-admiral on the retired list, drawing only the retired pay of a commodore, while his comrades of the same service, whose sacrifices have none been greater and many less, and with the same rank as himself, drawing the retired pay of rear-admiral.

This, your committee think, is a hardship to him and an inconsistency in the service which demands correction.

An additional reason for granting relief in this case is that, on the 10th of May, 1862, Admiral Stembel was fearfully and almost mortally wounded while commanding the United States gunboat Cincinnati in an engagement with a fleet of confederate rams near Fort Pillow, on the Mississippi River, from the effects of which wound he was for many months confined to his apartments, subjected to heavy personal expense and intense suffering, and from which he is still a sufferer and at his time of life can have no hope of final recovery.

In the official report of the above action he was commended by the chief commander, the late Rear-Admiral C. H. Davis, United States Navy, as having specially distinguished himself by exceptional skill and gallantry displayed on that occasion, as he was also alike commended by the late Rear-Admiral A. H. Foote, United States Navy, as appears in extracts from letters accompanying his memorial.

In view of which your committee recommend the passage of the accompanying bill.

Mr. TALBOTT. I ask that the bill be passed.

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

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

The latter motion was agreed to.

SOLDIERS' MONUMENT AT PORTSMOUTH, OHIO.

Mr. NEAL. I ask unanimous consent to take from the Speaker's table for present consideration the bill (S. No. 1598) to authorize the Secretary of War to donate to the Ladies' Soldiers' Monument Society of Portsmouth, Ohio, four condemned cannon. A bill identical with this has been unanimously reported by the Committee on Military Affairs of the House.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of War is hereby authorized to donate to the Ladies' Soldiers' Monument Society of Portsmouth, Ohio, four condemned cast-iron cannon.

There being no objection, the bill was taken from the Speaker's table, read three times, and passed.

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

The latter motion was agreed to.

THOMAS J. WHARTON.

Mr. HOOKER. I ask unanimous consent to take from the Private Calendar for present consideration the bill (H. R. No. 869) for the relief of Thomas J. Wharton.

The bill was read, as follows:

Be it enacted, &c., That the sum of $250 be, and the same is hereby, appropriated, out of any moneys in the Treasury not otherwise appropriated, for the benefit of Thomas J. Wharton, of Jackson, Mississippi, as compensation for certain professional services rendered by said Wharton in the southern district of Mississippi, under appointment of the then district attorney of the United States for the southern district of Mississippi, in accordance with the statute in such case made and provided.

SEC. 2. That this act be in force from and after its passage.

Mr. HOLMAN. Does this bill come from a committee?

Mr. HOOKER. Yes, sir; it is reported by the Committee on Claims. It has been eight times reported favorably to the House.

There being no objection, the Committee of the Whole House was discharged from the further consideration of the bill, and it was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

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

The latter motion was agreed to.

DISCRIMINATING DUTIES.

Mr. KELLEY. I am instructed by the Committee on Ways and Means to report back the bill (H. R. No. 4680) to repeal discriminating duties on tea and coffee, the products of the possessions of the Netherlands, with amendments by the Senate, and to move that the Senate amendments be concurred in.

The Senate amendments were read, as follows:

Strike out all after the enacting clause, and insert:

"That section 2501 of the Revised Statutes of the United States, which reads as follows: 'There shall be levied, collected, and paid on all goods, wares, and merchandise of the growth or produce of the countries east of the Cape of Good Hope,

(except wool, raw cotton, and raw silk as reeled from the cocoon, or not further advanced than tram, thrown, or organzine,) when imported from places west of the Cape of Good Hope, a duty of 10 per cent. ad valorem in addition to the duties imposed on any such article when imported directly from the place or places of their growth or production,' be, and the same is hereby, repealed, from and after the 1st day of January, 1883."

Strike out the preamble.

Amend the title so as to read: "A bill to repeal section 2501 of the Revised Statutes relating to discriminating duties on productions of countries east of the Cape of Good Hope."

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

Mr. HUTCHINS. I would like to ask the chairman of the Committee on Ways and Means whether the amendment which has been read has been made by the concurrence of the parties interested having large stocks of goods on hand.

Mr. KELLEY. I will give the history briefly of the matter. Under communications from the State Department the Committee on Ways and Means reported a bill to execute our treaty provisions. That bill went to the Senate, and after deliberation and consultation with parties in interest it was amended. The Committee on Ways and Means have fully considered the bill and unanimously recommend concurrence. But before reporting we took measures, through the gentleman from Massachusetts [Mr. CANDLER] and others, to ascertain from parties holding large stocks of goods to be affected by this repeal as to the propriety of the act, and they all concur in saying that by postponing its effect to the time named in the bill no harm can arise to any one.

The amendments of the Senate were concurred in.

Mr. KELLEY moved to reconsider the vote by which the amendments were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

P. F. LONERGAN.

Mr. BUCKNER. I ask unanimous consent to take from the Private Calendar for present consideration the bill (H. R. No. 4704) for the relief of P. F. Lonergan.

Mr. SINGLETON, of Illinois. I object.

HOUSE FOLDING-ROOM.

Mr. HAWK. I desire to submit a resolution of inquiry as to the House folding-room.

Mr. SINGLETON, of Illinois. I object.

Mr. HAWK. I hope my colleague will not object to this. It is in the interest of humanity.

Mr. SINGLETON, of Illinois. I have tried for the last six months to get recognition here, and have not been able to get it.

Mr. HAWK. This is a resolution concerning the employés in the House folding-room.

Mr. SINGLETON, of Illinois. I am sorry to object, but I must insist on my objection.

Mr. HOLMAN. I call for the regular order.

LIFE-SAVING SERVICE.

Mr. TOWNSEND, of Ohio. I desire to make a privileged report. I present a report of a committee of conference, which I send to the desk.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 1049) to promote the efficiency of the Life-Saving Service, and to encourage the saving of life from shipwreck, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the Senate recede from its amendment numbered 2, to insert after the word "Carolina," on line 25 of page 2, (printer's No., 6141,) the words "one at or near Fort Morgan, on the Bay of Mobile."

That the House recede from its disagreement to the amendments of the Senate numbered—

1. To insert, on line 16 of page 2, after the word "Massachusetts," the words "at or near Brenton's Point or Beaver Tail, Rhode Island;" and agree to the same.

3. To insert, after the word "Florida," on line 27, page 2, the words "and three life-saving stations on the Atlantic coast of Florida, one near Key West, one near Jupiter Inlet, one at or near Cape Canaveral, and one on the Gulf coast west of Apalachicola River;" and agree to the same with amendments striking from line 27 the word "three" and inserting the word "two;" inserting the word "and" after the words "Key West," on line 28, and striking from line 29 the words "one at or near Cape Canaveral;" and the Senate agree to the same.

4. To insert, on line 32, page 2, after the word "recommend," the words "a life-saving station at or near Tybee Island, at the port of Savannah, Georgia, one near Brunswick, one near Doboy, and one on or near Cumberland Island or Fernandina, near the line of Georgia and Florida, each of said four stations to be located at such point as the General Superintendent of the Life-Saving Service may select; three life-saving stations on the coast of South Carolina, to be located by the General Superintendent, near the ports of Georgetown, Charleston, and Beaufort;" and agree to the same with amendments striking out all the words of said amendment down to the word "life-saving," on lines 37 and 38, and inserting the word "two;" inserting the words "at or" before the word "near," on line 39; inserting the word "and" before the word "Charleston," on line 40; and striking from line 40 the words "and Beaufort;" and the Senate agree to the same.

5. To strike from line 9, page 4, the words "one thousand eight" and insert the word "fifteen;" and agree to the same.

6. To strike from line 12, page 4, the words "two thousand" and insert the words "one thousand five hundred;" and agree to the same.

7. To strike from line 15, page 4, the words "two thousand five" and insert the word "eighteen;" and agree to the same.

8. To strike from line 18, page 4, the words "two thousand five" and insert the word "eighteen;" and agree to the same.

9. To strike from line 21, page 4, the words "two thousand" and insert the words "fifteen hundred;" and agree to the same.

10. To strike from line 24, page 4, the words "two thousand five" and insert the word "eighteen;" and agree to the same.

11. To strike from lines 27 and 28, page 5, the words "one thousand" and insert the words "and the coast of Georgia and South Carolina, twelve hundred;" and agree to the same.

12. To strike from lines 30 and 31, page 5, the words "one thousand eight" and insert the word "fifteen;" and agree to the same.

13. To strike from line 33, page 5, the words "two thousand five" and insert the word "eighteen;" and agree to the same.

14. To strike from line 36, page 5, the words "two thousand five" and insert the word "eighteen;" and agree to the same.

15. To strike from line 39, page 5, the words "two thousand five" and insert the word "eighteen;" and agree to the same.

16. To add, after the words "per annum," on line 6, page 5, the words "and the Secretary of the Treasury is also authorized to fix the pay of the men employed at the different stations in proportion to the services rendered: *Provided*, The same shall not exceed $50 per month;" and agree to the same with amendments inserting the words "appoint and" before the word "fix," in line 2, page 5; inserting the word "all" before the word "stations," in line 3, page 5; and striking out the words "in proportion to the services rendered," in line 8, page 6; and the Senate agree to the same.

17. To insert the following section after section 6, page 6:

"SEC. 7. That if any keeper or member of a crew of a life-saving or life-boat station shall be so disabled by reason of any wound or injury received or disease contracted in the Life-Saving Service in the line of duty as to unfit him for the performance of duty, such disability to be determined in such manner as shall be prescribed in the regulations of the service, he shall be continued upon the rolls of the service and entitled to receive his full pay during the continuance of such disability, not to exceed the period of one year, unless the General Superintendent shall recommend, upon a statement of facts, the extension of the period through a portion or the whole of another year, and said recommendation receive the approval of the Secretary of the Treasury as just and reasonable; but in no case shall said disabled keeper or member of a crew be continued upon the rolls or receive pay for a longer period than two years;" and agree to the same.

18. To insert after section 7, on page 6, the following section:

"SEC. 8. That if any keeper or member of a crew of a life-saving or life-boat station shall hereafter die by reason of perilous service or any wound or injury received or disease contracted in the Life-Saving Service in the line of duty, leaving a widow, or a child or children under sixteen years of age, such widow and child or children shall be entitled to receive in equal portions during a period of two years, under such regulations as the Secretary of the Treasury may prescribe, the same amount, payable quarterly as far as practicable, that the husband or father would be entitled to receive as pay if he were alive and continued in the service: *Provided*, That if the widow shall remarry at any time during the said two years her portion of said amount shall cease to be paid to her from the date of her remarriage, but shall be added to the amount to be paid to the remaining beneficiaries under the provisions of this section, if there be any; and if any child shall arrive at the age of sixteen years during the said two years the payment of the portion of such child shall cease to be paid to such child from the date on which such age shall be attained, but shall be added to the amount to be paid to the remaining beneficiaries, if there be any;" and agree to the same.

19. To strike from line 1, page 7, the word "seven" and insert the word "nine;" and agree to the same.

20. To strike from line 1, page 8, the word "eight" and insert the word "ten;" and agree to the same; and after the word "of," line 1, page 8, insert the words "district superintendents, inspectors and;" and agree to the same.

21. To strike from line 1, page 9, the word "nine," and insert the word "eleven;" and agree to the same.

AMOS TOWNSEND,
S. S. COX,
JOHN W. CANDLER,
Managers on the part of the House.
O. D. CONGER,
WM. P. FRYE,
J. R. McPHERSON,
Managers on the part of the Senate.

Mr. REAGAN. I want separate votes on the seventeenth and eighteenth amendments.

Mr. TOWNSEND, of Ohio. I now move the adoption of the report.

Mr. DUNNELL. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. DUNNELL. I do not know that I desire to insist upon the point of order, but I desire to call the attention of the House and of the gentleman having this bill in charge to some very novel features which appear in that report. From the reading of the report it would appear that entirely new sections had been inserted into the bill, and were not put in in lieu of what had been inserted by the Senate or in lieu of any matters in dispute between the House and the Senate. I do not understand that a committee of conference can insert new sections, unless they are inserted in lieu of some sections already in. There is a great deal of outright new legislation which has been brought into the bill by the committee of conference.

Mr. TOWNSEND, of Ohio. I beg your pardon.

Mr. DUNNELL. It seems to me that the gentleman from Ohio should explain this matter very fully.

Mr. TOWNSEND, of Ohio. I think I can explain it to the satisfaction of the gentleman.

Mr. DUNNELL. Section 6 seems to be an entirely new section.

Mr. TOWNSEND, of Ohio. If the gentleman from Minnesota [Mr. DUNNELL] will possess his soul in patience until the accompanying statement from the committee on conference has been read, he will find that the bill as it passed the House was amended in the Senate by the addition of those two sections to which he objects, and those sections were properly subjects of conference. I ask the Clerk to read the accompanying statement from the committee on conference.

Mr. DUNNELL. That has been read.

Mr. COX, of New York. Not the statement. I will say to the gentleman that the statement explains the effect of the amendments. The sections to which the gentleman refers were put on by the Senate.

Mr. REAGAN. I do not wish it to be understood that any point of order is waived.

The SPEAKER. The Clerk will read the accompanying statement.

The Clerk read as follows:

Detailed statement as to effect of amendments as agreed upon in conference report on H. R. No. 1049.

No. 1 adds one life-saving station at or near Brenton's Point or Beaver Tail, Rhode Island.

No. 2 strikes out the Senate addition of one life-saving station at or near Fort Morgan, Bay of Mobile.

No. 3 strikes out the Senate provision for one house of refuge at or near Cape Canaveral, Florida.

No. 4 strikes out the Senate provision for four life-saving stations at Tybee Island, Brunswick, Doboy, and Fernandina, respectively, near the line of Georgia and Florida, and one life-saving station at Beaufort, South Carolina.

Numbers 5, 6, 7, 8, 9, 10, 12, 13, 14, and 15 provide respectively for reductions in annual salaries of district superintendents, as follows: first district, from $1,800 to $1,500; second district, from $2,000 to $1,500; third district, from $2,500 to $1,800; fourth district, from $2,500 to $1,800; fifth district, from $2,000 to $1,500; sixth district, from $2,500 to $1,800; eighth district, from $1,800 to $1,500; ninth district, from $2,500 to $1,800; tenth district, from $2,500 to $1,800; eleventh district, from $2,500 to $1,800.

No. 11 increases the annual salary of the district superintendent of the seventh district from $1,000 to $1,200.

No. 16 places the appointment of keepers of all life-saving stations and houses of refuge with the Secretary of the Treasury, and authorizes him to fix the pay of station-keepers at a rate not exceeding $50 per month, leaving out the provision "in proportion to the services rendered."

No. 17 is an additional section placed on the bill by the Senate, which provides for the payment of one year's salary, under proper restrictions, to any person in the life-saving service who is disabled in the line of duty.

No. 18 is an additional section added to the bill by the Senate, which provides that in case of the death from injury received in the line of duty, the widow and children shall be paid two years' salary, quarterly, under proper safeguards.

Numbers 19 and 21 simply change the numbering of the sections.

No. 20 changes the number of the section, and provides that appointments of superintendents and inspectors, as well as others, shall be made with reference solely to fitness.

Mr. REAGAN. I must ask that the report of the committee on conference be referred to the Committee of the Whole House on the state of the Union. A new policy is indicated in two of the amendments of a very important character, and one which has never been submitted to the consideration of the House. I must ask that it go to the Committee of the Whole.

Mr. TOWNSEND, of Ohio. They are very simple and can easily be disposed of.

The SPEAKER. The Chair does not understand fully the point made by the gentleman from Texas.

Mr. REAGAN. I desire that this report be considered in Committee of the Whole.

The SPEAKER. Under what rule? This is a conference report.

Mr. REAGAN. I know it is, and I understand it must be adopted or rejected as a whole. I want two of the amendments considered thoroughly, which have never yet been considered by this House. I do not know the rule exactly upon the point, but I was under the impression that on objection being made the conference report had to go to the Committee of the Whole.

The SPEAKER. The Chair does not think that a point of order would lie against a conference report so as to require it to be considered in Committee of the Whole House on the state of the Union.

Mr. RANDALL. It is important, however, in view of the statement the gentleman from Texas makes, that it should be sustained by the record or contradicted in some way. The gentleman from Texas states that there is in this conference report some matter which neither House of Congress inserted.

Mr. REAGAN. Oh, no.

Mr. TOWNSEND, of Ohio. That is a mistake.

Mr. REAGAN. I said there were two amendments which were new measures of legislation, about pensioning these persons, which measures have never been considered by this House.

Mr. RANDALL. By this House?

Mr. REAGAN. They have never been considered by this House. If there is no other way to reach it I desire to ask the House not to adopt the report.

Mr. RANDALL. You must adopt it or reject it.

Mr. TOWNSEND, of Ohio. I desire to move the previous question on the adoption of the report.

The SPEAKER. The gentleman from Ohio [Mr. TOWNSEND] is recognized in charge of the report; but the Chair will hear the gentleman from Texas on a point of order.

Mr. TOWNSEND, of Ohio. I demand the previous question.

Mr. REAGAN. The gentleman has not the floor for that purpose.

The SPEAKER. The gentleman from Texas makes the point of order that the report must be first considered in Committee of the Whole.

Mr. REAGAN. That having been disposed of, I was proceeding to state my objection to the report——

Mr. TOWNSEND, of Ohio. I do not yield the floor for any such purpose.

The SPEAKER. The gentleman from Texas was recognized to make a point of order; but beyond that the gentleman did not have the floor.

Mr. REAGAN. That is a curious way of doing things.

The SPEAKER. The gentleman from Texas was recognized to make a point of order.

Mr. REAGAN. The gentleman from Ohio [Mr. TOWNSEND] had the floor but made no motion. I made a point of order which was overruled, and then I was proceeding to state my reasons——

The SPEAKER. But the gentleman from Texas was not recognized except on a point of order. The gentleman cannot in that way take from the floor the one in charge of the report. The gentleman from Ohio had the floor and called for the reading of the accompanying statement. The Chair hopes that the gentleman from Ohio will yield to the gentleman from Texas to make his statement.

Mr. TOWNSEND, of Ohio. I shall be glad to yield to the gentleman from Texas [Mr. REAGAN] at the proper time to make such arguments or suggestions as he may deem proper. But at this stage of the proceedings I move the adoption of the report, and on that motion call the previous question.

Mr. REAGAN. Does the gentleman propose to let me have the floor after the bill is passed? [Laughter.]

Mr. RANDALL. I ask for the reading of that portion of this report which in effect creates a civil pension list.

The SPEAKER. The report has been read.

Mr. COX, of New York. I do not want the statement of the gentleman from Pennsylvania [Mr. RANDALL] to go out without correction to create a wrong impression in regard to these two amendments.

Mr. RANDALL. The gentleman from New York may correct me whenever I am wrong, and I will accept the correction and admit my mistake; but in this instance I do not happen to be wrong.

Mr. COX, of New York. I corrected the gentleman a moment ago privately; and I thought he understood this matter. These two sections were prepared by the committee of conference and were adopted by the Senate. The gentleman from Texas [Mr. REAGAN] wishes to address the House on this subject, and I have no doubt he will get an opportunity——

Mr. REAGAN. When?

Mr. COX, of New York. And so will my friend from Pennsylvania.

Mr. RANDALL. The gentleman from New York has no right to stand up here and say that he proposes to correct a false impression which I have made. I only ask that this part of the report may be read, because I am credibly informed that these amendments do inaugurate a civil-pension list.

Mr. COX, of New York. Now, Mr. Speaker——

Mr. RANDALL. The report will show whether I am correct; it is not necessary for us to take the word of the gentleman from New York or anybody else on this point.

Mr. COX, of New York. I do not propose to get into an irascible condition——

Mr. RANDALL. I am calm as a May morning.

Mr. COX, of New York. I would like my friend to be calm on a matter of this kind. I can explain it in three words. There may be a difference of opinion. I am glad to see my friend from Pennsylvania smiling.

The SPEAKER. The Chair will direct the Clerk to read the portion of the report indicated by the gentleman from Pennsylvania.

The Clerk read as follows:

Insert the following as new sections:

"SEC. 7. That if any keeper or member of a crew of a life-saving or life-boat station shall be so disabled by reason of any wound or injury received or disease contracted in the Life-Saving Service in the line of duty as to unfit him for the performance of duty, such disability to be determined in such manner as shall be prescribed in the regulations of the service, he shall be continued upon the rolls of the service and entitled to receive his full pay during the continuance of such disability, not to exceed the period of one year, unless the General Superintendent shall recommend upon a statement of facts the extension of the period through a portion or the whole of another year, and said recommendation receive the approval of the Secretary of the Treasury as just and reasonable; but in no case shall said disabled keeper or member of a crew be continued upon the rolls or receive pay for a longer period than two years.

"SEC. 8. That if any keeper or member of a crew of a life-saving or life-boat station shall hereafter die by reason of perilous service or any wound or injury received or disease contracted in the Life-Saving Service in the line of duty, leaving a widow, or a child or children under sixteen years of age, such widow and child or children shall be entitled to receive, in equal portions, during a period of two years, under such regulations as the Secretary of the Treasury may prescribe, the same amount payable quarterly, as far as practicable, that the husband or father would be entitled to receive as pay if he were alive and continued in the service: *Provided*, That if the widow shall remarry at any time during the said two years her portion of said amount shall cease to be paid to her from the date of her remarriage, but shall be added to the amount to be paid to the remaining beneficiaries under the provisions of this section, if there be any; and if any child shall arrive at the age of sixteen years during the said two years the payment of the portion of such child shall cease to be paid to such child from the date on which such age shall be attained, but shall be added to the amount to be paid to the remaining beneficiaries, if there be any."

Mr. TOWNSEND, of Ohio. Mr. Speaker, I now withdraw the demand for the previous question, in order to give my friend from Texas [Mr. REAGAN] and other gentlemen who may desire it some little time for discussion. But before yielding, I wish to remark that these two sections were placed on the bill in the Senate with other amendments, and were in lieu of such a provision as was demanded from various parts of the country, a provision for pensioning persons disabled in this service and the families of those who may lose their lives in the service. It was thought wise to provide, as proposed in these two sections, that any one receiving permanent injury in the service should be entitled to have his pay continued for a period not exceeding two years, and that the family of any one losing his life in the service should be entitled under certain conditions, to be prescribed by the Secretary of the Treasury, to receive pay at the

regular rates which would have been received by him for not more than two years.

The committee of conference believed these provisions wise, and thought they would be satisfactory to the House. They still believe that upon a fair representation of the matter to the House they will meet its approval.

I now yield to the gentleman from Texas for ten minutes.

Mr. REAGAN. Mr. Speaker, I object to the adoption of the two sections which have been read because they are the inauguration of another class of pensioners, and because the principle upon which this is proposed to be done is not in my judgment justifiable under our system of government, or under any rule of right reason. We already have a large pension list. It includes in the first place those who have been wounded or disabled in the Army or Navy. This is in accordance with the ordinary custom of governments, and of course I have no objection to it. Those who have been disabled in the Army or Navy may rightly be pensioned by the Government upon a just principle of public policy. We have also another class of pensioners—retired officers of the Army or Navy, retired upon pay, not because they have been disabled in the service, but because they have reached a certain age after enjoying till that age the emoluments of a profitable office. This I think is wrong.

Now, it is proposed in this bill substantially to pension those who have been engaged in the Life-Saving Service. We have also before Congress, I believe, propositions to pension those engaged in the marine service, and as I am told by my friend from New York, [Mr. HUTCHINS,] who sits near me, it is also proposed to pension members of the police force of the District of Columbia. Upon what principle can these things be justified? We give men positions of public employment; we provide a just and generally a liberal compensation for their services. Men are anxious to obtain this public employment because of its emoluments and perhaps its honors. Now when we have given persons the special advantage of profitable public employment is that to be made an argument for pensioning them upon the Government for the remainder of their lives? What higher claim, what better equity, have such persons than those who in the private walks of life are struggling to support themselves and their families? If in morals or reason there is a distinction, it is not in favor of the man who has had the benefit of public employment upon a liberal salary from the Government but is rather in favor of the distressed and the unfortunate in private life. In view of the numerous drafts upon the Treasury, in view of the burdens of taxation, it seems to me we should not recklessly create a new list of pensioners in violation of principle and of right, with no proper opportunity for the consideration of the question in the House.

It is inaugurating, as my friend suggests, a new policy on that subject. Besides, Mr. Speaker, there is a deeper and more important reason for not doing this. The whole theory of this Government is that there shall be no privileged class, that there shall be no special privileges granted to any particular class. Every time you create civil employments and give these men in these civil employments emoluments which are to follow them by making provision for their future governmental support in case of disease or accident you go that far in the creation of a privileged class not based on any just public policy.

And in this case, sir, it discriminates in favor of the fortunate and against the unfortunate—not in favor of the unfortunate. You first give a man a civil employment. He seeks it anxiously to get its emoluments. If by accident he gets wounded or dies, this measure proposes to give a pension to him or to his family. Now, suppose the many railroad companies in this country, or the many navigation companies were required to pension the employés now in their service who get sick or die in that service, would any one contend that there was justice or reason in any such course? Yet here we are voting away the public money, of course gratifying to those who get it, but adopting a policy in reference to the Government which no man would assent to in reference to corporations or with reference to any private persons in the United States. I shall therefore, Mr. Speaker, ask the House to refuse to second the previous question, and to refuse to adopt this report of the committee of conference.

Mr. TOWNSEND, of Ohio. I yield now to the gentleman from New York.

Mr. COX, of New York. Mr. Speaker, there is no man in this House who more cordially agrees with the gentleman from Texas than myself on most matters. I desire to agree with him now. I agree with him that it is unwise to fix on our Government a civil list. I am not disposed to add to the roll or roster of civil pensioners. I have voted and spoken against that system, with reason and almost passion, from the beginning. In bringing, sir, this bill before this House I took care to separate the pension clauses from it. The pension portion I had referred to the Committee on Pensions. I did this with a heartfelt wish to disembarrass gentlemen like my friend from Texas. Therefore this bill appeared here and went to the Senate with no pension or even a remote suggestion of a pension clause on it.

The sections to which my friend objects are not pension clauses by any means. They are an avoidance of a pension. It is a persuasive and honest contract with the devotee to life-saving.

In obedience to the general call of the people all over the country these clauses are sent to us from the Senate. Chambers of Commerce from Boston to San Francisco, including Philadelphia and other places, ask for these clauses of generosity. Legislatures of States, including Kentucky and Illinois, west and east, on the coast, on the Gulf, the Atlantic and Pacific, ask for these clauses of kindness. In obedience to this call the Senate supplements my bill with something better than my poor thought.

While cutting down the salaries of the superintendents, which we raised here, the Senate provided that in case of disability and in case of death there should be some temporary pay for men who risk or give their lives to this service. The Senate says to the surfman who hazards his life for others, "If you go into the wild surf to save others at the risk of your life, your wife may be a widow, but the Government will be ever so thoughtful and just to her and hers." It is an incentive and a contract. It is no civil list, no pension, no bounty, no gratuity. It is a contract.

Why, sir, it only takes so much from, or rather adds so much to the pay; one year or more, and not more than two years, of those disabled in the service, and in case of death two years' full pay, to go to the survivors, the widow and children. What can be more gentle, just, and reasonable? Gentlemen say this is a sort of pension. It is a sort of pension. It is thoughtful, *pensée*. Philologically and otherwise it is a thought. In so far as it goes it gives the beneficiaries of this bill some pay; but does it not avoid the other and odious question of a civil list for fancied service which my friend from Texas justly opposes? I would like to say that there have been only twenty-four persons disabled and dead in this service from the beginning; only twenty-five. One would think from the stir just made that some hundreds of thousands were engaged in the struggles in the surf to aid and save human life. Oh, no. Here is the list which Judge Folger, a true friend of this service, sent to Speaker KEIFER on the 13th of February last, (Executive Document No. 74.) It is a short but heroic record:

List of persons who have died "by reason of any wound or injury received or disease contracted in the line of duty in the Life-Saving Service since the origin of the service," so far as shown by the records of the Treasury Department.

Date.	Name.	Grade.	Station.	District.
1876.				
Mar. 1	John R. Gale[1]	Keeper	No. 4	Sixth.
	Lemuel Griggs[1]	Surfman	No. 4	Sixth.
	Lewis White[1]	Surfman	No. 4	Sixth.
	Malachi Brumsey[1]	Surfman	No. 4	Sixth.
	Spencer D. Grey[1]	Surfman	No. 4	Sixth.
	J. Munden[1]	Surfman	No. 4	Sixth.
	George W. Wilson[1]	Volunteer	No. 4	Sixth.
1877.				
Jan. 5	John Parker[2]	Surfman	No. 16	Fourth.
Mar. 30	H. H. Nickerson[3]	Surfman	No. 14	Second.
1877.				
Nov. 25.	J. J. Guthrie[4]	Superintendent		Sixth.
1880.				
Apr. 23.	William J. Sayers[5]	Surfman	No. 2	Tenth.
	Robert Morrison[5]	Surfman	No. 2	Tenth.
	James Pottenger[5]	Surfman	No. 2	Tenth.
	Dennis Deegan[5]	Surfman	No. 2	Tenth.
	James Nantau[5]	Surfman	No. 2	Tenth.
	Walter Petherbridge[5]	Surfman	No. 2	Tenth.
Oct. 20	Joseph Sawyer[6]	Superintendent		Tenth.
	George Feaben[7]	Keeper	No. 8	Tenth.
Nov. 30.	David H. Atkins[8]	Keeper	No. 7	Second.
	Elisha M. Taylor[8]	Surfman	No. 7	Second.
	Stephen F. Mayo[8]	Surfman	No. 7	Second.
1881.				
May 15.	David Hitchens[9]	Keeper	No. 11	Fifth.
	George J. Warner[9]	Keeper	No. 8	Fifth.
	Warner Collins[10]	Surfman	No. 10	Fifth.

[1] Drowned while attempting to rescue the crew of the wrecked Italian bark Nuova Ottavia, off coast of North Carolina.

[2] Died out on night patrol.

[3] Fell from aloft and instantly killed while assisting in saving property from Italian bark Papa Luigi C.

[4] Drowned while attempting to go to the assistance of survivors of crew of United States steamer Huron. By act of Congress approved May 25, 1878, Superintendent Guthrie's widow receives the same pension as the widows of deceased captains of the Navy.

[5] Perished in attempting to go the assistance of distressed schooner J. H. Magruder on reef off Point Aux Barques, Lake Huron.

[6] Drowned off Rogers City, Michigan, while making tour of stations in his district.

[7] Drowned off Rogers City, Michigan, with Superintendent Sawyer, while transporting him from station No. 8, tenth district.

[8] Perished while attempting to take ashore crew of stranded sloop C. E. Trumbull.

[9] Reported to have died from disease caused by cold and exposure while in the line of duty.

[10] Reported to have died from disease caused by cold and exposure while swimming to a boat during the gale and tidal wave of October 23, 1878.

Mr. DAWES. We have already reported a bill, and I ask the gentleman to allow the report to be read.

Mr. COX. It will be heard. I am glad to hear from a gentleman who represents my native river, the Muskingum.

Mr. DAWES. It was the judgment of a majority of the Committee on Invalid Pensions that relief should be granted the families. It was considered that the Life-Saving Service is the only civil service where life is necessarily risked to save life. In other civil service peril to person is encountered, but that constitutes no claim to pension such as that of the Life-Saving Service.

Mr. HAWK. The Committee on the Payment of Pensions, Bounty, and Back Pay have reported upon it adversely, but that report has not yet been printed.

Mr. COX, of New York. I take the reports of the two committees together and say that the reason why we should pass this measure is that there is no pension probable or possible. If one committee passes adversely on the pension bill and another for it, it is meet that we should make some provision not obnoxious to objection, and striking the golden mean.

Mr. DAWES. From the reading of the report which I have called for the House will see the necessity of some provision being made.

Mr. COX. Mr. Speaker, this House may not be interested, but the good people of the country are, in the grateful and generous report of the honorable gentleman from North Carolina [Mr. LATHAM] from the Committee on Invalid Pensions. To that committee was referred a bill to relieve the widows of the gallant men who went down beneath the breakers on the North Carolina coast in attempting to save stranded Italian strangers.

May I ask to re-enforce my statement by the honorable gentleman's terse and touching report:

That on the evening of March 1, 1876, between seven and eight o'clock, or soon after dark, the sea being rough and the surf and breakers high, heavy, and winding, the bark Nuova Ottavia stranded on the reef about four hundred yards south of life-saving station No. 4, on the coast of North Corolina, with her head northwest or before the wind.

That the keeper and crew of station No. 4 (except Surfman John G. Chappell, whose place was supplied by George W. Wilson, a volunteer) immediately manned the boats and started to the rescue of the crew of the ill-fated vessel.

That the keeper, John R. Gale, and Surfmen Spencer D. Gray, Lemuel Griggs, Malachi J. Brumsey, I. Mundin, Lewis White, and George W. Wilson (who volunteered his services in place of Surfman Chappell) lost their lives in the attempt. Only four of the Italian crew were saved.

Captain John J. Guthrie, then superintendent district No. 6, United States Life-Saving Service, who in the following year lost his life off the same coast in attempting to afford assistance to the officers and men of the Huron, and whose widow has been pensioned by the Government, in his report to Captain Merryman, inspector of United States life-saving stations, uses this language: "In truth, all the tragic facts developed by this catastrophe are invested with a sublimity which I cannot portray with any written description, and do not wish to comment upon any of its causes beyond that of not taking the life-preservers on the persons of the lost who went in the life-boat, which seems a fatal mistake when so much danger must have been apprehended. The promptness, however, required under the circumstances probably overshadowed every forethought of personal security, and sad and lamentable as the results were, their noble efforts to rescue the shipwrecked shed a luster over the victims and credit on humanity."

That the widows and children of those who were lost are in very needy circumstances.

Your committee unanimously recommend the passage of the bill.

Yet, gentlemen fear a civil list of such heroes, and vote millions here for—what?—what?

Mr. CONVERSE. I should like to inquire whether the families of the soldiers who lose their lives in the Indian war now going on are pensioned?

Mr. COX, of New York. I do not intend to be drawn into a pension discussion. This bill is not a pension bill. We avoid it on purpose. We do not desire to make a precedent.

Why, sir, gentlemen who are so fastidious voted to pay the families of our own employés around this House something after death. Their widows and children now and then get our moneys to aid them in the immediate emergency. It is so as to members also. I do not expect to draw any precedent from that. I close members' mouths; only this.

Mr. ATKINS. We do not give the descendants of members or of employés any pay.

Mr. COX, of New York. We only pay them in case of death to the end of their term.

Mr. HOLMAN. I should like to ask the gentleman from New York if this civil-pension list is established where he proposes to stop?

Mr. COX, of New York. This is a mere temporary pay to or contract with those who risk their lives for others—a sort of increase of pay, not a pension. Oh, sir, we are about to appropriate a hundred millions of money to soldiers and sailors—we pay millions to pensioners who kill—but when we provide temporary pay for those who risk their lives to save, we are met with these objections. I hope to be patient in meeting such objections.

Mr. HOLMAN. Firemen may lose their lives also in the service here. Does the gentleman propose to pension them?

Mr. COX, of New York. No, sir. I propose only to pension those men who lose their lives in this humane service.

Mr. HOLMAN. But the gentleman should not restrict these provisions. If he wants to embrace one class why not take all? The employés, for instance, of the railway mail-service are sometimes killed in the service. Does the gentleman propose to pension them? And if so, where do you stop?

Mr. COX, of New York. I propose to stop right here with the Life-Saving Service, and so to frame it as to make no dangerous precedent.

Mr. HOLMAN. If this provision is extended to one class it would seem proper that you should extend it to all classes of service under the Government.

Mr. COX, of New York. There is nothing of the kind in contemplation, as the gentleman will see if he reads the bill. These men risk their lives in saving life. They are most exceptional heroes, as the instances I shall give testify.

Mr. HOLMAN. Plenty of men risk their lives.

Mr. COX, of New York. I desire to repeat here and now, in the presence of gentlemen who have voted for similar measures, that the House has adopted as a rule a method of paying the families of deceased employés from six months to one year's pay at the salary they were receiving at the time of their death, and also their medical expenses during their last illness, and funeral bills. Gentlemen vote such bills, do they not? Now, if we are to have a precedent for the pay proposed in this bill, here is one.

But the case I propose is larger than any of our precedents; this is *sui generis*. If the House would only understand that only twenty-four men, or rather their families, in all would be the beneficiaries of this act, there would not be so much hesitation in voting to adopt these two sections of the bill.

Mr. RANDALL. Will the gentleman from Ohio yield to me for a moment?

Mr. ROBINSON, of Massachusetts. I would like to ask the gentleman from New York a question before he concludes.

The SPEAKER. The Chair desires to ask the gentleman from Ohio what length of time he yielded to the gentleman from New York?

Mr. TOWNSEND, of Ohio. I yielded to the gentleman from New York ten minutes.

Mr. COX, of New York. If I have not exhausted the time allowed me I will hear the question of the gentleman from Massachusetts.

Mr. TOWNSEND, of Ohio. I yield five minutes to the gentleman from Pennsylvania.

Mr. RANDALL. I have no objection to the gentleman from Massachusetts asking the question he desires to ask the gentleman from New York.

Mr. ROBINSON, of Massachusetts. I merely wish to ask the gentleman from New York whether this provision does not go further than he contemplates. He says that it applies to only twenty-five men who have lost their lives since 1876. Now, it seems to me, under the general provision set out in the sections as read, that it will include all persons, not only those who lost their lives, but those who may contract disease in the line of service. That is, perhaps, a broad interpretation to give to it; but the language here would make this applicable to all persons employed in the Life-Saving Service just as the pension laws apply to persons in the military service; that is, that those persons who contract disease, the result of injury or exposure in the service, are entitled to pensions. In this case those persons will be construed as being in the line of duty who are upon the rolls and draw their pay. Now, that being the case, I submit to the gentleman from New York whether this would not cover the case not only of those men who, from the exposure to which they are subjected, may contract disease in the line of duty, but also cover a multitude of other cases where disease has been contracted in the service while not, perhaps, in the strict line of duty. Would it not apply to any case where a disease was contracted while in the service?

Mr. COX, of New York. I think not. This list of twenty-four men embraces those who lost their lives as well as those who were permanently disabled in the service. We seek to provide for those who are needy by reason of disability in this service. We seek to make an incentive to enter and an encouragement to continue in the service for a generous purpose. These clauses will do this.

Mr. ROBINSON, of Massachusetts. It would seem from the language here to go much further than the gentleman from New York intended.

Mr. HAWK. I will state, if the gentleman from New York will permit me, that this number, twenty-four, is strictly correct. Twenty-one of these men were drowned in the discharge of their duties, and three of them died from exposure. This is the record from the bureau.

Mr. COX, of New York. Now, Mr. Speaker, by leave of the House, may I not add to my statements some statements of the wonderful benefits of this service? I have referred to the loss of life on the North Carolina coast and the heroism of the surfmen there. May I make a picture of the case of the

NUOVA OTTAVIA.

On the evening of March 1, 1875, the bark Nuova Ottavia, an Italian vessel, stranded soon after dark off Currituck Beach, North Carolina. The weather was cloudy, the air dark, the sea rough, the surf high, heavy, and winding. The keeper and crew of station No. 4, sixth district, saw the vessel. True, it was in the gloom, four hundred yards from shore, but they saw her as she lay aslant in the breakers. A number of her sails were unfurled. Those who saw her tell me she looked like a phantom. Alive to the peril of those on board there was instantly launched the surf-boat, with a haste so generous that the crew did not even stop to put on their cork life-belts. This error of a gallant ardor cost them their lives. What happened has a horrible brevity. The watching group on shore saw the boat go out through the breakers; the lantern is in her bows; it just touches with light the strong figures of her oarsmen. Ten minutes after she is invisible in the darkness and only the lantern is burning low down under the lee of the huge hull. It shows that she is alongside. Suddenly the lantern goes out. There is a frightful scream from the sea. In a few moments the alarmed group on shore see four oars come tumbling in at their feet in the foam; then the surf-boat, bottom up; and then, dark in the surf, the body of a man. This man was one of the life-saving crew.

As the boat came up alongside, the Italian sailors, crazed with excitement, had flung themselves into her in a mass. They capsized her. Nine of them were lost, and the entire crew of the surf-boat, seven in number, also instantly perished. The life-belts, which in their rush to the rescue the surf-boat crew had not paused to put on, would have saved them. They died through the excess of their zeal for humanity. They were all poor; they all left widows and small children; and to this hour these women and children are in utter penury. They do not ask gentlemen to put them on a civil list. Their protectors are enlisted in a better world. They ask to be in some way recognized as worthy of our generous thought.

PEAKED BAR CASE.

Another case I may refer to. It is that of the Peaked Hill Bar crew. It is one of the disasters of 1880. At four o'clock in the morning of November 30, in a darkness blurred with the coming snow and beaten by the northwest blasts, a group of wind-blown figures carrying a boat scrambled down the bluff, twenty-five feet high, which flanks the beach at Peaked Hill Bar, Cape Cod. This was the crew of life-saving station No. 7, (second district.) They were led by their keeper, Captain D. H. Atkins. He had hurried to the relief of a sloop, the C. E. Trumbull. She could be seen with the lights in her rigging, stranded on the outer bar, four hundred yards off, noisily filling the air with the flapping of her sails.

The sloop had six men on board. I need not speak of the ill-fame of this sinister bar which held them. They were in deadly peril. Hardly a moment after the stranding the alert patrol of the station discovers them. The night was all at once ablaze with his scarlet signals. Bounding to the station, he had aroused his comrades. No more lion-hearted men than these ever lived on the rough New England coast, and with heroic spirit they had rushed from the station along the bluff and come tumbling down the ragged bank with their boat, at the first cry that called them to the rescue. A moment, and their oars were propelling their boat, which was heading through over the dangerous swells of the sea. That sea was a series of cataracts and flumes. I know what they are, having been with these surfmen in some of their adventures. In the fierce rush of the chute and the roll of the wild waves, and held in this tempestuous mass of waters was the sloop, rolling convulsively, with a wall of boom and sail dipping perpetually into the sea. This boom and sail, held away by the strong wind, left a triangular space between them and the hull, the only place where the boat could approach the vessel with any degree of safety.

To increase this chance the brave keeper, Atkins, as his boat came seething near, sang out to those on board to cut the main sheet, so as to let the boom and sail swing still farther forward and increase the space into which the boat must enter. He was not obeyed, and as time allowed no delay he pushed up and took off four of those on board. The other two dallied, and as delay would imperil those already in the boat, the keeper gave the order to put to the shore and safely landed them. Then this hero of the icy beach once more grasped the steering-oar and gave the order for the return to save the other two. Once more the vessel was reached and the boat entered the hazardous space between the hull and the dipping spar and sail. A sea suddenly swept around the stern, washing the boat to one side; the boom at that moment dipped, rose with a rush, and as it rose, caught the boat under one of its cork fenders and threw it over. In one moment the gallant life savers were struggling for their lives in the gloom, in the rush of deafening and blinding waters, in the solitude, for as if by some baleful magic the sloop, from which some assistance might have been rendered them, was suddenly released by the bar and darkly drifted away. They clung to their capsized boat. Again and again the brute force of the waters tears them from the bottom. Their cork life-belts assist to sustain them, but do not shield them from the chill of the winter sea, and the last scene in this tragedy shows three of them gaining the beach with souls almost released from their bodies, and the others dying valiantly in a service which gentlemen would place below the service of one of our doorkeepers who may die here in his arduous labors.

Of those three men saved one remains crippled for life; the other two lingered long under their injuries before they fortunately could again be made whole. The gallant keeper, the man of a hundred wrecks and rescues, the model of fidelity, humanity, and courage along that coast, the tried and trusted master of that station for ten years, was among those that perished. He left a wife and two dependent children. His comrades who died with him, and the crippled survivor, were also poor and also had families depending on their lives.

HONORS TO THE HEROES.

Pensions for such men or for those they leave! Rather give to them and theirs what Rome in her heroic days gave to her heroes. No one questioned whether Horatius who kept the bridge in the "brave days of old," when the Volscians charged upon the city, should or could be paid for their patriotic devotion. What did Rome do for her hero?

They gave him of the corn-land,
That was of public right,
As much as two strong oxen
Could plow from morn to night.
And they made a molten image,
And set it up on high,
And there it stands unto this day
To witness if I lie.

Thus sung Macaulay in his lay of the Ancient Roman—whose feat of valor has no comparison with that which I would recognize in this service. It was the play of a child to keep "the bridge" compared with the heroic endeavors of these dauntless dead heroes whose families we are now asked to recognize.

IS THE MEASURE SECTIONAL?

But, Mr. Speaker, the bill which I had the honor to propose, and which is the supplement of other measures near to my heart and service here, has been attacked in the Senate. A Senator from Georgia broke through parliamentary rule and decorum to impeach my advocacy of this humane and generous bill. I see in the RECORD this colloquy:

Mr. FRYE. Is the Senator from Georgia aware that elsewhere (the rules of the Senate do not allow me to say where) a leading Democrat has charge of a bill and is endeavoring to make it a law with the salaries provided in this bill, it being really a pet measure of a leading Democrat?

Mr. BROWN. I will simply say if that is so I disapprove very much of the conduct of that leading Democrat.

It was a terrible trial to my patience to sit in the Senate, anxious for my bill, and hear this censorious disapproval. The bill, however, survives.

It was some compensation for me to hear my friend, Senator FRYE, who used to adorn this House, give the *coup de grace* to these patronizing tones of the Georgian Senator. He regards life-saving as a Democratic measure.

If there were any credit for this measure to a Democrat, "leading" or otherwise, I fear my party has lost more than I have by the attempt of some of its leaders to embarrass this humane system.

Why, sir, this bill was attacked ruthlessly and ignorantly in the Senate as a sectional measure. Is there any rule of decorum which forbids me from replying to these unjust allegations? As one responsible for the system I beg to respond to the Senatorial harangues.

THE LIFE-SAVING SERVICE NOT SECTIONAL.

The charge that sectionalism has been introduced into the Life-Saving Service rests solely upon the disproportionate distribution of stations in the North and South. As the author of the measure of 1878 I desire to repel the charge. These considerations should satisfy any candid mind that this disproportion is necessary:

I.—COAST.

The difference in the character and conformation of the coast. From the Saint Croix River, the northeastern boundary of the United States, as far as Boston, especially along the States of Maine and New Hampshire, the coast is exceedingly jagged and indented, full of rocky ridges, extending out into the sea and forming rugged capes, headlands, points, small islands, and reefs, involving peculiar dangers to mariners; though, on the other hand, these characteristics afford numerous harbors of refuge and places of shelter in tempestuous weather.

The coast of Massachusetts has two dangerous capes, Cape Ann and Cape Cod, the latter a long, barren peninsula of sand extending forty miles into the ocean, and then, bending abruptly upward, continues forty miles further, tales of the terrible shipwrecks upon which are related in almost every household in New England.

Below Cape Cod are Nantucket and Vineyard Sounds, which contain a complete net-work of exceedingly dangerous ledges, shoals, and rips.

The coast of Rhode Island partakes more of the nature of the coast of Maine. From Montauk Point, the eastern extremity of Long Island, to Cape Fear, near the dividing line of the Carolinas, a distance of six hundred miles, the coast has a remarkable and almost uniform feature, namely: an outlying narrow strip of sand, varying in width from a quarter of a mile to five miles, separated from the main land from one to six or seven miles by bays, sounds, lagoons, and other small bodies of water. This desolate strip is intersected by New York, Delaware, and Chesapeake Bays, the gateways to the great marts of New York, Philadelphia, Baltimore, and Norfolk, and is broken up into narrow islands of various lengths by numerous inlets, opening communication, rarely navigable, between the ocean and the bays and sounds. Outside of this sandy stretch are sand-bars lying at a distance of from one to five hundred yards from the shore, which is also the case with Cape Cod, many of which shift their positions with almost every storm. The water over them is so shallow that vessels of any considerable size driven ashore fetch up on them and rarely reach the beach until broken to pieces. Between these bars and the shore is the surf, the power of which in storms speedily crushes and rends into fragments the stauncheſt vessels.

From Cape Hatteras almost to Florida the coast line tends to the westward, and is distant from the track of vessels not bound to or from the local ports embraced within these points, and below Cape Fear the shores are generally so bold that vessels strike well up on the beach, rendering escape from them comparatively easy.

The coast of Florida is also bold, and persons shipwrecked by stranding usually find little difficulty in getting ashore, but once on shore, as the region is mostly uninhabited, they are greatly exposed to the terrors of starvation and thirst. In the straits of Florida are many low coral reefs and islands, with outlying shoals, which render the passage intricate and dangerous, and wrecks upon them are of frequent occurrence, for the protection of life and property from which, however, in view of the distance from land, the methods and appliances of the Life-Saving Service are not at present adapted.

Along most of the Gulf coast the water is shoal for a great distance out, the soundings regular, and the coast line is generally low, marshy or sandy. Vessels often ground upon the shoals, but life is rarely imperiled except in hurricanes, when life-saving efforts from the shore would be of little use. A large portion of the coast of Texas, however, runs almost directly north and south and is exposed to the effects of the "northers," especially if the wind is a little quartering from the east, and here station operations are applicable. These "northers" are the storms most destructive to shipping in the Gulf, but, except on the western coast of Texas, they drive vessels out into the Gulf and not ashore. The western coast is already supplied with stations. It should be here recollected that the protection afforded by the Life-Saving Service is chiefly against loss of life and property from stranded vessels, and that the service is not equipped with the expensive wrecking steamers and their paraphernalia which are requisite to give relief to disabled vessels distant from the shore.

II.—CLIMATE.

It seems scarcely necessary to call attention to the difference in the dangers to shipping in the rigorous, tempestous, and wintry climate of the North and the mild, sunny, summer climate of the South. One naturally fixes the dividing line at Cape Hatteras, where the warm currents of air which follow the Gulf Stream from the Gulf mingle with the colder currents which sweep from the northern shore and from off the sea and from inland, producing at that point violent commotions and tempests, which have made the name of Hatteras terrible; and it is this region and the coast north of it that has required by far the greatest protection.

III.—SHIPPING.

The shipping exposed to marine disaster in the North far exceeds that so exposed in the South. The statistics of the number of entrances and clearances of vessels at Northern and Southern ports would amply show this if they were at hand; but a moment's thought is sufficient to prove it. All vessels going in and out of Boston must pass between Cape Ann and Cape Cod, and in the case of coasters along the shores of Maine and New Hampshire or those of Cape Cod. All vessels going in and out of New York, the great commercial metropolis of America, except those navigating Long Island Sound, must pass between Long Island and New Jersey, and coasters must run along these shores; all vessels going in and out of Philadelphia must pass between Cape May and Cape Henlopen, and coasters along the shores of New Jersey, or those of Delaware, Maryland, and a portion of Virginia; and all vessels going in and out of Baltimore and Norfolk must pass between Cape Charles and Cape Henry, and coasters along the shores of Delaware, Maryland and Virginia, or those of North Carolina. It is not necessary to ascertain what percentage of our commerce is embraced in this statement. Below Hatteras, as before stated, all vessels except those bound to or from the local ports between Hatteras and Florida follow lines of travel distant from the coast.

In contrast, therefore, with the commerce of the ports which have been named is to be placed that of Charleston, Savannah, Mobile, New Orleans, and Galveston. It is not necessary to mention the ports of minor importance, such as Portland, Portsmouth, Newburyport, Gloucester, Newport, Providence, New London, New Haven, and other places in the North, and Wilmington, Georgetown, Beaufort, Fernandina, Jacksonville, Key West, Pensacola, and others in the South.

IV.—STATISTICS OF DISASTERS.

On page 244 of the annual report of the Life-Saving Service for the fiscal year ended June 30, 1880, will be found a list of places on the Atlantic and Gulf coasts where vessels have stranded during the last ten years. These statistics are not confined to the domain of the Life-Saving Service, but embrace all parts of the coast, whether within or without the scope of its operations. They are not gathered through the agents of the service, but through an independent source under the provisions of the act of June 20, 1874, which require collectors of customs and other customs officers to obtain wreck reports of the masters and owners of vessels which suffer disaster. This table shows exactly what might be expected in view of the foregoing considerations. It shows that the number of disasters to vessels by stranding are apportioned to the Atlantic States as follows:

Maine	315
New Hampshire	25
Massachusetts	529
Rhode Island	102
Connecticut	45
New York	208
New Jersey	247
Delaware	73
Maryland	65
Virginia	138
North Carolina	134
South Carolina	27
Georgia	19
Florida	88
Alabama	5
Louisiana	15
Texas	97
Total	2,132

If the division between the North and the South be made at Mason and Dixon's line, the total number of vessels stranded on the Northern coast is 1,471, and in the South 661, or 810 more in the North than in the South. But no complaint has been heard that the number of existing stations and those provided for in the bill are not sufficient as far south as the northern boundary of South Carolina. If, then, we make the division at this line, the total number of disasters north of it is found to be 1,875, against 251 south. New Jersey alone has 247, which is within 4 of the whole number south, while Massachusetts has more than twice the number.

DISTRIBUTION OF SERVICE.

Now, while these statistics are very useful and largely guide the officers of the service in considering the distribution of stations when recommending action by Congress, it would be folly to distribute the stations in exact proportion to them. For instance, on the coast of Maine, because of the numerous harbors and sheltering lees heretofore alluded to, and the fact that at many places where vessels strike they go well up on the land as they do in the South, making escape easy, there are but nine stations provided, counting those existing and those contemplated by the bill. For similar and other reasons Massachusetts, although embracing many more disasters than any other State, will have but twenty-one stations when those provided for in the bill are established. New Jersey has forty stations and it has been found necessary to establish two more. For reference here is a statement by districts on the Atlantic and Gulf coasts showing the number of vessels stranded in each district during the ten years ended June 30, 1880, the number of existing stations, and the number of additional stations proposed by the bill.

Districts.	States.	No. of vessels stranded.	Total in each district.	No. of stations.	No. of stations proposed.
First district	Maine	315	340	7	4
	New Hampshire	25			
Second district	Massachusetts	529	529	15	6
Third district	Rhode Island	102	310	37	37
Fourth district	New York	208			
	New Jersey	247	247	40	42
Fifth district	Delaware	73	202	11	6
	Maryland	65			
	Virginia, (part)	64			
Sixth district	Virginia, (part)	74	208	25	2
	North Carolina	134			
Seventh district	Florida	88	88	5	6
Eighth district	Alabama	5	121	6	1
	Louisiana	15			
	Texas	97			
	Mississippi	4			

Mr. Speaker, I have been thus particular in vindicating this bill because if it becomes a law it will require no more or other general legislation for years, except, perhaps, additional stations or houses of refuge and the annual appropriations.

As I am associated with this system, I desire to remove the ungenerous reproach that it is sectional.

The answer to these allegations may be found in the history of the service during the past twelve years. This I have given. Its history the past year is a splendid vindication.

LIFE SAVING THE LAST YEAR.

Two hundred and fifty disasters to vessels occurred within the scope of the Life-Saving Service during the fiscal year ended June 30, 1881. Eighteen hundred and seventy-eight persons were on board these vessels, and 1,854 of them were saved. Twenty-four were lost. In addition to the 1,854 saved from distressed vessels, 16 persons who were not on board of vessels were rescued from drowning by the crews of the service. Four hundred and seven shipwrecked persons were sheltered and cared for at stations, to whom 1,060 days' relief in the aggregate was furnished.

The value of the vessels involved in these disasters is estimated at $2,744,247, and their cargoes at $1,310,505; total value of property imperiled, $4,054,752. Of the total imperiled $2,828,680 was saved and $1,226,070 lost. There were sixty-six vessels totally lost.

In rendering assistance the surf-boat was used two hundred and fifteen times, making three hundred and seventy-six trips. The self-righting and self-bailing life-boat was called into service ten times, making thirteen trips. Seventy trips were made in smaller boats, which were used on fifty-four occasions. The life-car was used once and made three trips.

The breeches-buoy was used fifteen times and made one hundred and thirty-two passages. The wreck-gun was fired twenty-five times, being employed thirteen times. Two hundred and forty-eight persons were landed in the surf-boat, 19 in the life-boat, 20 in small boats, 6 by the life-car, and 98 by the breeches-buoy. Eleven persons were brought ashore by lines cast over vessels, and the surfmen rescued 14 more by dragging them out of the surf and undertow. A surfman swam to one man and rescued him; another was dragged out of the ice; one was taken from the water into which he had fallen, and five others were recovered who had gone overboard from boats and piers.

Vessels were worked off when stranded, repaired when damaged, piloted out of dangerous places, and assisted in various ways by station crews. This work was done by the crews generally alone, but sometimes they were assisted by or worked in conjunction with other wrecking agencies.

By the watchful vigilance of the life-saving crews, 45 vessels were warned of their approach to dangerous places, with the signals in the hands of the patrolmen, and thus saved from disaster.

This, sir, was last year's work; one year only. Does it not in its supreme benefaction rescue from detraction the attempt to place this service along with the business of taking life? Was there ever since God gave gentleness to the human heart and made our race thrill with heroic devotion to rescue and save so noble a system of heroism as this service illustrates?

CONCLUSION.

I have spoken here perhaps too much of this service. I fear to cloud its brightness by words merely iterative. But, sir, there are hearts beating with sympathy awaiting our action here of which the representatives of the people should know more. These hearts seek relief in their human sympathy, sometimes in poetic sensibility.

I have just had presented to me some verses of tenderest melody. May I be permitted to quote the words of the gifted wife of one of our own members, the gentleman from Illinois, [Mr. SPRINGER,] who sings of the Wreck upon the Strand with such sweetness and light as to make our path of duty both plain and beautiful:

How like our mortal life is to the sea!
Its tranquil hours, its storms, its mystery;
Its breaking waves, that ceaseless beat the shore
Like breaking hearts that hope till hope is o'er.
Its drifting sails, that meet upon the main
Like hearts that love an hour then part again.
Its hidden graves, o'er which the waters flow,
Hiding the skeletons that sleep below;
Its drifting sands, that kindly cover o'er
Like passing years, the wrecks that line the shore;
Its songs, that oft at eventide we hear
Like echoes from that world so far—so near!
Its haze, through which we see the distant land,
But most of all its wrecks upon the strand.

It is our consolation and delectation that amid the vicissitudes of the sea and of our life—of which the sea is an emblem—we are enabled to make its catastrophies harmless by the humane legislation of which this bill is an example for all time and to all nations. We bend over the stranded wreck, the Iris not of poetry and hope only, but by our code of gentle laws we send out upon the dark waves the angel of safety. We compensate for grief and danger by the heroism which the Government fosters and sustains by the grant of means under kind conditions to the end that the sanctity of human life may be enhanced and the world ameliorated and blessed.

Mr. RANDALL. I ask the reading of the proposition at issue before the House again, because in the confusion when it was read I was unable to hear clearly or fully understand its effect. Now, I admit that the proposition does appeal to the better feelings of humanity, more especially where men have been drowned or have otherwise lost their lives in this service. But, nevertheless, this general character of legislation perhaps involves the inauguration of a system of civil pensions. When once such a system is inaugurated, how easy it will be to extend this provision from two years to a longer time; or, in any case of disability, to a longer time than one year, or in case of minors for a longer period than sixteen years.

Now, if I am correctly informed, this question has been considered as a question of pensions and the creation of a civil pension list before one of the committees of this House, and has been reported or is about to be reported upon adversely. The gentleman from New York wants to make a distinction of terms between the general character of the bill, asserting in this instance that it is a gratuity, whereas in the instance I have suggested as having been adversely reported upon by the committee it is recognized as a pension list; it does create a quasi pension list; and for that reason I think we should approach the subject with the greatest caution.

This proposition was never considered in the House. It is true, as stated, perhaps, that this provision was added in the Senate; but when it came back to the House it was non-concurred in, if my recollection is correct, and if not the gentleman can correct me.

Mr. COX, of New York. The gentleman is correct. All of the amendments were formally non-concurred in.

Mr. RANDALL. That is my recollection, and the measure now stands before the House simply upon the language proposed by the Senate to be ingrafted upon statutes of the United States. Now, with reference to the families of these men who have lost their lives in the service I have every sympathy. But if the principle sought to be created here is a correct one a man on the police force in this city who loses his life or is disabled in the service should be pensioned; or the men of the revenue-marine service should be pensioned, and, in fact, the Commissioner has made a recommendation to that effect. And so with firemen, who may have lost their lives here, the same claim might be set up for pensions in their cases.

My sole object was to direct the attention of the House to the inauguration of the system upon which we are about to enter, so that if the majority shall decide to adopt it they shall do so with a full understanding of it and with their eyes open.

Mr. HEWITT, of New York. I ask the gentleman to yield to me for a moment.

Mr. RANDALL. I will yield to the gentleman the remainder of my time.

Mr. HEWITT, of New York. It seems to me there is some confusion in the minds of gentlemen in regard to these provisions which have been added to the bill in the Senate. I find that one of the sections provides that any person injured in the service shall continue to draw his pay during one year, and if deemed advisable by the General Superintendent he may continue to draw it for two years. Now, that certainly is a reasonable proposition, and is not to be regarded in the light of a pension. It is in the nature of a temporary relief for a disability incurred in the public service of a peculiarly hazardous character.

As a rule no person engaged in business in this country employing men cuts off their wages if they are disabled in his service until it is determined whether they are permanently invalided or not. It seems to me, therefore, that there can be no objection to that provision.

The second provision, which is called a pension, is not in fact a pension, but an allowance of wages for two years to the widow or family of the person who may be killed or die from wounds or injuries received in the service. So far as this would tend to establish a civil pension list, I might be disposed to object to it.

But when you consider the nature of this service, when you consider that although it is a paid service it is after all essentially a volunteer service, one that existed on the coast of this country long before the Government took it in hand, and these men, although paid, are receiving simply a remuneration for so much time devoted to the service and nothing for the risk and danger attending it, it seems to me it is hardly fair to call a pension this allowance for two years, and discuss it from that point of view. It should rather be regarded as a part of the contract by which he engages in a service exposed to peculiar peril. For myself I shall oppose all civil pensions, but on a careful reading of these sections it seems to me they are not open to this objection, and make but a reasonable and fair allowance for the risk attending this most important and difficult public service. Let it be remembered the allowance in no case is to exceed two years' pay, which is no more than any just man will regard as a moderate pension for a family suddenly deprived of its means of support by the sacrifice of the life of its head in order to save the lives of those "who go down to sea in ships."

Mr. COX, of New York. And is intended as an incentive to induce men to enter this service.

Mr. TOWNSEND, of Ohio. I now yield five minutes to the gentleman from New Jersey, [Mr. HILL.]

Mr. HILL. I hope the report of the committee of conference will be adopted. I believe that some members here lose sight of the fact that the men who are the most exposed in this service and the most likely to come under the operation of the provisions of this bill are the keepers and the surfmen.

If I understand it, the keepers will under this bill receive a compensation of $800 a year for their services, and the surfmen receive at the rate of $50 per month, or $600 a year. Therefore the allowance under this provision of the bill will amount to $1,200 in the case of surfmen, and of $1,600 in the case of the keepers for two years, those men being more exposed than any others in this service on the coast.

I know a little of the exposures and hardships of this service, and have seen a little of the work of these keepers and surfmen. We have a hundred and twenty miles of coast in New Jersey which these men have to look after. We know that during the storms of winter and in the darkness of night they are obliged to patrol the coast, to be subject to the greatest exposure, and when there is a wreck on the coast they must risk their lives in rescuing those persons who may be on the wreck.

I well remember a short time before the reorganization of the Life-Saving Service, near Squam Beach, a wreck came on shore, and there were very few men to be found who were willing to risk their lives in taking a life-boat out to the wreck to rescue those upon it. Volunteers were called for, and a number stepped forward and entered the boat; and some of them lost their lives on that occasion.

Standing by were the wives and children of these men, looking upon their husbands and fathers, and pleading with them not to risk their lives in that service. Amid it all one noble fellow said to his wife, "I have a duty to perform in the line of my service here and I must go." He went in the boat, and there upon the waters before her own eyes she saw her husband washed overboard and drowned, and his body came ashore among the dead who were washed from the vessel, the voice that had so recently spoken to them hushed in death.

I hold that men who risk their lives in that way for the help of others ought to be looked after by this great Government and by the people who are so much interested in having a perfect life-saving service on the coast. We know that during the last few years, since this service has been made more effective than it was in years gone by, there have been fewer wrecks and little loss of life. These men in the storm and darkest nights, bearing their red torches, signals of danger, patrol the coast giving warning to vessels to keep away, that they are too near the land.

The vigilance of the life-saving patrols, who are nightly guarding the beaches, detects vessels, either sailing too near the shore or stand-

ing directly into danger, and in such cases the patrolmen at once fire their red Caston signals, whose vivid flame warns the navigators of their peril, and enables them to wear ship or tack away in time. Thus the patrolman becomes a sort of perambulating beacon, flashing in aid of navigation upon occasion. There have been during the past year forty-five instances where vessels in jeopardy have received this species of warning, and been saved from total or partial wreck, the signal being well understood on the vessels, so perfect is the signal system. This is a class of assistance which deserves special mention, involving as it does all the benefits to commerce and humanity of the more serious operations while unaccompanied by damage or suffering.

They oftentimes are obliged to draw their heavy carriage or car with their apparatus through soft deep sand with ropes over their shoulders, in all weighing twelve hundred pounds, and sometimes have to go to a vessel three or four miles, some of the way waist-deep in the water, carrying their life-saving car, mortar, ropes, &c., and things necessary to get communication with a wreck. Sometimes these men are out sixteen and twenty hours with but little to eat or drink; they thus labor in the line of their duty for the saving of human life and property. At some of the stations on the coast they are allowed to hire horses, if any can be got near by, to hitch to their car and apparatus, and at some stations it is impossible to get them. The service will never be complete until the more exposed coasts are fully equipped with horses to take their loads of apparatus to the place of wreck. It can be readily seen how worn and exhausted and unfit for surf duty are men who have been compelled to draw those heavy burdens through the sand and water three or four miles. One of the provisions of this bill, as has been stated and referred to, and now before this House for adoption, reads as follows:

SEC. 7. That if any keeper or member of a crew of a life-saving or life-boat station shall be so disabled by reason of any wound or injury received or disease contracted in the Life-Saving Service in the line of duty as to unfit him for the performance of duty, such disability to be determined in such manner as shall be prescribed in the regulations of the service, he shall be continued upon the rolls of the service and entitled to receive his full pay during the continuance of such disability, not to exceed the period of one year, unless the General Superintendent shall recommend, upon a statement of facts, the extension of the period through a portion or the whole of another year, and said recommendation receive the approval of the Secretary of the Treasury as just and reasonable; but in no case shall said disabled keeper or member of a crew be continued upon the rolls or receive pay for a longer period than two years.

And also:

SEC. 8. That if any keeper or member of a crew of a life-saving or life-boat station shall hereafter die by reason of perilous service or any wound or injury received or disease contracted in the Life-Saving Service in the line of duty, leaving a widow, or a child or children under sixteen years of age, such widow and child or children shall be entitled to receive in equal portions during a period of two years, under such regulations as the Secretary of the Treasury may prescribe, the same amount, payable quarterly as far as practicable, that the husband or father would be entitled to receive as pay if he were alive and continued in the service: *Provided*, That if the widow shall remarry at any time during the said two years her portion of said amount shall cease to be paid to her from the date of her remarriage, but shall be added to the amount to be paid to the remaining beneficiaries under the provisions of this section, if there be any; and if any child shall arrive at the age of sixteen years during the said two years the payment of the portion of such child shall cease to be paid to such child from the date on which such age shall be attained, but shall be added to the amount to be paid to the remaining beneficiaries, if there be any.

That, in my opinion, does not go far enough. If any class of persons are entitled to aid and care of the Government they are families of keepers and surfmen who may have lost their lives in the Government service, in the work of saving life on the United States coasts. The number of deaths in late years, through the efficiency of the Life-Saving Service, have been very few, and are likely to be fewer in the future, as this service is perfected, but when they do occur the Government ought to look after the families of those who die. December 16, I introduced a bill containing a clause to suit these cases, which reads as follows:

SEC. 7. That if any keeper or member of a crew of a life-saving or life-boat station has lost his life in the performance of his duty, or died by reason of any wound or injury received or disease contracted in the line of his duty in the Life-Saving Service, or shall hereafter lose his life or die by like reason, leaving a widow or a child or children, the widow and child or children of a keeper shall be entitled to receive the same pension as if the husband or father were a lieutenant in the naval service of the United States, and the widow and child or children of a member of a crew shall be entitled to receive the same pension as if the husband or father were a seaman in the naval service of the United States.

The committee saw fit to report another bill, and so the above section did not come up for action, and now this bill under consideration from the conference committee, I understand, cannot be amended. While I would have preferred to have the above bill passed, yet I shall vote for adopting the committee's report allowing two years' salary to families of deceased keepers or surfmen. Another provision in this bill under consideration allows keepers $800 per year and surfmen $50 a month or $600 per year. In the bill I introduced it allowed the surfmen $65 per month, which I think a proper amount. It reads as follows:

SEC. 5. That the Secretary of the Treasury is hereby authorized to cause to be paid to any of the keepers and members of the crews of the Life-Saving Service, upon the recommendation of the superintendent of the district in which such keepers and crews belong, concurred in by the inspecting officer of said district, and approved by the General Superintendent of the Life-Saving Service, one month's extra pay for such extraordinary and gallant services hereafter rendered at any shipwreck as in his judgment shall merit such consideration; the compensation for pay of the keepers to be at the rate of $800 per year, and the compensation for pay of the crews of experienced surfmen at life-saving and life-boat stations at the rate of $65 per month.

When we consider the hard work they perform, the great risk of life attending it, $65 is not too much for the service. I have been on the New Jersey coast at different points, seen many of these men, heard their tales of shipwrecks, know their experience as surfmen who would any time risk their own lives to save others. But few witness their bravery and know of the great risk they run of their own lives. Their present pay is $1.33 a day and find themselves; under this bill they will get $10 a month additional, not the pay of a page in this House for six and eight hours a day. I received not long since a letter from a gentleman of high standing connected with the Life-Saving Service, who writes as follows:

I trust you will pardon the liberty I take in presenting the subject of an increase of salary for our miserably paid Life-Saving Service, and in asking your co-operation and aid in securing legislation necessary to secure it. These men perform the most arduous and perilous service of any class of persons in Government employ, and when we consider that a day means twenty-four hours, and a week seven days, the pay received is entirely inadequate. Indeed, it will not support their families, and they are now serving only in the hope that the long-deferred promise of more liberal compensation will be speedily fulfilled. They can easily earn better pay in other less responsible pursuits; and, should they abandon the stations, years will be required to properly educate and train a class of inexperienced men in the peculiar duties required. New Jersey comprises one of the most exposed districts in the United States, and having been connected with the service six years and become acquainted with the three hundred and twelve men who have faithfully and creditably served the commercial world, and knowing their ability and trustworthiness, I should exceedingly regret to see them leave the service because a Government which annually appropriates millions to improve obscure streams and harbors fails to recognize their claim for a reasonable increase of the meager allowance they now receive;

showing the views of one who lives among them and knows all about their work. I would be glad if the amount asked for in my bill could be paid, but as the committee decided against me I vote for the adoption of the conference committee's report. When this service was reorganized in 1871, it was my pleasure to give my voice and my vote to help perfect and make it more efficient. I have many constituents who are interested in having it sustained and perfected, and as a Representative of New Jersey I feel interested in its success. This service being largely located on the shores of New Jersey, we desire that it shall reflect credit upon the State as well as the whole country. The results of last year's operations of the Life-Saving Service in the United States, as seen in the report ending June 30, 1881, are very gratifying.

There were, according to the reports of the district officers, 250 disasters to vessels within the scope of the service during the year. On board these vessels there were 1,878 persons, of whom 1,854 were saved and 24 lost. Succor was afforded at the stations to 407 shipwrecked persons, to whom 1,060 days' relief in the aggregate was furnished. The estimated value of the vessels involved in these disasters was $2,744,247, and that of their cargoes $1,310,505, making the total value of the property imperiled $4,054,752. Of this amount $2,828,680 was saved and $1,226,072 lost. The number of disasters involving total loss of vessels was 66.

In one hundred and eighty-eight instances vessels were worked off when stranded, piloted out of dangerous places, repaired when damaged, or assisted in similar ways by station crews. In some of these cases the men worked in conjunction with other wrecking agencies, but generally by themselves and the sailors on board alone. In many instances both vessels and crews would have been lost without this aid.

The subjoined table gives a summary of results in the field of life-saving operations for the last ten years, the period since the introduction of the present system:

General summary of disasters which have occurred within the scope of life-saving operations, from November 1, 1871, (*date of introduction of present system,*) *to close of fiscal year ending June* 30, 1881:

Total number of disasters	1,347
Total value of vessels	$16,083,320
Total value of cargoes	$8,429,167
Total value of property saved	$14,958,895
Total value of property lost	$9,553,592
Total number of persons on vessels	12,259
Total number of persons saved	11,864
Total number of lives lost	395
Total number of persons succored	2,610
Total number of days' succor afforded	7,050

We give below a table of operations for the last ten years on the coast of New Jersey:

Statistics of disasters from November 1, 1871, *to June* 30, 1881.

Number of wrecks	283
Total value of vessels	$3,569,450
Total value of cargoes	$1,677,431
Total value of property	$5,246,881
Total value of property saved	$3,345,718
Total value of property lost	$1,901,163
Total number of lives imperiled	2,211
Total number of lives saved	2,177
Total number of lives lost	34
Number of shipwrecked persons sheltered at stations	600
Number of days' shelter afforded	1,736

The report for 1881 shows on the New Jersey coast forty wrecks, and not a loss of life. This is most gratifying, showing the results of the service and its complete efficiency. In striking contrast with the present state of affairs on Long Island and New Jersey coasts, I submit the following extract from the report of 1876, page 61:

Prior to the first attempts of the Government in 1848 for the preservation of life and property upon these shores, it can only be stated that the latter were so ter-

ribly calamitous as to be held in the utmost dread by ship-owners and mariners, and the names of Fire Island, Barnegat, and other localities were synonyms of horror. As has been shown, these early efforts must have been productive of considerable benefit, yet in the discussion in the House of Representatives which preceded the passage of the act "for the better preservation of life and property from vessels shipwrecked on the coasts of the United States," approved December 14, 1854, it was repeatedly asserted by Mr. Skelton, of New Jersey, and Mr. Chandler, of Pennsylvania, that the loss of life by shipwreck on the New Jersey and Long Island coasts was more than a thousand annually, and although there was a vigorous opposition to the bill this assertion was not questioned. The statement seems hardly credible, yet its unchallenged repetition proves that the annual loss of life was notoriously enormous.

Since 1871 accurate reports of all disasters occurring within the range of the operations of the service have been furnished the Department, from which the list above of disasters on New Jersey coast is taken.

The report further states:

The statistics of five years' operations must force upon the mind the striking consideration of the signal triumph gained by the service over the once invincible terrors of our sea board. Prior to 1850, as has been said, there is no record of the frightful mass of calamities, and we can only rely upon common tradition and upon unchallenged assertions made in public debate by dwellers on the shore, such as have been herein referred to. But from 1850 to 1870 we have a few data, and meager and imperfect though they are, they yet afford the basis for some comparison. We know, for example, that during these twenty years, 512 persons perished on the coast of New Jersey and Long Island alone, and though this sum is but a fragment of the fact, and the evidence is extant that the actual loss, though its number is unknown, was far greater, yet even this aggregate yields for that coast an average of over 25 persons lost per annum.

What, now, by the statistics given, has been the loss on the same coast since 1871? Only sixteen persons in five years! Against the average annual loss of 25.6 prior to 1871, the sum being but a fraction of the ghastly reality, the renovated service sets the record of 3.2 per annum, a decrease of 87½ per cent. In other words, where twenty-five persons were annually lost, and doubtless thrice that number, there are now three. Such a record as this has never been surpassed in the annals of efforts for the mitigation of marine disasters. It is the legitimate fruit of organization; and if ever the annual result shall be less proud, it will be because the Government fails to meet the demands made by the natural development of the service.

In 1881, report shows, as already stated, on the New Jersey coast forty wrecks, yet not the loss of a life. Certainly such a service with such results should receive every encouragement at the hands of Congress.

The sea-coast of New Jersey is one hundred and twenty miles in extent. Three-fourths of all passengers and freight from Europe to this country pass along this coast. It is said two-thirds of the United States revenue are collected in New York, which could not be collected unless the vessels in which the importations are made came to the port where the duties are paid, and nearly all have to pass along the New Jersey coast.

Millions of property and hundreds of lives have been saved by the New Jersey coast service since it has been in existence, while millions of the one and hundreds of the other have been lost through the neglect of the Government in the past to give the aid and assistance necessary to make the service a complete success.

It is our duty to protect life and property and leave nothing undone whereby we can make effectual and complete the life-saving service of our sea-coast. This matter is exciting a great deal of attention. All who cross the ocean and do business on the sea, the whole shipping interests of the country, have a deep interest in this matter. The large number of precious lives that are in constant danger, the vast amount of property that is liable to be destroyed on this coast as it approaches or leaves our two great commercial cities, New York and Philadelphia, demand that the service be made thoroughly efficient. Already it stands foremost among institutions of the kind in the world, and the nations of Europe are asking the aid of our Government in introducing upon their shores the American system, yet it has not reached the perfection its managers strive for, and predict if Congress will only give the proper encouragement and the adequate means to do with.

This is a question that interests every one, to rescue lives and property, and the men in whose interests this bill is drawn ought to command the favor and sympathy of the members of this House. To understand this matter properly and what these men have to do the members ought to visit one of these life-saving stations, and also to be present in a storm and witness a wreck on the beach. We have before us an extract of a speech delivered by Senator Stockton, when in the United States Senate, which gives a vivid description of a storm and wreck on the New Jersey coast. I quote as follows:

I saw two ships come ashore within four miles of each other, one within a mile of the house I sojourned in on Squan Beach. I was there and saw the mortar fired. I saw the line seized. I was near enough to gaze into the faces of the anxious and suffering ones on board of that ship, women and children as well as men; I could have tossed a biscuit in the ship, and yet they might as well have been ten miles off. I saw the captain's wife put in this car, and helped draw her ashore and to take her safely out of it. And every living human being was saved from that ship. But down below, where the other ship was wrecked, there was no station. I was there and I saw the boldest and the bravest men the world ever saw get into a life-boat, notwithstanding the prayers and entreaties of their own families dependent on them for bread that they would not do so. I saw them start for that ship; I saw the boat overset, and I saw it strike one man of that brave little crew in the back and his lifeless body washed on shore, where wailed his desolate, heart-broken, and impoverished family. Some lives were saved on that occasion; the sea was not quite as high as it was above, but the back of the ship, as it is called, was broken, and many a life was lost, every one of which might have been saved if you had had the apparatus and a station there.

These life-cars are described by a writer as follows:

The life-car is a sort of boat formed of copper or iron and closed over above by a convex deck, with a sort of door or hatchway through it, by which the passengers to be conveyed in it to the shore are admitted. The car will hold from four to five persons. When the passengers are put in, the door, or rather cover, is shut down and bolted to its place, and the car is then drawn to the land, suspended by rings from a hawser which has previously been stretched from the ship to the shore.

The car is suspended from the hawser by means of short chains attached to the ends of it. These chains terminate in rings above, which rings ride upon the hawser, thus allowing the car to traverse to and fro from the vessel to the shore. The car is drawn along in making these passages, by means of lines attached to the two ends of it, one of which passes to the ship and the other to the shore. By means of these lines the empty car is first drawn out to the wreck by the passengers and crew, and then when loaded, it is drawn back to the land by the people assembled there.

Among the wrecks on the New Jersey coast was one described below, which occurred a few years ago, that excited much interest and tested the efficiency of the life-saving apparatus and the bravery and unselfish work of the keepers and surfmen of the Life-Saving Service:

It was in the middle of January and during a terrific snow-storm the ship Ayrshire, with about two hundred passengers, was driven upon the shore by the storm, and lay there stranded, the sea beating over her and a surf so heavy rolling in as made it impossible for any boat to reach her. It happened that one of the stations which we have described was near. The people on the shore assembled and brought out the apparatus. They fired the shot, taking aim so well that the line fell directly across the wreck. It was caught by the crew on board and the hawser hauled off. The car was then attached, and in a short time every one of the two hundred passengers, men, women, children, and even infants in their mothers' arms, was brought safely through the foaming surges and landed at the station. The car which performed this service was considered as fully entitled to an honorable discharge from active duty.

No money paid out of the United States Treasury was ever put for better use and more carefully and economically expended, and to my mind no appropriation has been made by the present Congress so just and for so good a purpose as that called for and appropriated in this bill; and the provision in the bill that provides for families of deceased keepers and surfmen is wise, humane, and just. I hope the proposition to grant them some little consideration will meet with a favorable response by the House, and that the report of the committee of conference will be adopted unanimously.

Mr. TOWNSEND, of Ohio. I yield for a few moments to the gentleman from Massachusetts, [Mr. CANDLER.]

Mr. CANDLER. Mr. Speaker, if members of the House will read these sections and reflect upon them for a single moment, I believe that the report of the committee of conference will be adopted unanimously. The proposition is not to grant a pension; it is simply to pay to men disabled in this service, or to the wives and children of those who lose their lives in the service, the wages the men would have received for not exceeding two years. The class of persons for whose benefit this provision is designed are those who are justly entitled to such provision. When a man loses his life in this service it is proposed that the Government grant to his widow and his fatherless children for two years the pay that the husband and father would have received had he lived and continued in the service. As a general thing these are men in the vigor of life, from twenty-five to forty years of age, with dependent families; and when they lose their lives, the fatherless children, too young to do anything for themselves, are left to the care and support of the mother. I ask gentlemen to look at the question just as it is—a proposition to pay, for the benefit of the widow and fatherless children, compensation for two years at the rate which their natural protector would have earned if his life had not been sacrificed in the service of the Government and for his fellow-men.

I listened with much interest to the remarks of the gentleman who immediately preceded me, [Mr. HILL.] No man in this House who was born by the sea and has seen a life-boat go out into the storm and darkness to rescue persons imperiled by shipwreck can hesitate to vote for and in the most earnest way to advocate the adoption of this report.

I represent a portion of the New England States, and I have presented to this House some of the strongest petitions that could possibly be sent from that section in favor of a provision of this kind. One of these petitions was from the Marine Society of Boston—a society which for almost one hundred years has been sustained by merchants and seafaring men for the support and aid of aged sea captains and their widows—men who comprehend and appreciate the perils of the deep and the heroism of the sailors that man a life-boat in a winter's storm on the Atlantic coast.

These petitions recommend a provision such as that now proposed, both as an act of humanity for the protection of life, and as a wise measure for the benefit of commerce, if it is necessary to consider it in that connection. They represent the sentiment of my section of the country. I advocate the adoption of this report, and hope it will be agreed to, as it should be, without division.

Mr. TOWNSEND, of Ohio. I yield two minutes to the gentleman from Minnesota, [Mr. DUNNELL,] who wishes to set himself right.

Mr. DUNNELL. Mr. Speaker, when the report of the committee of conference was read I was a little too hasty in raising an objection, because I had not heard the statement which accompanied the

report. I desire now to say that I am heartily in favor of the report of the committee of conference. As a member of the Committee on Commerce for four years I became acquainted with this Life-Saving Service; and there is so much in it to win the sympathy and support of any man that I am willing now to vote for this slight pension, if you please to call it such, although it is not that in fact, but simply a just measure of compensation to the very brave and heroic class of men engaged in this Life-Saving Service.

The gentleman from New York has well said that we have precedents for this legislation in cases which, though not precisely like this, involve the same principle. When a member of this House dies we habitually vote to his family twelve or eighteen months' pay for services which he has never performed; and in various other instances we make compensation for service very much less meritorious than that provided for in this bill.

Mr. TOWNSEND, of Ohio. I yield for a few minutes to the gentleman from New Jersey, [Mr. BREWER.]

Mr. ROBESON and Mr. HAWK obtained leave to have printed in the RECORD remarks upon the pending question. [See Appendix.]

Mr. BREWER. Mr. Speaker, inasmuch as the Life-Saving Service of the United States had its inception in my Congressional district; inasmuch as the State of New Jersey has more stations than any other State in the Union—forty-three in all—I feel that I would not be doing my duty to those brave boys on the Jersey shore if I refrained from adding my voice to those already raised in behalf of this bill to protect the men engaged in this perilous work, and, so far as it is possible for me to do, aid in making provision for the widows and orphans of such as may be destined to find in the line of their humane duty a watery grave.

When the promptings of a righteous and humane sympathy impel one to do a duty of this character, no sentimental feeling of economy should influence or have a feather's weight. To me my duty is plain. I shall vote for the bill under consideration and urge with all my heart in securing its enactment into a law. When a public sentiment exists as in this case, when the magnanimous and humane promptings of the people, as manifested by the press of the country on every side, favor any measure, I know we would fail to do our duty here as legislators, will fail to secure the approval of our own consciences and alike of our constituencies if we do not aid in every possible way the passage of this law.

Here is a service for the protection of human life—a system so perfected by the ingenuity of American inventive genius that all the nations of the earth approve alike of its worth and of its humanity. Inquiries pour in every day from other nations whose hearts have been moved by our example and whose admiration has been attracted by our successful appliances, so that it has become a system and a service of which every American is justly proud. We have a service here where fitness for the work and fidelity to the great trust imposed is the only passport. While at one time the existence of the service was in danger, through misconceptions of various kinds, now the man who would raise his voice against the service or against its management would display a most unblushing temerity.

However much we may disagree as to the expediency and mode of protecting human industry or human liberty on our shores, we are all agreed that the first duty we owe to our fellow-men is to protect human life. We all approve of this, and God gives it His benediction. Then, to these brave men employed in this service let us be just. To their widows and orphans, when they shall have laid down their lives for their fellow-men, let us throw about them the protecting hand and sheltering mantle of this truly great Government. It is said that republics are ungrateful, but I do not believe that in this instance, in such an instance, where the humane heart of a righteous public sentiment is made manifest through its representatives here assembled, this Republic will prove ungrateful to these poor, brave toilers and watchers of the sea.

In this service, by its unusual and indiscriminate charity, we have manifest the very genius of our Government. We have here in this broad land of varied climate and of equal laws an asylum for the oppressed of all lands. This is our pride and our boast. If they come fortunately and comfortably to our harbors and our ports we welcome them, protect them, and by aid of social custom and righteous laws strive to make them contented and happy. In this we do not fail. If they are driven on our shores weary, exhausted, and in despair, amid the swash and crash of breakers, tempest-tossed and terrorized, we save and succor them. In this we do not fail. By aid of these public servants we save the lives of thousands every year—our own brave sailors or citizens as well as those from foreign lands. These "toilers and watchers of the sea" are our pickets of mercy, patrolling our long coast, Atlantic and Pacific, as well as the dangerous shores of our great inland seas. They are the soldiers of the tempest; and wherever the battle for life is fought amid the rolling white-capped breakers on our shores there are they found in the midst of them doing battle for human life.

The distinguished gentleman from New York [Mr. COX] well said, when this bill was first before the House, "that no more sanctified bill had ever been presented to this House." Sanctified because it is just and humane in its scope and provisions; sanctified by the brave and manly lives given to this service in the performance of their duty; sanctified by this list of men dying that others might live.

No. 1.—*List of persons who have died "by reason of any wound or injury received or disease contracted in the line of duty in the Life-Saving Service since the origin of the service," so far as shown by the records of the Treasury Department.*

Date.	Name.	Grade.	Station.	District.
1876.				
Mar. 1	John R. Gale[1]	Keeper	No. 4	Sixth.
	Lemuel Griggs[1]	Surfman	No. 4	Sixth.
	Lewis White[1]	Surfman	No. 4	Sixth.
	Malachi Brumsey[1]	Surfman	No. 4	Sixth.
	Spencer D. Gray[1]	Surfman	No. 4	Sixth.
	J. Munden[1]	Surfman	No. 4	Sixth.
	George W. Wilson[1]	Volunteer	No. 4	Sixth.
1877.				
Jan. 5	John Parker[2]	Surfman	No. 16	Fourth.
Mar. 30	H. H. Nickerson[3]	Surfman	No. 14	Second.
Nov. 25	J. J. Guthrie[4]	Superintendent		Sixth.
1880.				
Apr. 23	William J. Sayers[5]	Surfman	No. 2	Tenth.
	Robert Morrison[5]	Surfman	No. 2	Tenth.
	James Pottenger[5]	Surfman	No. 2	Tenth.
	Dennis Deegan[5]	Surfman	No. 2	Tenth.
	James Nantau[5]	Surfman	No. 2	Tenth.
	Walter Petherbridge[5]	Surfman	No. 2	Tenth.
Oct. 20	Joseph Sawyer[6]	Superintendent		Tenth.
	George Feaben[7]	Keeper	No. 8	Tenth.
Nov. 30	David H. Atkins[8]	Keeper	No. 7	Second.
	Elisha M. Taylor[8]	Surfman	No. 7	Second.
	Stephen F. Mayo[8]	Surfman	No. 7	Second.
1881.				
May 15	David Hitchens[9]	Keeper	No. 11	Fifth.
	George J. Warner[9]	Keeper	No. 8	Fifth.
	Warner Collins[10]	Surfman	No. 10	Fifth.

[1] Drowned while attempting to rescue the crew of the wrecked Italian bark Nuova Ottavia off coast of North Carolina.

[2] Died out on night patrol.

[3] Fell from aloft and instantly killed while assisting in saving property from Italian bark Papa Luigi C.

[4] Drowned while attempting to go to the assistance of survivors of crew of United States steamer Huron. By act of Congress approved May 25, 1878, Superintendent Guthrie's widow receives the same pension as the widows of deceased captains of the Navy.

[5] Perished in attempting to go to the assistance of distressed schooner J. H. Magruder on reef off Point Aux Barques, Lake Huron.

[6] Drowned off Rogers City, Michigan, while making tour of stations in his district.

[7] Drowned off Rogers City, Michigan, with Superintendent Sawyer, while transporting him from station No. 8, tenth district.

[8] Perished while attempting to take ashore crew of stranded sloop C. E. Trumbull.

[9] Reported to have died from disease caused by cold and exposure while in the line of duty.

[10] Reported to have died from disease caused by cold and exposure while swimming to a boat during the gale and tidal wave of October 23, 1878.

Sanctified by the great work performed in the wonderful saving of human life—11,864 lives in ten years—never, never was government engaged in such a work before. Nor is this service alone a humane work; it is one of the most arduous under the Government. When we consider that a day means twenty-four hours, and a week seven days, and that day and night these men must patrol the beach through rain or snow, through wind and driving storm—in all weathers—in howling northeasters or the cutting "blizzards" from the northwest, in drenching rains and piercing snow-storms, these sturdy men are required to perform their patrol and other duties with soldier-like regularity and discipline. Again, is this service sanctified by honest toil? No man will say these men do not earn their scanty pay, even as is proposed by this bill; so do they earn the lasting gratitude of the civilized world, and shall we, their employers and chief admirers, not be generous toward them?

Now, let us inquire what this service has done in the past ten years in the way of saving life and property. These figures speak the loudest for the service, and of themselves present the most convincing argument for the promotion and protection in every way of this Life-Saving Service. I read from Superintendent Kimball's report of this year:

General summary of disasters which have occurred within the scope of life-saving operations, from November 1, 1871, (*date of introduction of present system,*) *to close of fiscal year ending June* 30, 1881.

Total number of disasters	1,347
Total value of vessels	$16,083,320
Total value of cargoes	$8,429,167
Total value of property saved	$14,958,895
Total value of property lost	$9,553,592
Total number of persons on vessels	12,259
Total number of persons saved	*11,864
Total number of lives lost	†395
Total number of persons succored	2,610
Total number of days' succor afforded	7,050

* In addition, sixteen persons were saved this year who were not on board vessels.

† One hundred and eighty-three of these were lost at the disasters of the steamers Huron and Metropolis—in the case of the former when the stations were not open, and in the latter when service was impeded by distance; and fourteen others in the same year owing to similar causes.

It should be observed that the operations of the service during this period have been limited as follows: season of 1871–'72, to the coasts of Long Island and New Jersey; seasons of 1872–'74, to coasts of Cape Cod, Long Island, New Jersey; seasons of 1874–'75, to the coasts of New England, Long Island, New Jersey, and

coast from Cape Henry to Cape Hatteras; season of 1875-'76, coasts of New England, Long Island, New Jersey, coast from Cape Henlopen to Cape Charles, and coast from Cape Henry to Cape Hatteras; seasons of 1876-'77, and since, all the foregoing, with the addition of the eastern coast of Florida and portions of the lake coasts; and during the past year the coast of Texas.

Now, it will be noticed from the figures and facts just presented that of the 395 lives lost 183 were lost on the wrecks of the Huron and Metropolis. On the Huron 98, November 24, 1877, just six days before the service was permitted under the law to man the stations, and the other, wreck of the Metropolis, January, 1878, between stations eight miles apart, and just where the vigilant officers of the service had asked for a station and been refused by the superabundant wisdom or supercilious economy of Congress. Should not the loss of life in these two instances furnish warning enough to us in that we should not do anything to cripple this branch of the public service? Twelve thousand two hundred and fifty-nine shipwrecked people on the shores of the United States, and only 212 lost where the service was allowed to be effective by Congress; a loss of but 1¾ per cent., very much of this loss caused by accident of falling spars and such other foreign and untoward circumstances, for which the service is not chargeable.

I claim for this army of life-savers magnanimity. I am deeply interested in the fullest protection to this service, because I can bring the matter home to my own district, because I know many of our little army of three hundred and twelve men on the New Jersey coast. These men I know have faithfully served the commercial world. Their life is more exposed than the soldiers, and their hardships in instances even more severe. Shall they not receive protection when worn out with exertion or crippled by disaster? Shall we longer leave them suffer on scanty pay at the most so that when they die it is with the consciousness that after a life devoted to the service of their country their families are left to starve or die in the poor-house?

And this parsimonious Government has forced them to work for $40 per month where every day is twenty-four hours and with no prospect of protection to family in case of death or disability. Should we not remedy this gross injustice without delay? I believe the Department has secured at the hands of this Congress through this bill an appropriation that will enable them to pay better wages. I know many of these men; I know their work, and I say that they should have been treated as they have been through inadequate appropriation is a shame and a disgrace to our legislation of the past. Now, let us rectify it and make amends as far as possible for the sufferings of the past. Let us complete our work in this direction. Let us do our whole duty. Let this Congress have the credit of protecting our life-saving men as justice and humanity demands; nay, more than that, let this Congress have the credit of being generous to this service; and I do believe that every man who supports this service to the fullest extent of every law yet proposed will be satisfied when finished and know that he has done his duty. And the verdict of the people at home will be, "well done, good and faithful servant."

That we may understand what the condition of the public mind really is, I quote from many newspapers in different parts of the country.

Says the Trenton, New Jersey, State Gazette, December 8:

The Government cannot afford to be mean and niggardly to these heroic men.

Says the New York Herald:

Those connected with it, in whatever capacity, are as a rule a brave, intelligent, fearless class of men. The gallant men who keep guard along our coast and peril their lives to save life and property are entitled to the highest rewards and honors.

Says the Northwestern Christian Advocate:

Write to your Congressmen and instruct them to vote liberally for this splendid department.

Says the New York Star, December 10:

The pay for this noble work is absurdly small; Congress ought to double it at once.

Says the Yarmouth Register, Yarmouth Port, Massachusetts, of December 10:

No class of men are so poorly paid as these men, and none are called upon to perform more arduous service, or one of higher responsibility, and calling for the exercise of more heroic qualities.

Says the Milwaukee Sentinel of December 15:

If the coast service is worth having, it is worth paying for to the extent of affording the men engaged in it as ample pay as they would be likely to receive in ordinary employment, where the same kind of ability is required.

Says the New York Maritime Register of January 11:

The country cannot afford to have the efficiency of this service impaired. The pay of these men is miserably small. Congress is to blame for this, and Congressmen should attend to their duty in this matter.

Says the Marine Record, of Cleveland, December 17:

It is a great shame that these brave and hard-working fellows should be expected to support themselves on the mere pittance now given them.

Says the Springfield (Massachusets) Republican of December 13:

The movement for securing adequate pay to the brave men employed by the United States Life-Saving Service receives general indorsement, and there should be no doubt of speedy action by Congress.

Says the Milwaukee Sunday News of December 11:

No class of men is so poorly paid as are these brave fellows, who at midnight, in the face of a blinding snow-storm, are compelled to launch a boat in treacherous breakers and pull through mountainous waves to the rescue of sailors in distress.

Says the Advocate, Provincetown, Massachusetts, of December 8:

It does not appear how the service can be maintained unless the money is provided to pay the men compensation for the severe toil and great perils they undergo.

From Governor Ludlow's (New Jersey) message to Legislature:

There is no class of public servants which is more deserving of encouragement and liberal support than these. They have displayed a heroism and daring worthy of the highest commendation.

Says the New York Maritime Register of December 14:

The station men should be made to feel that the peculiar and dangerous character of their noble work is so fully appreciated that the nation will always make ample provision for them and their families.

Says the Washington Sunday Herald of January 5:

Let this Congress appropriate for proper compensation for their service while living, and pass the bill to keep their children from starvation when they are dead. Let this thing no longer be to shame us.

Says the Trenton (New Jersey) State Gazette of January 18:

The miserable pittance these men receive for their services is disgracefully incommensurate with the hardships they endure, the perils they encounter, and the arduous and disagreeable duties they perform.

Says the Provincetown (Massachusetts) Advocate of December 15.

If Congress turns a cold shoulder now, scores of keepers and surfmen are ready to retire and leave the service in the hands of the inexperienced and incompetent.

Says the Long Branch (New Jersey) Mirror of December 10:

The brave fellows whose life is spent amid hardship and peril get the poorest pay of any employés in the Government service.

Says the Trenton (New Jersey) State Gazette of January 18:

It is high time that justice was done these hardy and heroic men, and we have little patience with any factious and quibbling obstacles that may be interposed thereto.

Says the Long Branch Mirror of December 17:

The objects of the establishment of the Life-Saving Service were and are in the cause of humanity and for a higher, nobler purpose than for subserviency to political machinery.

Says the Detroit Post and Tribune of January 4:

The heroism of these men is something that cannot be weighed in the Treasury's balance; no government can find any equivalent for the risks they run and the price they pay in loss of health and life.

Says the Boston Sunday Herald of December 25:

The men are expected to remain at the station night and day, and the compensation they receive for their arduous and extremely dangerous services is entirely inadequate.

Says the Detroit Post and Tribune of January 4:

This country is rich enough to pay well for such service as these men render, and it deserves all the scorn it is likely to get at home and abroad for its niggardliness to the bravest men in its service.

Says the Buffalo Express of January 24:

It is indecent in so rich and so profuse a Government as ours to demand and expect such services of skill, courage, and endurance for such pittances.

Says the New York Maritime Register of September 21:

In the reach of the Life-Saving Service it is better to be generous in the expenditures than to err on the side of too great economy.

Says the New York Journal of Commerce of November 25:

Considering the meagerness of the pay, it must be said that the Life-Saving Service is one of the most efficient of Government bureaus.

Says the New York Telegram of November 23:

Certainly $8 per week is a very paltry sum to deal out to men who risk their lives and health in a most laborious service. A larger compensation should have been assured to these men long before.

Says the New York Commercial Advertiser of November 23:

The members of the Life-Saving Service are among the most faithful and hard-working men in the Government employ.

Says the New York Nautical Gazette of October 15:

We sincerely trust that the friends of the Life-Saving Service in every section of the country will lose no opportunity of urging upon their members of Congress the imperative necessity of increasing the pay of keepers and surfmen of the Life-Saving Service.

Says the Cleveland Leader of September 8:

Nowhere else in the Government service does the expenditure of so little money produce such an amount of good as in the Life-Saving Service.

Says the Boston Daily Advertiser of September 1:

This department of the Government service is one of the most necessary, as it is one of the most hazardous, now in existence.

Says the Buffalo Commercial of September 2:

The hard-working members of the Life-Saving Department are paid salaries shamefully inadequate to the valuable services they render.

Says the Freehold (New Jersey) Inquirer of November 26:

This service is not only a commercial necessity, but it sets forth the humanity of the national heart. Double the cost of it, and the money will be a recompense in a duty well done, if not in dollars.

Says the Boston Daily Advertiser of September 6:

No class of public servants are paid so poorly.

Says the New York Nautical Gazette of September 24:

These men should be well paid for their services. The nation can well afford it, and Congress should not hesitate to see that simple justice be done to these angels of the beaches.

Says the New York Telegram of November 8:

The life these men lead is one of great hardship, and the compensating pleasures are reduced almost to nothing.

Says the New York Commercial Advertiser of December 8:

Their life is more exposed than the soldier's, and the hardships in instances even more severe. They receive no pensions when worn out with exertion or crippled by disaster, and when they die it is with the consciousness that after a life devoted to the service of their country their families are left to starve or die in the poor-house.

Says the New York Telegram of August 31:

The Government, the interests of commerce, and the cause of humanity are virtually beggars to these guardians of our coasts.

Says the Syracuse (New York) Standard of September 23:

Let Congress at once raise the wages of these noble life-savers.

Says the Chicago Inter-Ocean of October 22:

The Government, which employs these brave men, acts entirely to the contrary of every established rule of business precedent, and offers no encouragement whatever to the best brawn to enter its most important and exacting department.

From minutes of the annual session of the National Board of Steam-Navigation, convened at Washington October 5:

Resolved, That it is in the interest of commerce and navigation that the Life-Saving Service shall be preserved in its integrity, and we therefore earnestly recommend to Congress that measures be at once taken to prevent it from falling into a dreary and possible disintegration, by providing for such rates of compensation to its officers and crews as shall insure to it the retention of first-class men.

I regret, Mr. Speaker, that the surfmen could not have been paid at least $60 per month; but the action of the conference committee cannot now be antagonized without serious danger to this bill, and so I am forced to rest content.

Mr. TOWNSEND, of Ohio. I think this matter is now sufficiently understood by the House. I therefore move the adoption of the report, and on that motion I ask the previous question.

The previous question was ordered.

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

Mr. REAGAN. On that I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 154, nays 55, not voting 82; as follows:

YEAS—154.

Aldrich,	Farwell, Sewell S.	Latham,	Sherwin,
Barbour,	Finley,	Lewis,	Singleton, Jas. W.
Belford,	Ford,	Lord,	Skinner,
Belmont,	Garrison,	Mason,	Smith, J. Hyatt
Blanchard,	George,	McCoid,	Spaulding,
Bliss,	Gibson,	McKinley,	Speer,
Bowman,	Godshalk,	Miles,	Spooner,
Brewer,	Grout,	Miller,	Springer,
Briggs,	Guenther,	Money,	Stone,
Browne,	Hall,	Moore,	Strait,
Burrows, Julius C.	Hammond, John	Morse,	Talbott,
Burrows, Jos. H.	Hardenbergh,	Mosgrove,	Taylor,
Butterworth,	Hardy,	Moulton,	Thompson, Wm. G.
Calkins,	Harmer,	Neal,	Townsend, Amos
Camp,	Harris, Henry S.	Norcross,	Tucker,
Candler,	Haseltine,	O'Neill,	Tyler,
Carpenter,	Haskell,	Orth,	Updegraff, J. T.
Cassidy,	Hatch,	Pacheco,	Updegraff, Thomas
Caswell,	Hawk,	Parker,	Valentine,
Chace,	Hazelton,	Paul,	Van Aernam,
Chapman,	Heilman,	Payson,	Van Horn,
Clardy,	Hepburn,	Peelle,	Van Voorhis,
Cox, Samuel S.	Hewitt, Abram S.	Peirce,	Wadsworth,
Covington,	Hill,	Phelps,	Wait,
Crapo,	Hoblitzell,	Pound,	Walker,
Cullen,	Hooker,	Prescott,	Ward,
Cutts,	Horr,	Ray,	Washburn,
Davidson,	Hubbs,	Reed,	Watson,
Davis, George R.	Humphrey,	Rice, Theron M.	Webber,
Dawes,	Jacobs,	Rich,	Wheeler,
Deering,	Jones, George W.	Ritchie,	White,
De Motte,	Jones, Phineas	Robertson,	Williams, Chas. G.
Deuster,	Joyce,	Robeson,	Willits,
Dingley,	Kasson,	Robinson, Geo. D.	Wilson,
Dunnell,	Kelley,	Robinson, James S.	Wise, George D.
Dwight,	Kenna,	Russell,	Wise, Morgan R.
Ellis,	King,	Scoville,	Young.
Ermentrout,	Lacey,	Scranton,	
Errett,	Ladd,	Shallenberger.	

NAYS—55.

Atherton,	Colerick,	Hewitt, G. W.	Scales,
Atkins,	Converse,	Holman,	Shelley,
Beltzhoover,	Cook,	Jones, James K.	Simonton,
Berry,	Cravens,	Ketcham,	Singleton, Otho R.
Bland,	Culberson,	Klotz,	Stockslager,
Blount,	Davis, Lowndes H.	Manning,	Tillman,
Buchanan,	Dibble,	Matson,	Townshend, R. W.
Buckner,	Dowd,	McMillin,	Turner, Henry G.
Caldwell,	Evins,	Muldrow,	Vance,
Cannon,	Forney,	Mutchler,	Warner,
Carlisle,	Gunter,	Oates,	Wellborn,
Chalmers,	Hammond, N. J.	Phister,	Whitthorne,
Clark,	Herbert,	Randall,	Williams, Thomas.
Clements,	Herndon,	Reagan,	

NOT VOTING—82.

Aiken,	Dibrell,	Le Fevre,	Rosecrans,
Anderson,	Dugro,	Lindsey,	Ross,
Armfield,	Dunn,	Marsh,	Ryan,
Barr,	Farwell, Chas. B.	Martin,	Shackelford,
Bayne,	Fisher,	McClure,	Shultz,
Beach,	Flower,	McCook,	Smith, A. Herr
Bingham,	Frost,	McKenzie,	Smith, Dietrich C.
Black,	Fulkerson,	McLane,	Sparks,
Blackburn,	Geddes,	Mills,	Steele,
Bragg,	Harris, Benj. W.	Morey,	Stephens,
Brumm,	Henderson,	Morrison,	Thomas,
Buck,	Hiscock,	Murch,	Thompson, P. B.
Cabell,	Hoge,	Nolan,	Turner, Oscar
Campbell,	Houk,	Page,	Upson,
Cobb,	House,	Pettibone,	Urner,
Cornell,	Hubbell,	Ranney,	West,
Cox, William R.	Hutchins,	Rice, John B.	Willis,
Crowley,	Jadwin,	Rice, William W.	Wood, Benjamin.
Curtin,	Jorgensen,	Richardson, D. P.	Wood, Walter A.
Darrell,	Knott,	Richardson, Jno. S.	
Dezendorf,	Leedom,	Robinson, Wm. E.	

So the conference report was adopted.

The following pairs were announced from the Clerk's desk:

Mr. CORNELL with Mr. BLACK.

Mr. RICE, of Massachusetts, with Mr. WILSON.

Mr. WEST with Mr. ROSS.

Mr. FARWELL, of Illinois, with Mr. MARTIN.

Mr. HISCOCK with Mr. BLACKBURN.

Mr. WAIT with Mr. HOGE.

Mr. LEEDOM with Mr. SHULTZ.

Mr. GEDDES with Mr. RICE of Ohio.

Mr. CROWLEY with Mr. NOLAN.

Mr. FISHER with Mr. COBB.

Mr. WALTER A. WOOD with Mr. BENJAMIN WOOD.

Mr. MARSH with Mr. MCKENZIE.

Mr. VAN VOORHIS with Mr. BEACH.

Mr. HOUK with Mr. DIBRELL.

Mr. HUBBELL with Mr. STEPHENS.

Mr. MCLANE with Mr. URNER.

Mr. SMITH, of Illinois, with Mr. TURNER, of Kentucky.

Mr. DEZENDORF with Mr. CABELL.

Mr. BRUMM with Mr. FLOWER.

Mr. STEELE with Mr. BRAGG.

Mr. SMITH, of Pennsylvania, with Mr. ERMENTROUT.

Mr. HENDERSON with Mr. MORRISON.

Mr. PAGE with Mr. BAYNE. Mr. PAGE would vote "ay" and Mr. BAYNE "no."

Mr. VAN VOORHIS. I am paired with Mr. BEACH on political questions, and not regarding this as such, I have voted.

Mr. TOWNSEND, of Ohio. I move that the reading of the names be dispensed with.

The SPEAKER. The Chair hears no objection and it is so ordered.

The vote was then announced as above recorded.

Mr. TOWNSEND, of Ohio, moved to reconsider the vote by which the report of the Committee of Conference was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. COX, of New York, and Mr. LATHAM, by unanimous consent, were granted leave to print remarks on the Life-Saving Service. [See Appendix.]

ORDER OF BUSINESS.

Mr. CALKINS. I call up the contested-election case of Lynch *vs.* Chalmers.

Mr. HAWK. I hope the gentleman will not do that until I can offer a resolution which is important in reference to the condition of the folding-room.

Mr. CALKINS. I must call up the unfinished business.

AGREEMENT WITH CROW INDIANS.

Mr. MAGINNIS. Mr. Speaker, I rise to a question of order. Yesterday by unanimous consent the bill (S. No. 1045) to accept and ratify an agreement with the Crow Indians for the sale of a portion of their reservation in the Territory of Montana required for the use of the Northern Pacific Railroad, and to make the necessary appropriations for carrying out the same, was called up, and the reading of it was almost finished when the gentleman from New Jersey [Mr. ROBESON] objected, and it was then agreed by unanimous consent the bill should be printed in the RECORD and be called up this morning.

There is nothing in it, Mr. Speaker, more than this: the Secretary of the Interior held that the Northern Pacific Railroad Company had a right of way through this Crow reservation, but claimed as an act of justice, although it had a legal right, it would be better to pay for it. A commission was sent out which made an agreement with these Indians, and the company agreed to pay $25,000, although I believe there is no legal obligation on the company to do it. As this railroad company is trying to do a decent thing toward the Indians, which railroads rarely do, I hope there will be no objection.

The SPEAKER. The Chair will ask for unanimous consent.

Mr. CALKINS. I do not yield for asking unanimous consent. Does it require unanimous consent?

The SPEAKER. It does.

Mr. MAGINNIS. It was understood by unanimous consent it should come up yesterday.

The SPEAKER. It was agreed it should be printed in the RECORD, and it appears there this morning.

Mr. MAGINNIS. I know the RECORD says so, but the bill was printed in the RECORD to be called up this morning.

The SPEAKER. This could only come up at all events by unanimous consent at this time.

Mr. MAGINNIS. I understand that, sir; but my request was not stated correctly yesterday, as gentlemen around me will bear witness. I asked that the bill be printed in the RECORD with the understanding that it was to come up for completion this morning. Of course I understood that the passage of the bill could only be by unanimous consent, but on yesterday objection was made by the gentleman from New Jersey after the bill had been nearly read through, and though I do not now see him in his seat, he reserved, of course, the right to object to the bill.

The SPEAKER. The Chair can only say, in response to the gentleman from Montana, that this bill can come up this morning by unanimous consent alone.

Mr. MAGINNIS. I ask that the bill be put upon its passage.

Mr. SINGLETON, of Illinois. If this requires unanimous consent, I shall object.

Mr. RANDALL. I have been trying for a long time to get a bill up for the relief of sufferers at the Frankford arsenal, where a number of lives were lost, but have been met with objection constantly.

The SPEAKER. The Chair will submit the question to the House. Is there objection to the present consideration of the bill which the gentleman from Montana proposes?

Mr. SINGLETON, of Illinois. I object.

Mr. MAGINNIS. Does the Chair decide that the bill does not come up this morning by consent, in view of what took place on yesterday?

The SPEAKER. The Chair thinks that the bill could only come before the House by unanimous consent to-day, and objection has been made. It was understood that the gentleman was to call it up to-day, but like any other matter it would still be subject to unanimous consent; and the Chair will also state that it could not have the preference under any circumstances, in view of the fact that the unfinished business of yesterday, which is a question of the highest privilege, has been called up.

Mr. CALKINS. I demand the regular order.

PRINTING OF SENATE BILLS.

Mr. REED. I would like to offer an order which has relation to the business of the House.

Mr. RANDALL. Let us hear what it is.

Mr. REED. I offer the following:

Ordered, That the bills of the Senate of a public character now on the Speaker's table be printed for the use of the House.

Mr. RANDALL. That is right.

The SPEAKER. Is there objection to the order?

Mr. HOLMAN. This is simply to print the bills?

The SPEAKER. To print only.

Mr. VAN HORN. Are not these bills already printed?

Mr. REED. In many cases they are not. Where there has been a Senate amendment, or where numerous amendments have been appended to bills, they are sometimes printed and others are not. It is a very difficult matter in many cases to get at the text of a bill, and this order I think is absolutely necessary.

The SPEAKER. Is there objection to the order suggested by the gentleman from Maine?

There was no objection.

REPORT OF COMMISSIONERS OF FISH AND FISHERIES.

The SPEAKER. The Chair will submit at this time a Senate concurrent resolution in relation to printing, which under the law is required to be submitted and referred.

The Clerk read as follows:

Resolved by the Senate, (the House of Representatives concurring,) That there be printed 10,000 extra copies of the report of the Commissioner of Fish and Fisheries for the year 1881, of which 2,000 shall be for the use of the Senate, 6,000 for the use of the House of Representatives, and 1,500 for the use of the Commissioner of Fish and Fisheries, the illustrations to be made by the Public Printer under the direction of the Joint Committee on Public Printing, and 500 for sale by the Public Printer, under such regulations as the Joint Committee on Printing may prescribe, at a price equal to the additional cost of publication and 10 per cent. thereto added.

Mr. RANDALL. Let that go to the Committee on Printing.

The SPEAKER. It will be referred, under the rule, to the Committee on Printing.

EXPENDITURES, BOSTON NAVY-YARD.

The SPEAKER, by unanimous consent, laid before the House a communication from the Secretary of the Navy, with accompanying papers, in response to a resolution of the House of Representatives of the 12th of April, 1882, covering a tabulated statement of expenditures in the Boston navy-yard during the last fiscal year; which was referred to the Committee on Naval Affairs, and ordered to be printed.

GILBERT S. JENNINGS.

The SPEAKER also, by unanimous consent, laid before the House a communication from the Secretary of War, transmitting a petition of First Lieutenant Gilbert S. Jennings, retired, for such legislation as will give him the rank and pay of colonel on the retired list from the date of his retirement from active service June 18, 1878, together with a letter from the Adjutant-General in the case; which was referred to the Committee on Military Affairs.

CONTESTED-ELECTION CASE—LYNCH VS. CHALMERS.

Mr. CALKINS. I demand the regular order.

The SPEAKER. The regular order is the further consideration of the contested-election case.

Mr. HAMMOND, of Georgia. The report in this case was made on the 6th of April and printed about a week or ten days afterward. Considering that one of the few Democrats on the Committee on Elections was detained at home while the same was being considered, by serious illness in his family, and considering that this was a measure of the highest privilege, that might be called up at any time, we had a right to suppose that it would not be precipitated upon the attention of the House. We were also informed by the members of the Committee on Ways and Means on this side of the House that that committee had unanimously agreed to occupy all the time until to-morrow in the discussion of the tariff. But as the report contains but few legal questions, and upon them must depend the decision of this case, we complain not, though the matter be before the House sooner than we had expected.

On the first day of the session, after the gentleman from Tennessee [Mr. MOORE] had made the memorable objection to Mr. Chalmers's taking the oath of office, which he recalled in his speech yesterday, and after the objection of the honorable chairman of the Committee on Elections to the swearing in of Mr. DIBBLE, of South Carolina, the honorable gentleman from Indiana, [Mr. BROWNE,] in reply thereto——

Mr. MANNING. We are all desirous of hearing the gentleman from Georgia, but are unable to do so owing to the confusion in the Hall.

The SPEAKER. The Chair will request members to be seated, and will postpone the consideration of public business until the House is in order.

Mr. HAMMOND, of Georgia. During this interruption I desire to say what I forgot to say in the beginning: that on yesterday, seeing a recognition out of the regular order, and not knowing just what it meant, I objected to the gentleman from Pennsylvania [Mr. MILLER] retaining the balance of his hour after fifteen minutes had been yielded to another gentleman. Having learned that it was perfectly proper, I desire to withdraw the objection which I then made. I am requested also, in behalf of the gentleman from Ohio, [Mr. ATHERTON,] who likewise objected, to withdraw his objection.

I proceed now to read the remarks of the gentleman from Indiana [Mr. BROWNE] on the organization of the House, in reply to the chairman of the Committee on Elections. This was the conclusion of his speech:

I say to my Republican friends and all others that we cannot afford to establish bad precedents in cases of this kind. I have seen something of the consequences of bad precedents in election cases. So far as I am concerned, I am determined to make a clean record, and consider these questions as judicial ones, and vote according to my conscience and my judgment.

It is to that class of gentlemen of this House, who have the courage of their convictions, I propose to address my argument to-day. In doing that I beg to say that, necessarily, I will have to go over much of the ground covered by the minority report. It was not printed in the RECORD because of an objection from the other side on yesterday; and, therefore, for me to do so now is pardonable.

STATEMENT OF THE CASE AND THE DECISION OF THE SUPREME COURT OF MISSISSIPPI.

The proper officers of Mississippi certified that Chalmers had a majority of 3,779 over Lynch, his sole competitor for a seat in this House as the Representative from the sixth district of that State.

In a bill in chancery, filed by Lynch on the 16th of November, 1880, to enjoin the secretary of state of Mississippi from issuing to Chalmers the usual certificate of election, Lynch swore that his vote was 10,775, and Chalmers's vote was but 10,216, thus leaving him elected by 559 majority. In it he contended that the commissioners of election in some of the counties had rejected illegally 5,402 votes, which should have been counted for him, and 1,044 votes which should have been counted for Chalmers.

Failing to enjoin the secretary of state (but without a trial of his bill) he began and carried on his contest against Chalmers under sections 105 to 130, inclusive, of the Revised Statutes of the United States. Meanwhile Chalmers having a proper certificate of election, and therefore *prima facie* entitled to the seat, was sworn in and must retain his place unless Lynch has shown that Chalmers was not and that he, Lynch, was elected such Representative. The notice of contest charged improper conduct on the part of Chalmers's friends. But fortunately for us there is no evidence raising those charges up to the dignity of things to be now noticed.

This "Shoestring district" is five hundred miles long, and about forty miles wide. It is without any considerable town except Vicksburgh, and is almost wholly rural. By the last census, in six of the

counties named below there are 5,795 more colored voters than white voters, and in these Chalmers had a majority of 1,762. Lynch, by his sworn bill in chancery, put them down thus:

Counties.	Chalmers.	Lynch.	
Claiborne	1,061	288	See record, p. 10.
Quitman	153	83	See record, p. 10.
Sharkey	484	175	See record, p. 10.
Tunica	239	506	See record, p. 10.
Wilkinson	1,691	814	See record, p. 10.
Five counties	3,628	1,866	

And as to them he utters no word of complaint, and of course the committee make none. It confined itself to the other counties. In them alone did they find matter for investigation. After a long labor their conclusion was this:

The corrected vote of the parties will stand thus:

	Lynch.	*Chalmers.*
Returned vote	5,393	9,172
Add rejected votes:		
Warren County	2,029	20
Dead Man's Bend	85	15
Palestine	231	17
Australia	192	30
Bolivar	311	45
Hays's Landing	39	24
Ben Lomond	332	20
Duncansby	371	45
Rodney	247	92
Stoneville	315	60
	9,545	9,540
From which we deduct		190
And add that number to Lynch's vote to correct the returns in Kingston precinct, Adams County	190	
Which makes total	9,735	9,350
Majority for Lynch	385	

This table shows Lynch elected by only 385 votes. Following it, on page 22 of the report, is another table making Lynch's majority 623, and a third giving him 1,043 majority. But the committee urge only the first as reliable. Their language is:

These tabulated statements are made for the information of the House. The first tabulated statement shows the result which the undersigned members of the committee all concur in, and upon which the report is based.

Your committee therefore recommend the adoption of the following resolutions:

Resolved, That James R. Chalmers was not elected, and is not entitled to his seat in the Forty-seventh Congress from the sixth district of Mississippi.

Resolved, That John R. Lynch was elected, and is entitled to his seat in the Forty-seventh Congress from the sixth district of Mississippi.

W. H. CALKINS.
A. H. PETTIBONE.
FERRIS JACOBS, JR.
G. W. JONES.
A. A. RANNEY.
S. H. MILLER.
JNO. T. WAIT.
GEO. C. HAZELTON.
WM. G. THOMPSON.
J. M. RITCHIE.
JOHN PAUL.

Now, consider that the practice of the committee is to submit the cases to sub-committees, and for the sub-committees to report, and the general committee to join unless they dissent. Consider further that on the sub-committee which considered this case were only three Republicans and two Democrats, and the report loses much of its weight.

The issues between the majority and minority of the committee are not of fact but of law, pure and simple. As put by the minority, they are these:

First. Will Congress receive and count votes of which there is no evidence, except the certificate of a chancery clerk, as to what purports to be a transcript of election returns of record in his office, when there is no law in Mississippi authorizing any record to be made of election returns by any officer, and when neither the chancery nor circuit clerk, nor any other officer in Mississippi, is by law made the custodian of the election returns after they have been counted by the commissioners of election?

Second. Can Congress count votes which were rejected by the county commissioners because they were not certified to by the inspector, as required by law, when there is no other proof of their validity except the fact that the commissioners of election in their statement of the result give the number of ballots so rejected?

Third. Will Congress refuse to follow the construction of a State statute of election given by a State court?

To put them in a different shape and reversing the order, they would be, first, shall the "marked" tickets be counted? Second, shall the votes not certified by the inspectors be counted? And third, shall the votes certified by the chancery clerk be counted? The majority answers each of these questions affirmatively, and the minority answers them negatively. Chalmers is seated. The burden to unseat him rests upon the contestant. If the majority errs as to either of these propositions, their case, as they confess, must fall to the ground.

Let us examine the questions in that order.

REJECTED TICKETS.

Certain tickets for Chalmers were rejected because they had marks upon them. Tickets like them were received and counted. That was because the commissioners of election in the different counties differed as to whether such tickets should be rejected. Many such were cast for Lynch and many of them were rejected. They were as appears by this *fac-simile* copy, namely:

REPUBLICAN NATIONAL TICKET.

For President,

JAMES A. GARFIELD.

—o—

For Vice-President,

CHESTER A. ARTHUR.

For Electors for President and Vice-President,

HON. WILLIAM R. SPEARS.

HON. R. W. FLOURNOY

DR. J. M. BYNUM,

HON. J. T. STETTLE

CAPT. M. K. MISTER, JR.,

DR. R. H. MONTGOMERY,

JUDGE R. H. CUNY,

HON. CHARLES W CLARKE

—o—

For Member of the House of Representatives from the 6th Congressional District.

JOHN R. LYNCH

It is headed "Republican Ticket." Under those words is a dash three-eighths of an inch long, thus: ——. Then follow "*For President,*" and below them "James A. Garfield." Under that is another dash three-quarters of an inch long, or two dashes like the former, put end to end, with a circle or "o" between them, thus: ——o——. Then follow "*For Vice-President,*" and under that "Chester A. Arthur;" under that is a dash like the first. Then follows "*For Electors for President and Vice-President,*" and the names of the electors with their several honorary titles, as "Hon.," "Dr.," Capt.," and "Judge." Then comes a dash like the second, and after it the following words:

"*For Member of the House of Representatives from the 6th Congressional District,*
"JOHN R. LYNCH."

Whether these tickets were rightfully rejected depends upon the law of the State of Mississippi. The code of 1880 of that State makes the following provisions as to elections, namely: "The board of registration of each county furnishes poll-books to the clerk of the circuit court of the county who shall carefully preserve them as records of his office." From them he shall make up poll-books or lists of registered voters for each precinct, and these poll-books he shall deliver to the commissioners of election in time for every election, who shall return them after the election. In case of change of residence of a registered voter this clerk may erase old registry and reregister him. (See sections 105, 106, 107.) The commissioners of election for each county appoint for each election precinct three inspectors, all of whom may not be of the same political party. The commissioners furnish at each precinct a ballot-box—

secured by good and substantial locks, and if an adjournment shall take place after opening the polls and before all the votes shall be counted the box shall be securely closed and locked, so as to prevent the admission of anything into it during the time of adjournment, and the box shall be kept by one of the inspectors and the key by another of the inspectors, and the inspector having the box shall carefully keep it and neither unlock nor open it himself, nor permit it to be done, or permit any person to have any access to it, during the time of such adjournment.

SEC. 137. All ballots shall be written or printed in black ink, with a space not less than one-fifth of an inch between each name, on plain white printing newspaper, not more than two and one-half nor less than two and one-fourth inches wide, without any device or mark by which one ticket may be known or distinguished from another, except the words at the head of the ticket; but this shall not prohibit the erasure, correction, or insertion of any name by pencil-mark or ink upon the face of the ballot; and a ticket different from that herein prescribed shall not be received or counted.

SEC. 138. When the results shall have been ascertained by the inspectors, they, or one of them, or some fit person designated by them, shall, by twelve o'clock noon of the second day after the election, deliver to the commissioners of election, at the court-house of the county, a statement of the whole number of votes given for each person and for what office; and the said commissioners of election shall canvass the returns so made to them, and shall ascertain and disclose the results, and shall, within ten days after the day of said election, deliver a certificate of his election to the person having the greatest number of votes for any office, &c.

SEC. 139. The statement of the result of the election at their precincts shall be certified and signed by the inspectors and clerks, and the poll-book, tally-list, list of voters, ballot-boxes, and ballots shall be delivered as above required to the commissioners of election.

SEC. 140. The commissioners of election shall, within ten days after the election, transmit to the secretary of state, to be filed in his office, a statement of the whole number of votes given in their county for each candidate voted for for any office at such election, &c.

The tickets marked as stated were received by the inspectors and returned to the commissioners. But when the commissioners in the several counties came to canvass the returns so made to them and ascertain and disclose the results, in some counties they rejected the marked tickets. This they did because they held that the marks already described violated the section 137, which required tickets to be "without any device or mark by which one ticket may be known or distinguished from another except the words at the head of the ticket," and because the same section concluded with these imperative words, "*and a ticket different from that herein prescribed shall not be received or counted.*"

The commissioners found no difficulty in knowing and distinguishing these tickets from the others, and yet they were *fac-similes* of the others, except as to those dashes. It was by those dashes that they were known and distinguished; they were the devices and marks covered by the statute, as the commissioners thought. Advised of this conclusion, Lynch sought to enjoin the secretary of state from issuing for Chalmers the usual certificate of election, as has been stated. His application was to Judge Campbell, of the supreme court. He declined to enjoin upon the following grounds: "Because the House of Representatives of the Congress of the United States is the exclusive judge of the elections, returns, and qualifications of its own members," (made so by the Constitution of the United States,) and a decision of the question as to the election of a member of Congress by any other tribunal would not be authoritative or final. Besides this, the chancery court is not authorized to decide contested elections, and whatever its right, if any, to enjoin in aid of a contest inaugurated in a court of the State, which such court could lawfully determine, it appears to be clear that interference by injunction to prevent an executive officer from performing a duty prescribed by law, in reference to an election as to which no court can decide, so as to conclude any body or thing, would be without the semblance of right.

The law was new, passed in 1880, and needed construction. In Tunica County the commissioners counted 506 tickets, of which this is a *fac-simile.*

Republican National Ticket.

For President,

JAMES A. GARFIELD.

—o—

For Vice President,

CHESTER A. ARTHUR.

For Electors for President and Vice President,

Hon. WLLLIAM R. SPEARS,

Hon. R. W. FLOURNOY,

DR. J. M. BYNUM,

Hon J. T. SETTLE,

CAPT. M. K. MISTER, JR.,

DR. R. H. MONTGOMERY,

JUDGE R. H. CUNY,

Hon. CHARLES W. CLARKE.

—o—

For Member of the House of Representatives from the 6th Congressional District.

JOHN R. LYNCH.

The question was carried to the courts in this way. Section 2542 of the Code of Mississippi provided that—

On the petition of the State by its attorney-general, or a district attorney, in any matter affecting the public interest, or on petition of any private person who is interested, the writ of *mandamus* shall be issued by a circuit court commanding any inferior tribunal, corporation, board, officer or person to do or not to do an act, the performance or omission of which the law especially enjoins as a duty resulting from an office, trust, or station, and *where there is not a plain, adequate, and speedy remedy in the ordinary course of law.*

Under that the district attorney filed a petition in the circuit court of Tunica County asking a *mandamus* to compel the commissioners of that county to recanvass its vote and reject said 506 tickets because they were so marked, and therefore illegal. The commissioners demurred to the petition upon the grounds that—

First. That they are merely ministerial officers and have no power to reject ballots that have been counted by the inspectors.

Second. That the marks on the ballots for which it is claimed they should be rejected are mere printers' dashes, and are not such distinguishing marks as were contemplated by the statute.

The court sustained the demurrer and dismissed the petition. The district attorney appealed to the supreme court. The judgment of the court below was reversed. Chalmers, chief-justice, did not preside because his brother, the sitting member, was interested in the question. The opinion was delivered by Campbell, justice, as follows:

This case presents for adjudication three questions, namely:

1. Whether the commissioners of election have the right to reject illegal ballots cast and counted by the inspectors of election and returned to them with the statement of the result at the precincts.

2. Whether the ballots which the commissioners of election for Tunica County refused to reject should have been rejected by them as being illegal for having on them a device or mark by which one may be known or distinguished from another.

3. Whether the action of the commissioners was final, or whether they may be required by *mandamus* to meet and act in the matter again as the court may order.

We think it clear that the commissioners of election have the right, which they should exercise, to reject ballots returned to them by the inspectors of the election as having been cast at any of the precincts of their county which show themselves on inspection to be illegal. The law devolves on the commissioners of election the duty to prepare for the election by revising the register of electors and the poll-books of the several precincts so that they may show who are qualified electors, and by appointing inspectors and an officer to keep the peace at each voting place and by distributing ballot-boxes and poll-books. The inspectors are to judge of the qualification of electors so as to receive or reject ballots offered by them, and when the polls are closed the ballots are to be counted and a statement of the whole number of votes given for each person and for what office is to be made, and this statement, certified and signed by inspectors and clerks, and the poll-book, tally lists, list of voters, ballot-boxes, and ballots are to be promptly delivered to the commissioners of election at the court-house of the county, to the end that they may canvass the returns so made to them and see that the result of the election at each precinct, as certified to them by the inspectors and clerks, is correct according to the returns. They are to canvass the returns; that is, they are to scrutinize the acts of those engaged in holding the election at the different places of voting, as shown by the returns made to them in pursuance of law, and determine from such returns who received the greatest number of legal votes, and who is entitled to receive their certificate of election in cases in which they give such certificate, and what return they shall make to the secretary of state.

It is true that commissioners of election are not judicial officers, in the sense of trying causes, hearing evidence, and pronouncing final judgment between parties seeking office, but they are charged with the duty of canvassing returns, which includes the list of voters and list made in counting, and the ballots, and they must examine such returns and declare the legal result and certify it. If they find an error in computation, they must correct it. If they ascertain from the lists of voters that persons not registered, and therefore not legal voters, have cast ballots, they cannot correct that, because of inability to ascertain which ballots are legal and which not; but if they find in the ballot-boxes ballots declared by law to be illegal, and such as shall not be counted, it is their plain duty to reject them; and if in canvassing the returns they ascertain that the inspectors, in disregard of law have counted ballots it says shall not be counted, that error should be corrected by the canvassers as certainly as an error of arithmetic should be. The law makes the inspectors judges of the qualifications of electors from necessity, because they are to receive the ballots, and, when received and deposited in the box it is not supposed by the law to be possible to identify them, but the ballots show for themselves whether or not they conform to law, and there is neither difficulty nor uncertainty in rejecting ballots as being illegal, because of what is shown by them upon inspection. We think the effect of section 137 of the code of 1880 is to condemn as illegal, and not be received or counted, every ballot which has on its back or face any device or mark other than names of persons, by which one ballot may be distinguished from another.

This statute does not condemn devices or marks on the outside of a ballot merely, but clearly embraces the face of the ballot as well. That is apparent from the exception contained in it, and a device or mark on the face of the ballot is as much within what we suppose to have been the object of this provision as one on the outside or back of it. It is apparent from the provision that its object is not only to preserve secrecy as to what ballot an elector casts, which is the leading idea of statutes in some other States, which prohibit any device or mark on a ballot folded which betrays the secret of the voter; its object is to secure absolute uniformity as to the appearance of ballots, in order that intelligence may guide the electors in their selection, and not a mere device or mark by which ignorance may be captivated. The Legislature was trying to prevent multitudes from "being voted" and being guided by a mere device or mark by which they should distinguish the ballots they were to use in the process without a knowledge of the names of persons for whom their ballots were being cast. Elections are a contrivance of government which prescribes who are electors and how they may express their will, and it is a legitimate exercise of power to prescribe the description of ballots which shall be used. Section 137 of the code of 1880 does this, and requires all ballots to be written or printed with black ink, with a minimum space between names, on plain white news printing-paper of a certain width, and without any device or mark by which one ticket may be known or distinguished from another, &c.; and it declares that a ticket different from that prescribed shall not be received or counted. Considerations of policy dictated the description of ballots prescribed, and it was deemed of such importance to secure an observance of the requirement that it is declared that ballots not conforming to the description prescribed shall not be received or counted.

It would have been competent to impose a penalty on the circulation or use of such ballots, but the means by which their use is sought to be prevented is the rejection of the ballot when offered or from the count. It is not penal for an elector to use a ballot differing from the legal pattern, but it shall not be counted, and thus he fails to express his will through such an instrumentality. If the device or mark is external, and observed by the inspectors, they should not receive the ballot. If it is received, and on being opened is discovered to be of the kind condemned as illegal, it is not to be counted; but if the inspectors count such ballots in disregard of law and their duty the commissioners of election, assembled at the court-house, with time and opportunity afforded to scrutinize and correct, as far as may be done by the data furnished by the face of the returns, without a resort to evidence *aliunde*, should reject, as the inspectors should have done, ballots which the law says shall not be counted. The only safe guide as to what ballots are illegal because of devices or marks is the statute. It excludes any mark or device by which one ticket may be known or distinguished from another. A distinction between ballots by means of devices or marks instead of by means of the names on them is what the statute aims to prevent, and we are not at liberty to confine the broad language of the statute to any particular description of devices or marks, for ingenuity would evade any such limit. The law should be enforced as written.

There is no room for distinction between what is directory and what is mandatory, what is essential and what is not. The requirement that ballots shall be written or printed with black ink, with a space not less than one-fifth of an inch between names, seems to have been designed to guard against confusion and mistake as to names of the persons voted for for the different offices, while the requirement of plain white news printing-paper of a designated width within narrow limits, and the exclusion of any device or mark by which one ticket may be known or distinguished from another, must have been intended to secure uniformity in the appearance of ballots, so that ignorance and blind party devotion might not be led to the adoption of ballots by the guidance of some mark and devices, as to which

they were instructed by their leaders, and which, instead of intelligent comprehension of whom or what they are casting their ballots for, should determine their selection of ballots to be cast. It was well known that ballots are prepared beforehand under the direction of political managers, and are distributed for use among electors; and it was further known that captivating marks and devices on ballots, appealing to ignorance and blind party zeal, were a favorite resort as an electioneering device deemed legitimate and freely practiced with much effect; and the purpose of section 137 was to stop this pernicious practice and to make the prohibition effective by prohibiting any mark or device by which one ticket can be distinguished from another, and by rejecting any ballot in violation of its requirements. It was assumed that ballots would still be prepared beforehand by party managers or persons interested in having them legal, and that, as all would be alike, the advantage to one party over another should not consist in tickets, but that ballots must be selected not by devices and marks, but because of the names to be voted for.

We do not think that the commissioners of election can be required to meet and recanvass the returns of the election. Having made their canvass and declared the result, and transmitted a statement of it to the secretary of state, their connection with the returns ended. Any error committed by them is not to be corrected by requiring them to reassemble and correct it. The legality of their action may be the subject of judicial investigation in cases in which provision is made for contesting the election by an appeal to the courts of the State, but only in those cases.

The House of Representatives of the Congress of the United States is the judge of the elections, returns, and qualifications of its own members, and the courts of the State have nothing to do with this matter.

This case might properly have been disposed of without considering any of the questions made by the record except that last mentioned, but the attorney-general informed us from the bar that doubts exist as to the proper interpretation of the election law of 1880, and that criminal prosecutions have been instituted against the commissioners of election of some of the counties for supposed violations of the law in reference to their duties, and we have complied with his request in declaring our view of the several questions presented by the record.

Judgment affirmed. To be reported.

George, J., concurring:

I concur entirely in the opinion of the court as drawn up by Judge Campbell. The duty to examine and reject illegal ballots rests on every officer or court required or authorized by law to count them. The statute prohibits the use of any mark or device on a ballot by which one "ticket may be known or distinguished from another." That the mark or device adopted is a mere printer's mark, commonly used for ornamentation, makes no difference. The statute prohibits any distinguishing mark whatever, and no court has the right to do away with the effect of the statute by holding that marks which are mere printers' ornaments may be used. It is wholly unimportant whether the marking on the ticket was the result of ignorance or a design to evade the statute. The inspectors and commissioners have no power to inquire into motives; nor has the statute made motives important. It condemns as illegal every ballot or ticket which is so marked "that it may be known or distinguished from another." The ticket used in this case and made an exhibit to the petition is thus marked, and should have been rejected. We have nothing to do with the policy or impolicy of the statute. The language is plain and does not admit of construction; and it is the duty of the courts and other officers to obey and enforce it in the sense the words clearly indicate.

The House should follow the construction of the Mississippi statute made by her supreme court. It is plain, therefore, that the court decided that the commissioners of elections were bound by law "to reject illegal ballots cast and counted by the inspectors of elections and returned to them with the statement of the result at the polls;" that they should have rejected the 506 marked ballots as illegal "for having on them a device or mark by which one may be known or distinguished from another." But the court held that the commissioners, having decided and declared the result, could not be reassembled and made to change that result.

If this construction of the statute is correct, all tickets so marked were illegal and ought not to have been counted in Mississippi and ought not to be counted here. Should the House act upon that construction? We answer in the affirmative. First, because the House should follow the construction made by the highest judicial tribunal of the State whose statute is under investigation. The Supreme Court of the United States is absolutely supreme, answerable to no tribunal and to no constituency. If it would be governed by such a construction surely this House, not a judicial body but accustomed to seek its law in the statutes and reports, should feel so bound. That that court would follow such a construction ordinarily none can doubt. The rule has been uniform from Shelby *vs.* Gray, 11 Wheaton, down to its latest utterances. Since 1789, at its birth, it has acted under the statutory requirement that "the laws of the several States, except where the Constitution, treaties, or statutes of the United States otherwise require or provide, shall be regarded as rules of decision in trials at common law in the courts of the United States in cases where they apply." And always it has held that "the laws of the several States" are to be sought for, not in the statute-books only, but in the reports also, and that the construction of a State law by the highest judicial tribunal of that State determines what is that law. (See Green *vs.* Neal, 6 Peters, 291.)

The majority report says:

It is seriously contended by the contestee that the decision of the supreme court of Mississippi construing the sections of the election laws of that State ought to be followed by Congress, and that it is against the settled doctrine of both Congress and the Federal judiciary to disregard the decisions of State tribunals in construing their own local laws. This is too broadly asserted and cannot be maintained. It is true that where a decision or a line of decisions has been made by the judiciary of the States and those decisions have become a "rule of property," the Federal judiciary will follow them. Not to do so would continually place titles to property in jeopardy and disturb all business transactions. The rule as to all other questions is well stated in Township of Pine Grove *vs.* Talcott, (19 Wall., 666, 667,) as follows:

"It is insisted that the invalidity of the statute has been determined by two judgments of the supreme court of Michigan, and that we are bound to follow these adjudications. With all respect for the eminent tribunal by which the judgments were pronounced, we must be permitted to say that they are not satisfactory to our minds. * * * The question before us belongs to the domain of general jurisprudence. In this class of cases this court is not bound by the judgment of the courts of States where the cases arise; it must hear and determine for itself."

That the Supreme Court of the United States will follow a "*line of decisions*" of a State supreme court construing a statute of that State, which have become a rule of property, is true. But it will not wait for such a line of cases before following. Outside of the excepted cases mentioned in 18 Howard, 595, and 8 Wallace, 575, Federal questions, 17 Wallace, 648, it follows any such decision. It will follow the *latest* when they are not in "line." (2 Black, 599; 4 Wallace, 196.)

The constitution of Mississippi, adopted in 1832, forbade the introduction of slaves there for sale. In Graves *vs.* Slaughter, 15 Peters, 449, the United States Supreme Court held that a note given for such slaves could be recovered, because the State had passed no law to give effect to the constitutional prohibition. Afterward, in Brien *vs.* Williamson, (7 Howard, Mississippi Reports,) the supreme court of Mississippi held the reverse, and after that the Supreme Court of the United States changed. This was its language:

Undoubtedly this court will always feel itself bound to respect the decisions of the State courts, and from the time they are made will regard them as conclusive in all cases upon the construction of their own constitution and laws. (Rowan *vs.* Runnels, 5 Howard, United States Reports, 139.)

Secure in its own grand powers and free from the petty weakness which would make it doubt the integrity or discount the ability of the State courts, it admits that their decisions upon their own statutes are authoritative.

Nor is it confined to "property" in any narrow sense. It covers all rights which may be litigated. Besides, the office of Representative is "property" very valuable to the possessor and sacred to his constituency. (See *Ex parte* Garland, 4 Wallace, and cases cited.)

And the House of Representatives has uniformly not only followed the construction put upon State laws by the State supreme courts but by State executives as well. The rule was well expressed by the Committee on Elections in the Tennessee cases in the Forty-second Congress. We quote it:

It is a well established and most salutary rule that where the proper authorities of a State government have given a construction to their own constitution or statutes, that construction will be followed by the Federal authorities. This rule is absolutely necessary to the harmonious working of our complex governments, State and national, and your committee are not disposed to be the first to depart from it.

The Forty-sixth Congress followed the construction of Iowa's constitution by her governor and kept in Republican Representatives, though Iowa's Legislature now hold otherwise, and another Congress would follow this last construction. As another escape from this rule the majority report uses this language:

Every State election law is by the Constitution made a Federal law where Congress has failed to enact laws on that subject, and is adopted by Congress for the purpose of the election of its own members. (Page 10.)

This language is strangely involved. It declares that State election laws are made "Federal law" by the Constitution and "*adopted by Congress.*" It sounds oddly to talk of Congress adopting a constitutional result. But there is no such thing in the Constitution; and if there were the construction of them by the proper tribunals would still fix the law, for in the same sense construction by the State courts would *pro hac vice* become Federal. There is no such thought in the instrument. Its only language on the subject is: "The times, places, and *manner* of holding elections for Senators and Representatives shall be prescribed *in each State by the Legislature thereof*, but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators." Congress has not legislated as to the "manner" of the election of Representatives, except to require them to be elected for districts and that the voting shall be "by written or printed ballot; and all votes received or recorded contrary to this section shall be of no effect," (Revised Statutes United States, sections 23–27,) and as to the duties of election supervisors. (*Ib.*, section 2026, &c.)

The majority report continues this language:

To say that Congress shall be absolutely bound by State adjudication on the subject of the election of its own members is subversive of the constitutional provision that each House shall be the judge of the elections, qualifications, and returns of its own members, and is likewise inimical to the soundest principles of national unity.

* * * * * * *

The foundation of this contention is that if the Congress of the United States fails to enact election laws, and makes use of State laws for its purposes, it adopts not only *the laws* thus enacted, but the *judicial construction* of them by the State courts as well. (Page 10.)

None contend "that Congress shall be absolutely bound" by such decisions. The Supreme Court is not "absolutely bound;" it can disregard them. But it follows them for high considerations of public good. A court of errors is not "absolutely bound" by the verdict of a jury, but will not set it aside unless it "shocks the moral sense." So this House should follow a State construction of the State law, unless it is manifestly absurd. "The constitutional provision that each House shall be the judge of the elections, qualifications, and returns of its own members" means that the judgment should be according to law. That law when Congress has not acted is the State law, and the State law is the State statute as construed by the State supreme court. We know not what the majority means when it says this idea is "likewise inimical to the soundest principles of national unity." Certainly it is not at war with our constitutional national unity.

The next point is that Congress should follow State decisions construing these State statutes only where "decisions have been continued and uniform in such a way and for such time as to become the fixed and settled law of a State." "Where decisions have been made for a sufficient length of time by State tribunals construing election laws so that it may be presumed that the people of the

State knew what such interpretations were would furnish another good reason why Congress should adopt them in Congressional election cases. But this reason would be of little weight when the election had been held in good faith before such judicial construction had been made, and where there was a conflict of opinion respecting the true interpretation of a statute for the first time on trial."

Such has not always been the language of the honorable chairman of the Committee on Elections. In the Forty-sixth Congress he submitted a minority report signed by himself, Speaker KEIFER, and Mr. Weaver. In it he used this language:

We think this question, under the present constitution and laws of Pennsylvania, not an open one. The highest court of judicature of the State has decided it; at least it has given a construction to that part of the new constitution under consideration, and we quote therefrom. (Report, page 41.)

That was a single decision, not "a line" of them, and yet under it a Democrat was refused a seat in a Democratic House.

In the same Congress, in the case of Bisbee *vs.* Hull, from Florida, Mr. CALKINS objected to Hull's being sworn in upon a regular certificate. He said:

How can this certificate stand, even as establishing a *prima facie* right, when the basis upon which it rests has been swept away *by a decision of the supreme court of the State of Florida*!

After Hull was sworn in his case went to the Committee on Elections, and it unanimously followed an opinion of the supreme court of Florida, construing the Florida election laws—only one decision, and that, too, made after the election. Speaker KEIFER drew that report. It contained this language:

The opinion of the supreme court of Florida, pronounced by the chief-justice, on the question of canvassing the vote of the county of Madison, will be found in the record, page 221.

* * * * * * *

As already stated, duly certified copies of these returns were put in evidence by the *contestee*; they are signed by all the officers of the election; they are perfect in form, clear and explicit in the statement of the votes cast, *and have all been adjudged by the unanimous opinion of the supreme court of Florida, in a case before it, to be good and valid returns of the election at these polls.* (17 Florida Rep., page 17.)

Mr. CALKINS was a member of that committee, and under that report another Democrat was turned out by a Democratic House.

Mr. CALKINS drew the report in Boynton *vs.* Loring, in the Forty-sixth Congress, in which occurred this language:

But it is not necessary for us to decide this question, and we do not, much preferring that the courts of Massachusetts shall first construe their own statutes, and when they have undergone judicial construction we would follow the decisions of the courts of that State.

And this report was signed by all the committee (including Speaker KEIFER) except Mr. Weaver, the Greenbacker.

And the Mr. CALKINS who, as a member of the Committee on Elections of the Forty-sixth Congress did all these things, is the distinguished chairman of the Committee on Elections in this the Forty-seventh Congress, who prepared this majority report, which so vigorously fights against the principles then laid down. Then he was ready to follow State courts in the construction of State election laws freely. Now he puts it thus gingerly:

It need, however, hardly be added that *a line* of *carefully considered* cases in the States, in which such courts have *undoubted* jurisdiction, so far as they would apply in principle, would *go a long way toward* settling a disputed point of construction in any State election law. In fact it may be said that it would *probably* be the *duty* of Congress to follow the *settled* doctrine *thus* established. (Report, page 11.)

But seemingly afraid that his last enunciation will not be satisfactory he proceeds further to attack the Mississippi decision. He says that this construction of the statute was *obiter dicta*, because, by deciding that the commissioners could not be compelled to recanvass the votes of Tunica County, the court could have avoided the decision of the other points. The construction was not *obiter* even under the citations made by the report. There was a square issue upon each of the questions decided. They were made by a public officer to settle a dispute in which every elector in the State had a direct interest and every elector in the United States had an indirect interest, and the court could not decently pass by any one of them. So avoiding decision of questions, even in ordinary cases, was so great an evil that many States have legislated against the wrong. In Mr. CALKINS's own State since 1851 the constitution has declared: "The supreme court shall, upon the decision of *every case*, give a statement in writing of *each question arising in the record in each case*, and the decision of the court thereon." (Constitution of Indiana, 1851, article 7, section 5.)

In 1872 a statute of Georgia enacted that "the court (supreme court) *shall decide all questions* presented in the record of each case carried up to it for review." (Code 1873, section 4271.) It may be so in many States. And neither in Indiana nor Georgia would the court have any patience with one who would argue that their decision upon any question plainly made in the record was *obiter*, because it was not *necessary* to an adjudication of the rights of the parties.

It is not true, as stated by the majority report, that "the court declared in terms it had no jurisdiction of the subject-matter embraced in the first and second grounds stated in the opinion." All it said was:

The House of Representatives of the Congress of the United States is the judge of the elections, returns, and qualifications of its own members, and the courts of the State have nothing to do with this matter.

If that fact ousted the court of jurisdiction, what becomes of the position that a "line of well-considered decisions," &c., should be followed? A thousand would not change the fact that at last the House was judge, and that "the courts of the State have nothing to do with this matter." Nor does the majority of the Committee on Elections stand to that doctrine. The Republicans invoke exactly the opposite doctrine in their report in the case of Mackey *vs.* O'Connor, made on the 10th of April, 1882. Then, in discussing the duty of election officers under the laws of South Carolina, when that election was held, they used this language:

In the election laws of South Carolina, so far as a member of Congress is concerned, there is absolutely nothing authorizing county canvassers to pass upon the validity of an election, and to decide whether or not the votes there cast are to be counted and canvassed. Such is the effect of the decision of the supreme court of that State, *Ex parte* Mackey *et al. vs.* Canville *et al.*, rendered upon an appeal taken by the contestant upon an application to one of the circuit judges for the writ of *mandamus* to compel the county canvassers of Charleston to count the votes of two of the polls rejected by them.

I cite another memorable case. Three years ago Maine was turned over to a Republican governor and Legislature upon a decision of her supreme court made upon a "solemn question" (not case) submitted.

MARKED BALLOTS VOID.

The marked ballots ought not to be counted, even if we proceed regardless of the construction of the Mississippi statute made by her highest judicial tribunal.

Citations of cases as to the general rule of construing election laws are useless here. None will dispute about that. But let us come down to the very question under consideration.

The election law of Indiana, by section 18, requires the voter to receive his ballot and "put the same *unopened* into the ballot-box," and by section 23 requires that all ballots "shall be written or printed on plain white paper, without any distinguishing marks or other embellishment thereon, except the name of the candidates and the office for which they are voted for, and inspectors of elections shall refuse all ballots offered of any other description; provided nothing herein shall disqualify the voter from writing his own name on the back thereof."

Here the fact that the law compelled the ticket to be voted unopened, without marks or other embellishments thereon, except that the voter might write his name on its back, shows that her courts were right in holding that a mark inside of this unopened ballot, and not seen till the counting of the votes, could not cause the ballot to be then rejected. That the Mississippi statute dealt with the *face* and not the "back" of the ballot is plain from its words: "All ballots shall be written or printed in black ink," "without any device or mark by which one ticket may be known or distinguished from another, except the words at the head of the ticket; but they shall not prohibit the erasure, correction, or insertion of any name by pencil-mark or ink upon the face of the ballot; and a ticket different from that herein prescribed shall not be received nor counted." (Section 137, *ante*.)

In Commonwealth *vs.* Woelper, 3 S. & R., 29, the supreme court of Pennsylvania held that such a law must be strictly construed. Tilghman, C. J., delivering the opinion, said:

The tickets in favor of those persons who succeeded in the election had on them the engraving of an eagle. The judge who tried the case charged the jury that these tickets ought not to have been counted. The case is certainly within the words of the law. The tickets had something more than the names on them. But is it within the meaning of the law? I think it is. This engraving might have several ill effects. In the first place, it might be perceived by the inspector, even when folded. This knowledge might possibly influence him in receiving or rejecting the vote. But in the next place, it deprived those persons who did not vote the German ticket of that secrecy which the election by ballot was intended to secure to them. A man who gave in a ticket without an eagle was set down as an anti-German and exposed to the animosity of the party. Another objection is that the symbols of party increase that heat which it is desirable to assuage. We see that at the election some wore eagles in their hats. The case thus falling within the words and practices of this kind leading to inconvenience, I think the court ought not exercise its ingenuity in support of these tickets. Let us at least prevent future altercations at elections by laying down such plain rules for the conduct of inspectors as cannot be mistaken. I am for construing the by-law as it is written and rejecting all tickets that have anything on them more than the names. This objection strikes at the root of the election, for the evidence is that all the tickets in favor of the defendants were stamped with an eagle. Whatever, therefore, may be the law on other points, it is clear, upon the whole, that the defendants were not duly elected.

The law of Oregon required tickets to be written or printed on plain white paper. The officers rejected a ballot because it was on colored paper. Its supreme court, upon a case made, decided thus:

Section 30, page 572, of the code provides that "all ballots used at any election in this State shall be written or printed on a plain white paper without any mark or designation being placed thereon whereby the same may be known or designated." The voter in this instance is conclusively presumed to have had knowledge of this requirement, and to have had it in his power to comply with it by using a proper ballot. It was a matter entirely under his own control, and if he chose to disregard the law he cannot complain if the consequence was that his vote was lost. (The State *vs.* KcKinnon, 8 Oregon, 500.)

Ohio has the identical Mississippi requirements as to tickets except that it does not declare that marked ballots shall not be counted. We might cite other election laws from many States and draw comparisons with them, but as this report is signed by a distinguished lawyer from the State of Massachusetts I call attention to her law. Chapter 7 of the Statutes of Massachusetts, 1882, contains her election laws. By section 4 the secretary of state is required to furnish to all election officers self-sealing envelopes of uniform size and color, and bearing the arms of the Commonwealth; and no other envelopes can be used at the polls. By section 9 none but registered persons can vote. By section 12 the vote must be presented by the voter in person "in a sealed envelope, or open and unfolded, and so that such officers can know that only one ballot is presented."

By section 14 no tickets are to be printed or distributed when three or more must be voted for "unless such ballots are of plain white paper, in weight not less than that of ordinary printing-paper, and are not more than 5 nor less than 4½ inches in width, and not more than 12½ nor less than 11½ inches in length, and unless the same are printed with black ink on one side of the paper only, and contain no printing, engraving, device, or mark of any kind upon the back thereof. The names of candidates shall be printed at right angles with the length of the ballot in capital letters not less than one-eighth nor more than one-fourth of an inch in height, and no name of any person appearing upon any ballot as a candidate for any office shall be repeated thereon with respect to the same office. Nothing herein contained shall authorize the refusal to receive or count any ballot for any want of conformity with the requirements of this section." Suppose the last clause stricken out, and in lieu of it the words of the Mississippi statute, "and a ticket different from that herein prescribed shall not be received or counted." Suppose on the back of such tickets (for that law deals with the "backs") were two "monkey dashes" and other "printers' marks," would they not be rejected because obnoxious to the prohibition against "printing, engraving, device, or *mark of any kind* upon the back thereof?"

On the 1st of March, 1882, the committee on election laws of Massachusetts reported favorably what seemed to be one of a series of intended amendments to her election laws. Its first section was in these words:

No person shall, at an election for the choice of State, district, county, or city officers, cast any ballot unless the same is at least 4½ inches in length and width, and no such ballots shall be received or counted by the election officers.

The officer who sent me the bill says he understands its purpose to be "to provide against the counting of 'stickers' which have fallen from the tickets or ballots to which they were affixed when cast."

But whatever was its purpose, I cite it as another attempt to compel fair elections by strict regulations. And I call attention to language used by the distinguished Representative [Mr. RANNEY] who is a member of the Committee on Elections in this House, on the 17th of this month, in the report in Bisbee *vs.* Hull. It was this: "It is a fundamental principle as firmly established as any rule of law that votes *must* be cast *as the law directs*," and he adds that votes otherwise cast are "illegal and void." The law of Mississippi directed that tickets should not be counted unless they were "without any device or marks by which one ticket may be known or distinguished from another, except the words at the head of the ticket." Each of these rejected ballots had on it four different marks, by either or any or all of which they could be known and distinguished, and were known and distinguished from other tickets. Will we violate this fundamental principle that these votes may be counted?

In the contested election case of Curtin *vs.* Yocum there was a report, (No. 345, second session Forty-sixth Congress.) I believe none dissented from this language in that report:

The authorities are uniform to the effect that all statutes are mandatory which cannot be disregarded without ignoring the legislative intent. The will of the Legislature cannot be carried out unless the prevision of the statute is complied with, and to disregard one of the safeguards which the law-making power of Pennsylvania deemed necessary for the protection of the ballot. (Page 4.)

The same rule is well expressed in Doerflinger *vs.* Hilmantel, 21 Wisconsin. The statute forbade unregistered voters from voting, and declared the votes to be illegal. The court said:

The inspectors cannot receive his vote, and if they cannot it cannot afterward be received and counted by the courts. And next it is to be observed that it is a negative statute. It has been said on very high authority that negative words will make a statute imperative. (Dwarris on Statutes, 715; 7 Law Library, 55, and cases cited.) The words of the act are: "No vote shall be received at any annual election in this State unless," &c. It is difficult to conceive any language more strongly imperative than this.

THE MAJORITY CONFESSES AND AVOIDS.

The only reply by the majority report, is (page 13:)

In the present case we find, as a matter of fact, that there was no intentional violation of the law, and we further find, as a matter of fact, that every precaution was taken which a reasonably prudent man would be likely to take under similar circumstances; that the contestant in person applied to those whom he might reasonably believe to be well versed in the art of printing, and, with the law in their hands, discussed the question of distinguishing marks, and was assured that tickets would be prepared and printed strictly within the letter of the statute. After the tickets were printed the contestant was assured that they were lawful, and might be relied upon as not being obnoxious to the law. It does not appear that the printers' dashes which appear on the ticket were observed by the contestant or his friends, at least until the morning of the election, after they were all distributed, and it was too late to furnish other tickets; and when the dashes were discovered it was stoutly contended that they were not distinguishing marks within the meaning of the law. It also appears that there was no intention on the part of any one, either those connected with the printing of them, or those for whose use they were designed, to print the dashes in the tickets for the purpose of distinguishing them from any other ballots of any other party.

It is also proved that tickets precisely similar to those that are questioned in this contest, in so far as the printers' dashes are concerned, were printed and furnished to the opposing party in at least one of the counties in the sixth Congressional district of Mississippi, and were unquestionably voted without a suspicion that they were obnoxious to the law.

That the marks were used to distinguish the tickets appears by the record. Luther Reed, a farmer, forty-four years old, and an election commissioner of Warren, testified that he and his fellow-commissioners unanimously rejected all marked ballots, where protests against them were filed because they thought them illegal. In testifying as to occurrences at the election, he said, "I saw a squad of colored men standing together, and heard some say, "these are the marks which I vote by." (Objected by the contestant's counsel as hearsay.) Cross-examination continued: "I saw the tickets, but I did not go near enough to see what tickets they were." One of them said, "I voted the 'O' ticket." (Record, page 40–41, and see ticket on page 139 of record.) H. M. Marshall testified as to the election in Warren County, as follows:

Question 4. Did, or not, the Republican officers or challengers at the polls keep a tally of the votes for Lynch and announce the state of the vote when the polls closed and before the votes were counted? A. Yes; Captain Bourne kept a tally, and at the close of the polls announced the result; which, when the votes were counted, hit the exact result or nearly so. (Record, 250.)

The Republican challenger at Kingston precinct, Adams County, Henry B. Towers, testified:

Out of the 350 which I have on my tally-sheet I actually saw and read the name of Lynch on 160 ballots, the balance I took by what the voters said. (Record, 133.) The voters were instructed to turn their tickets toward me as they came into the voting-room. (Record, 137.)

Away with your talk about a secret ballot, an unmarked ballot, when thus your voters are marched to the polls "like dumb driven cattle!"

Nor can the committee escape upon the idea that the voters did not see these tickets till the morning of the election. That objection would be just as valid with any kind of marks on the tickets, as spread-eagles or the like. This contest is not with the voters, but with Lynch. The statute of the United States treats it solely as a case between Lynch and Chalmers. Now, what had he to do with preparing these marked ballots? We stop not to notice that he told the secretary of state that all his tickets were printed at one office, &c., (record, 259,) while the fact was that he employed two offices to do the work. Grant that he was misunderstood, as he claims. (Read at pages 45, 46, 47, 49, 51, 52.) From them it will appear that he had the law and had the proof-sheets of the Democratic ticket and his own before him side by side; he criticised the difference in the type of "heading," and that he swears on the trial that he regarded the utter absence of marks on the Democratic ticket as a device by which they might be known. He thought obedience to the letter of the law a violation of the law.

The record contains no evidence that Mr. Chalmers had any marked tickets made or saw any before they were voted. The record, at pages 42, 43, shows that the chairman of the Democratic executive committee of Issaquena County by letter ordered "2,000 regular Republican tickets, Garfield and Arthur, and electors, but with our candidate for Congress, Hon. James R. Chalmers's name at bottom." And he received them, but the record does not show that any of them were used, I believe.

More than a thousand years before Christ Saul was told to go and destroy the Amalekites, to destroy utterly all of them. He went and brought back the captive Agag and sheep and oxen, and he was called to account by the prophet for his neglect of duty. I can almost see him as he replied: "Why, I brought the king a captive. Have you no pride as an Israelite? And the people have brought back the best of the sheep and the oxen for sacrifice. Do you not believe in sacrifice?" The stern answer was: "To obey is better than sacrifice, and to hearken than the fat of rams."

And shall we be told in this presence, by the law-makers, that laws made, not in the South alone but all over this country—for they are alike—for the purpose of preserving the purity of elections are to be set aside at pleasure? If so, where are you to stop? Would it be permissible to put a black line around this ticket as a symbol of mourning for Garfield? Would it have been permissible to print the face of Lincoln thereon and say "He was the emancipator of the negro race?" Obedience to law shows a plain path; disobedience places you at sea, and God only knows where you will find harbor.

I find, Mr. Speaker, that I will not have time to discuss the certificates of the supervisors, &c., and it is best to leave that to others. But I will attach here as part of my remarks the appendix to one of the arguments before the committee, showing what was said at the time of the passage of the law touching the right of supervisors in county precincts to make returns. I know that with lawyers remarks prior to its passage about what a law means do not always amount to a great deal. But it does seem that in this place and in this presence they are considered.

Mr. RANNEY. Not in the courts.

Mr. HAMMOND, of Georgia. As the gentleman from Massachusetts properly remarks, not in courts. In this place we have had a treaty, "the highest law," as Mr. Webster calls it, absolutely twisted from its meaning, as Congress understood it, by a veto, because of prior talk between the Americans and Chinamen who negotiated the same. Surely, therefore, Garfield's construction of the supervisory law will go down with us to-day. Here is the appendix:

APPENDIX.

When the sundry civil bill of the Forty-second Congress went to the Senate an amendment known as the tenth amendment was put on, extending the law as to supervisors of election to all Congressional districts alike. This was resisted by the House, and after an excited and angry contention between the two Houses a compromise was made providing for the appointment of supervisors in Congressional districts outside of cities of 20,000 inhabitants, but limiting their power as follows:

"*And provided further*, That the supervisors herein provided for shall have no power or authority to make arrests or to perform other duties than to be in the immediate presence of the officers holding the election and to witness all their proceedings, including the counting of the votes and the making of a return thereof."

Mr. Garfield, chairman of the committee, when making the conference report, said:

"The effect of this is that the supervisors authorized by this act stand by and

witness the proceedings of the election, and have the official right to stand by, so that if frauds are being perpetrated the Government of the United States may have as witnesses a member of the Democratic party and one of the Republican party to the facts in the case." (See Congressional Globe, page 4455, second session, Forty-second Congress.)

Mr. SHELLABARGER. Let me suggest to my colleague whether the effect of this amendment may not be to deprive these officers of the power to challenge, and also of the power to make the certificate which they now make under the existing law? I call the attention of my colleague to these words: "shall have no power or authority to make arrests, or to perform other duties than to be in the immediate presence of the officers holding the elections," &c. It seems to me, and I suggest it as an apprehension, that this strips these supervisors or inspectors of the power both of challenge and also of indorsing the certificates of election.

Mr. GARFIELD. That may be true; but, even if it be true, the presence of these officers, appointed by a judge, acts as a moral challenge.

Mr. BROOKS. I understand that they have not the power to give certificates of election.

Mr. GARFIELD. I should say clearly not.

Mr. BROOKS. Nor have they any power to make any return.

Mr. GARFIELD. Nothing of the kind. (Page 4454.)

Mr. GOODRICH. My question is, whether the present amendment does not clearly retain to the supervisors appointed by the General Government, through the instrumentality of the court, the duty and the right to make a return or certificate of election contrary to and in opposition to the State officer?

Mr. KERR. Under the language of that amendment I think it is perfectly clear, as a question of law, that these two supervising witnesses will have neither right nor authority to sign or to superintend, or in any way to modify or to change the returns of the election. They may merely stand and see how it is conducted.

Mr. GOODRICH. Now I desire to have that proviso read to the House.

Clerk read as follows:

"*And provided further*, That the supervisors herein provided for shall have no power or authority to make arrests or to perform other duties than to be in the immediate presence of the officers holding the election and to witness all their proceedings, including the counting of the votes and the making of a return thereof."

Mr. GOODRICH. That is it, "and to make a return."

Mr. GARFIELD. Oh, no; that is not it. [Laughter.] They only witness the making of the return.

There are here also certificates of clerks of chancery courts, &c. Now, there is no law in Mississippi that authorizes any clerk to have anything on the face of this earth to do with an election except that the clerk of the circuit court keeps the book of registration and changes the registration where parties move, &c.; and he delivers that poll-book to the commissioners when an election is to be held, and they return that poll-book to him after it is held. I challenge gentlemen who shall conclude upon me to show one word in their statutes enlarging their powers beyond that. I may be mistaken, but that is the way I understand her law. That being true, how do you get such a certificate as evidence here? I read from a standard work on election cases. It is Rogers's Law and Practice of Elections and Election Committees, published in 1837, an English book. On page 84 the principle is laid down thus:

The general rules which apply to evidence in the courts of law apply also to evidence before a committee of the House of Commons. The same witness who, from want of understanding, defect of religious principle, or infamy of character, is incompetent in the one place must necessarily be so in the other. So, also, the policy which forbids husband and wife from giving evidence either for or against each other, and which considers as sacred the communications made to counsel or solicitor, are rules of law inviolably to be preserved in all tribunals. It is therefore unnecessary to treat at any length on such points in a work like the present, though some of them are incidentally noticed hereafter.

On page 117 is this language:

It is a general rule of evidence that the burden of proof lies on the person who has to support his case by proof of a fact of which he is supposed to be cognizant. Upon this principle it has been held that where a class of voters seeks the benefit of exemptions, they must show that they are legally entitled to the benefit of them.

It is always necessary that the best evidence should be given which the nature of the thing admits of. The true meaning of this rule is that inferior evidence shall not be received when, from the nature of the thing, better evidence may be presumed to be in a party's possession or power.—*Ibid*, 117.

On page 119 it is said:

The committee resolved that, in the absence of the poll-book, parol evidence could not be admitted.

On page 121:

Coleraine, P. & K., 508: A list of freemen prepared by a former chamberlain in obedience to an order of the house, but not returned to the house; and a return to the house of the names of the freemen, with the dates of their admissions, made by the present chamberlain, from information derived from the corporation books, held to be inadmissible.

On page 122:

So, also, a certificate of the registry of a deed was rejected as not being the best evidence, the deed not being proved to be lost.—2 *Peck*, 137.

The proceedings are as closely assimilated *as the nature of the subject will admit* to that which usually takes place at the trial of another at law in the ordinary courts.—*Cushing's Parliamentarg Reports*, 269, section 657.

The rules concerning the admissibility of evidence have been established chiefly with a view to those tribunals where the department of trying the facts of causes and of expounding and deciding upon the law are intrusted to different persons. When those two provinces center in the same judges, as in election committees, the same strictness hardly seems to be necessary. * * * The law supposes committees to be acquainted with the nature of legal evidence, and therefore it must be presumed that if they do admit evidence which, when they hear it, turns out to be illegal, they will lay no stress upon it in forming their verdict. Juries, on the contrary, by intendment of law are considered as *unacquainted* with the nature of legal evidence. (Notes to the Cardigan Case, 3 Doug., 231, 232, 1775.)—*Wordsworth's Election Reports*, 36; published in 1834.

I mention those as examples of the rigidity of the rule in England. Now, what is our statute on the subject? I do not care to inquire as to the statute of Mississippi, but take the statutes of the United States. Under them this trial is had. First, it must be a certificate by "the keeper of the said records or books." This is section 906, applying to anything but court records. And it must be under his seal of office; and to that must bear the attestation of a judge that it is in due form; and there shall be a further authentication by the clerk or prothonotary—

Who shall certify under his hand and the seal of his office that the said presiding justice is duly commissioned and qualified; or if given by such governor's secretary, chancellor, or keeper of the great seal, it shall be under the great seal of the State, Territory, or country aforesaid in which it is made.

Now, there is no such evidence in this case, and the committee would not act upon the informal, illegal certificates. And I only mention it now because the gentleman from Tennessee [Mr. PETTIBONE] yesterday seemed to think it was necessary to fight the committee on these propositions. I suppose he felt that the committee could not get along on their report and needed help by his running on the outside.

I will remark in passing that this side has not shown a very great respect for the reports of committees on that side. But ordinarily we have paid some attention to what their committees have said. It is true that the other day, upon a unanimous report touching the better government of the city of Washington, one or two of the leaders of the other side of the House attacked it fiercely, and one dared to say in his place, when reminded that it was a report from a committee on his own side, "And we rebuke our committee."

Now, gentlemen, when you treat your own committees in that way, you cannot expect us to have so great confidence in them as we might otherwise have.

Now I will allude to some remarks of yesterday made by another gentleman from Tennessee, [Mr. MOORE.] I will state first that the general tone of his speech was an arraignment not only of the State of Mississippi but of the whole South, of every part of the country where there are colored voters. His idea was that there was no honest election simply because Democrats were returned from districts where there were more colored men than white men.

That I believe is a fair statement of his argument. He produced statistics of the district of Mr. Chalmers, and from those statistics he argued that a colored man ought to be here instead of Mr. Chalmers. I do not think that logic good. If it be good, then Mr. Shaw ought to be here instead of Mr. Moore, from Memphis, for Shaw was a colored gentleman who desired to come to Congress from that district, and the district has more colored voters than white voters. Yet when his name is presented Moore says, "Oh, Shaw, it will not do, [laughter;] I want it." He is as kind about giving away other people's places as was Artemus Ward about sending his wife's relations to the war. [Laughter.]

I do not wish to answer the gentleman by mere talk about what the condition of the South is, for he would say it was a Bourbon's evidence, but I will read from authority on his own side, from the reports of the Attorney-Generals of the United States as to the condition of the South. I will read first from the report of Attorney-General Devens, made in December, 1879. He says:

It has been my effort resolutely and fairly to execute all of the laws of the United States protecting the purity of elections, in the same way that other laws are executed, and to bring to justice those who have violated them.

Some addition to the expenses of the Department have been made by the prosecution of offenses committed against these laws by various forms of intimidation and fraud, the more prominent of which latter was the offense familiarly known as "ballot-box stuffing." While convictions have not been obtained in as many cases as could have been desired, I have known of none which was commenced without proper and sufficient evidence to justify them. The number of convictions obtained in the various States, however, authorizes the belief that a more healthy sentiment is developing itself against offenses of this character. That they strike at the very foundation of republican government cannot be disputed.

Now, what did he mean? That the number of convictions at that time satisfied him that there was a more healthy state of public opinion? I have taken pains to collate from the reports of the Attorney-Generals for the last six years all the acquittals, convictions, and nolleprossed in all the States of the Union under the election laws. Let us look first at the year 1879. How many convictions were there during that year? There were forty; and there were thirty acquittals and seventy-six cases nolleprossed. Where were the convictions? There were two in Alabama, four in Connecticut, six in Florida, seventeen in Maryland, five in New York, three in New Jersey, one in Virginia, one in Louisiana, and none in Mississippi.

In 1880, after another election had been held, and when the Attorney-General, like the gentleman from Tennessee, was gathering his facts from newspapers, he wrote a tirade on the subject of the violation of the election laws, and urged that they should be enforced. (See his report, pages 16–17.) (No mention of the matter occurs in his last report.) What was the enforcement? With the power of the Government in his own hands, with officers of his own, and with juries fixed to suit the purpose, so far as they could be according to the law, what were the convictions then? They mounted up pretty largely; Mississippi got fifty-two of them in a year; Texas had thirty-nine; New York, forty; Connecticut, four; Kentucky, one; Missouri, three; Pennsylvania, two; South Carolina, one; Ohio, two, &c.

Now to what was that due? You have seen it stated here that *ad interim* there was a change in the laws of the country. This statute of Mississippi was passed in 1880; its construction was uncertain. These men were indicted at a time when the passions engendered by the strife of the election had not been cooled down.

They went to court, and they said, practically, "You indicted us for not doing our duty. We did our duty as we understood it. Perhaps technically we violated the law and committed a crime, but it involves no moral turpitude, and no man dares charge us with any thing of that kind. If you put it upon a mere technicality that we violated the law, that is true and we plead guilty."

Table showing the disposition of all cases in United States courts for violation of the enforcement acts or election laws from June 30, 1875, to June 30, 1877, compiled from the reports of the Attorney-Generals of the United States.

States.	1876.			1877.			1878.			1879.			1880.			1881.			Grand totals for the six years ending June 30, 1881.		
	Convicted.	Acquitted.	Nollepressed or quashed.	Convicted.	Acquitted.	Nollepressed or quashed.	Convicted.	Acquitted.	Nollepressed or quashed.	Convicted.	Acquitted.	Nollepressed or quashed.	Convicted.	Acquitted.	Nollepressed or quashed.	Convicted.	Acquitted.	Nollepressed or quashed.	Convicted.	Acquitted.	Nollepressed or quashed.
Alabama	1	6	67	1	1	29	.....	.....	.....	2	.....	4	.....	.....	10	1	3	10	4	7	110
Arkansas	.....	.....	.....	.....	.....	.....	.....	.....	1	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	1
Delaware	.....	.....	3	4	.....	.....	.....	.....	.....	.....	.....	9	.....	.....	.....	.....	.....	.....	4	.....	12
Connecticut	.....	.....	.....	.....	.....	.....	.....	.....	.....	4	.....	4	.....	.....	.....	4	.....	4	8	.....	8
Florida	.....	.....	3	.....	.....	7	.....	1	1	6	2	3	.....	.....	.....	1	11	2	7	14	16
Georgia	.....	.....	14	.....	.....	22	.....	.....	13	.....	.....	.....	.....	1	4	.....	.....	.....	.....	1	53
Kentucky	.....	.....	.....	.....	.....	42	.....	.....	.....	.....	.....	.....	.....	.....	.....	1	.....	.....	1	.....	42
Maryland	.....	28	1	2	1	1	.....	.....	.....	17	6	4	.....	.....	.....	2	3	7	21	37	13
Missouri	.....	.....	.....	.....	.....	2	.....	.....	.....	.....	.....	.....	.....	.....	.....	3	.....	.....	3	.....	2
Mississippi	.....	.....	4	.....	1	6	.....	.....	2	.....	1	5	.....	.....	6	52	10	22	52	12	45
New Mexico	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	3	.....	.....	.....	.....	.....	3
New York	1	.....	1	26	3	9	.....	.....	.....	5	2	.....	.....	.....	.....	40	3	41	72	8	.....
New Jersey	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	4	1	.....	4	1	.....
North Carolina	1	.....	2	1	.....	1	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	1	.....	3
Pennsylvania	.....	.....	.....	.....	.....	.....	.....	1	.....	.....	.....	.....	.....	.....	.....	2	.....	.....	2	1	.....
South Carolina	.....	.....	1	2	3	53	.....	.....	.....	3	5	.....	.....	.....	.....	1	2	.....	6	10	54
Ohio	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	2	4	4	2	4	4
Tennessee	.....	.....	12	.....	.....	9	.....	.....	.....	.....	.....	.....	.....	.....	.....	1	.....	.....	1	.....	21
Texas	.....	1	.....	.....	.....	2	.....	3	.....	.....	.....	.....	.....	1	.....	39	3	16	39	8	18
Virginia	.....	.....	3	.....	.....	.....	.....	.....	.....	1	14	1	.....	.....	4	.....	.....	.....	1	14	8
Illinois	.....	.....	.....	.....	.....	3	.....	.....	.....	.....	.....	.....	.....	.....	.....	7	3	1	7	6	1
Indiana	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	2	5	3	2	5	3
Iowa	.....	.....	.....	.....	2	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	2	.....	.....
Louisiana	.....	.....	.....	2	.....	.....	.....	.....	2	.....	1	5	.....	.....	6	.....	.....	16	9	1	29
Totals	3	35	111	38	11	185	.....	6	20	40	30	76	1	2	67	162	48	123	248	131	446

WASHINGTON, D. C., *February* 8, 1882.

SIR: In reply to an inquiry contained in letter of Representative CHALMERS to you of 29th January, I have to say that within the three years that I have been attorney of the northern district of Mississippi only two cases have been prosecuted against citizens of the sixth Congressional district of Mississippi in the Federal court of my district, namely: United States *vs.* M. B. Collins, Warner Mathews, and James E. Monroe, for returning the vote of one precinct as the vote of Coahoma County at the Congressional election of 1880; and they entered the plea of *nolo contendere*, and were fined a nominal amount; and United States *vs.* Dr. Coleman, for stuffing ballot-box at same election, who also filed the same plea, and was subjected to small fine.

Very respectfully,

G. C. CHANDLER,
United States Attorney.

Hon. B. H. BREWSTER, *Attorney-General.*

What was the fine? I have the official statement from the Attorney-General of every one of them. There is but one in the lot who was charged with stuffing a ballot-box or with anything else than failure to comply with the election laws. Every man of them was acquitted on trial, except four, and they were fined $50 each. I insert here the table which I made and the report furnished from the Attorney-General's Office:

Names of defendants.	County.	Offense charged.	Disposition of suit.
William French	Warren	Omission of duty as officer of election.	Verdict, not guilty.
Luther Reed	do	do	Do.
David Butcher	do	do	Do.
M. Marshall	do	Procuring officers of election to omit duty.	Information quashed.
A. W. Brien	do	do	Do.
W. R. Grantham	Washington	Neglect of duty as officer of election.	Defendant left State; nolle pros.
Andrew Jackson	do	do	Plea of nolo contendere; fine, $50; paid.
Clark Dancy	do	do	Do.
George Carter	do	do	Do.
John R. Shields	do	do	Do.
John Compton	do	do	Do.
J. E. Hough	do	do	Do.
J. A. Ewin	do	do	Do.
Reuben R. Tann	do	do	Do.
George T. Rehn	Adams	Depriving voters of suffrage.	Verdict, not guilty.
C. L. Tillman	do	do	Do.
S. S. Menkins	do	do	Do.
John A. Dicks	do	do	Do.
Noah Barlow	do	do	Do.
Lewis W. Bryan	do	Omission of duty as officer of election.	Do.
Henry Adams	do	do	Do.
Frederick Stanton	do	do	Do.
C. S. Bennet	do	do	Do.
Geo. R. Washington	do	do	Do.
W. L. Jackson	do	do	Do.
W. J. Berry	do	do	Do.
Matt Meller	do	do	Do.
John H. Riggs	do	do	Do.
Andrew Johnson	do	do	Do.
E. B. Foster	do	Interfering with supervisor of election.	Do.
H. S. Hendrickson	do	do	Do.

Now, let us look a little further into that matter. How was it easier to make convictions in the South then, even if we have to account for it on other principles? The Attorney-General, in his report for 1879, on page 14, on the subject of witnesses, calls attention to the law allowing witnesses to be subpœnaed for criminals and to be paid by the United States, (Revised Statutes, section 878;) and he adds the following:

A great expenditure is thrown upon the Government by this provision, as large numbers of witnesses are often summoned on behalf of defendants whose presence is apparently not necessary to a fair trial of the case, and there certainly has been much abuse of this privilege, which necessarily entails a large loss upon the Government. I respectfully suggest that it might well be considered whether (except in capital cases) the number of witnesses which the United States shall be required to summon and pay for a defendant should exceed four, and also whether these should be permitted thus to be summoned unless it is reasonably shown that their testimony is to go to the merits of the case.

In 1880 he thought it important to repeat that recommendation, and to add this language:

It should be thoroughly guarded; and *no witness should be allowed to be summoned merely for the purpose of attesting or attacking the credibility of other witnesses, which is one of the most frequent modes of multiplying such witnesses.*

True, Mr. Speaker, this is only a recommendation to Congress to pass such a law; but be it said to the honor of the representatives of the people they have differed with the Attorney-General as to the propriety of such legislation. The same request is repeated in the last report, that of 1881; yet no member of this House has thought of introducing a bill to carry out that recommendation. And yet its repetition serves almost as an order to Federal judges. I know not what are the provisions in other States, but in my own State when a man is indicted he can summon as a witness any man he chooses for any purpose without disclosing to the judge or the prosecuting attorney what he expects to prove. It is certainly hard enough, as that report said, that section 878, Revised Statutes, "gives to persons indicted in the courts of the United States an advantage which few, if any, of the States confer. If any person so indicted makes affidavit setting forth that there are witnesses material to his defense, that he cannot safely go to trial without them, what he expects to prove by each of them, &c., and that he is not possessed of sufficient means to enable him to pay the expenses of such witnesses, the courts, or any judge thereof in vacation, may order such witnesses, if found within the limits of the district in which the court is held, or within one hundred miles of the place of trial, to be subpœnaed. In such case the costs incurred by the service of process and fees of witnesses are paid in the same manner that similar costs and fees are paid where witnesses are subpœnaed on behalf of the United States."

He must disclose his defense before trial, before he shall have a subpœna. But I submit it would be a very severe rule to say to a man, "Although you may be indicted at the instance of a man who is unworthy of belief, a man whose character places him outside the pale of decent society, and are too poor to pay your own witness fees, you shall not produce witnesses to prove that he is such a man, because it costs the Government a little money."

Here we are day by day rolling out our rhetoric and frowning at the grand old British lion, saying that we will spend millions rather than have a citizen improperly imprisoned in a British jail; yet we

have the Attorney-General saying in 1879, and reiterating it—I think without proper consideration—even in the last official report, in effect, "Imprison as many of our own people as you please, not at home, but away off in the cold regions of Albany, in the penitentiary, for the violation of election laws, though it be upon the oaths of men who are infamous, because the Government objects to paying witness fees even for her citizens indicted, and who swear to their inability to get witnesses because of poverty."

Against the talk of the newspapers, against the abuse which the gentleman from Tennessee bestows upon the people among whom he lives, I present the official statement and the official fact to show that he has slandered his countrymen.

It will not do for gentlemen to say that the officers of the law are not honest. They are your officers. It will not do to say you cannot convict. The records show that you have convicted. There is but one honest way to look at this thing; that is, to look at the records of your courts in the South as you look at them everywhere else; giving them full faith and credit. Assume that it may be true that just after an election many charges may be made, and that when the excitement has cooled the prosecuting officers may discover that there is no proper foundation for the actions they have instituted, and may quash the indictments.

Do not brand the officers of your own choosing, your prosecuting attorneys and your judges, with baseness, but look at the record and find that during six years there have been one hundred and thirty-one acquittals, and four hundred and sixty-six nolleprosses to two hundred and forty-eight convictions, and the conviction in almost every case has been under some local law, some special arrangement, some plea that did not affect the honor of the court, nor of the defendants, but preserved the forms of justice. While speaking of the proceedings in Texas I forgot to state that in all those cases the offense was purely technical, and the judge fined the parties one dollar a piece.

The gentleman from Tennessee [Mr. MOORE] started out yesterday with this language:

Before proceeding to the discussion of this case, with all deference and respect for the older and wiser members of our party who think differently—

That was put in for politeness—

I wish now and here to enter my solemn protest against the shilly-shally, pig-and-puppy policy of our managers, if we have any on our side of the House.

Now, it is not my business to defend the other side of the House, but I have some friends over there, and I will remark, without further controversy, that the gentleman from Tennessee ought not to have said that; it was a little more than was deserved. He adds:

We have a number of Republicans here, who know themselves to have been lawfully elected to seats upon this floor—

The Constitution, as the majority of the committee say in their report, makes *us* the judges in a case of this kind, even above the courts; but the gentleman from Tennessee makes the contestants the judges—makes Mr. Lynch the judge in this case. They know "they ought to have their seats." He says:

We have a number of Republicans here who know themselves to have been lawfully elected to seats upon this floor, now and for nearly five months past entreating this Republican House to give them an opportunity to present their claims for consideration.

Then he goes on:

But when our own party friends, from whom we have a reasonable right to at least expect some sort of sympathy, deliberately decline from day to day to allow us to bring up the claims of these neglected associates, we think we have a just and valid right to feel deeply aggrieved.

"We!" That is Mr. Lynch & Co.; not the Republican party, not the country.

He continued:

We have three contesting members whose cases, after many months of investigation, are now ready to be presented to this House with favorable reports, prepared with such care and cautious investigation as will commend them, we trust, to the judgment and sense of right of every fair man in this House and in this country. We insist now upon their right to be heard. The Republicans of the South, they who have come up through great tribulation—

Without their garments being spotless—

will not longer excuse the party for this dangerous and unjust neglect of the highest privileges of these Representatives, namely, the right to occupy and possess their lawful but now usurped seats upon this floor.

Mr. Speaker, I shall make no threats. I have for twenty years voted and shall continue to vote the Republican ticket, no matter at what personal cost, and that cost is well known to many; but all other men are not so ingrained as I am into the principles of the Republican party; and I warn this Congress to-day and the whole country that unless they do simple justice, and do it reasonably soon, to these Republican contestants who have almost literally fought their way to the doors of this House, it will require no prophetic foresight to see the Forty-eighth Congress in the hands of a round Bourbon majority and led by a Bourbon President.

* * * * * * *

I confess that I am, and I think the country is, growing very impatient with the milk-sop policy of our Republican majority here, and unless we decide soon to first seat the men who have been fairly and honestly elected, and then go on vigorously in the prosecution of the important public business for which we were sent here, I do not hesitate to say that the country will not do what it ought to do if it fails to repudiate our party at the very next election. A word to the wise is sufficient.

Here is a man representing an important district and proclaiming himself the champion of 6,000,000 of colored people, who stands here in this House, where every member is under oath, and says to members of his party: "If you dare to vote as the gentleman from Indiana [Mr. BROWNE] said you ought to vote, on your conscience and your judgment, you may expect a Democratic majority in the Forty-eighth Congress."

Talk about party lash! The meanest slave-driver that ever disgraced the South did not dare to put the lash so hardly upon the back of his meanest slave.

I know not what the honorable gentleman is, or what his views are, except as I gather them from his speech. In the Directory he remarks simply he was elected over Casey Young, I suppose thinking that was quite glory enough to die on. But in his speech he demonstrates to us that he is not a lawyer; indeed he says so, and the bar will be as gratified in learning that as will the public in learning another thing, that he is not. This speech would indicate he was a very cruel man, a very harsh man. That is not so. He is sleek and fat and good-natured, a very gentleman in manner and a very gentleman in thought, no doubt. He does not mean what he says in his speech. What private grievance he has I know not, but I cannot believe the gentleman in earnest.

When I was a boy, raised in a village, the first time I went to a city I was greatly alarmed at a savage I saw upon the side-walk, with tomahawk in hand, feathers in his cap, and a scalp in his belt. Seeing me alarmed, a friend led me quietly up to it and said: "Why, this is not a savage; tap it, look at it; it is simply made of block tin, painted, and perfectly hollow. There is no danger in it whatever." [Laughter and applause.]

I mention that so the country in reading this speech may know that the gentleman was joking. I mention it seriously, Mr. Speaker, because of his importance in this House. Think of him standing on the mighty river where is his home, with his back to Tennessee, North Carolina, and Virginia. He has no eyes in the back of his head; he turns his back on them thinking they are safe. He casts his eye out over Arkansas and Texas. To his right hand are Missouri and Kentucky. To his left are poor, prostrate Mississippi, Louisiana, and Alabama. To them he speaks, and as the waters bear his voice down toward the mouth of the Mississippi River it is caught up by the Gulf Stream, and skirting the coast of Florida and of Georgia, South Carolina and Hatteras, on up to the North and away over to the downtrodden people of Europe, this man's voice, the champion of the downtrodden everywhere, the champion of those whose rights are neglected, rolls on in mighty volume. I regret it, but I am obliged to tell the world that he is only a champion in disguise; he is posing. [Laughter and applause.]

[During the delivery of Mr. HAMMOND'S remarks, before his hour had expired, he said: I should like to know at this point, in order that I may properly shape the remarks which I desire to address to the House, whether at the expiration of my hour I may calculate on being allowed ten or fifteen minutes more if necessary.

Mr. ROBESON. I will move, if that be necessary, to give the gentleman from Georgia fifteen minutes additional.

Mr. CALKINS. And even if the House should not consent to that, I will state to the gentleman that at the close of his hour I will take the floor and yield him fifteen minutes.

Mr. HAMMOND, of Georgia. I am obliged to the gentleman from Indiana for his courtesy.

The SPEAKER. The gentleman from New Jersey [Mr. ROBESON] asks unanimous consent that the hour of the gentleman from Georgia be extended fifteen minutes.

Mr. HAMMOND, of Georgia. I hope I shall not need that extension, and yet I do not know but I may.

The SPEAKER. The Chair hears no objection to the request which has been made, and the time of the gentleman from Georgia is extended for fifteen minutes.

Mr. HAMMOND, of Georgia, then resumed and concluded his remarks.]

Mr. CALKINS. I now ask the contestant be heard.

There was no objection; and it was so ordered.

Mr. LYNCH (the contestant) rose. [Applause.]

Mr. MOULTON. I ask that order be preserved in the galleries.

The SPEAKER *pro tempore*. The House will be in order.

Mr. LYNCH, (the contestant.) Mr. Speaker, in presenting this case to the House and to the country I will not discuss the legal questions that are involved; nor will I review the testimony that has been taken. These points have been and will be forcibly presented by members of the committee who have familiarized themselves with the case. I will content myself with calling public attention to the disreputable system of elections of which the pending case is a natural and necessary outgrowth.

Out of 21,143 votes polled the contestee actually received about 5,000. In the counties of Adams, Claiborne, Jefferson, Washington, and Wilkinson something over 5,000 votes were counted and returned for him that were polled against him. Giving him the benefit of these frauds, he was still defeated by a majority of 663. His pretended claim to the seat is based upon the action of election commissioners or county returning boards in several counties in throwing out over 5,000 Republican tickets that had been received, counted, and returned by the precinct inspectors. Over 3,000 of these tickets were thrown out for the alleged reason that the election officers failed to comply with some technical requirements of the law; such, for instance, as a failure on the part of the election clerks to send up with the returns a list of the names of those who voted.

WARREN COUNTY.

In Warren County all of the Republican tickets except those polled in the first ward of the city of Vicksburgh were thrown out, for the alleged reason that they had on their face the usual and ordinary printers' dashes, which the contestee claimed to be a distinguishing mark. The rejection of these tickets was the most disgraceful act in the whole questionable business. Warren County, which includes the city of Vicksburgh, is the county and city in which General Chalmers now claims to live and where he is presumed to be well, if not favorably known. Although the election machinery in Warren, as in all the other counties in the district, was in the hands of his partisan friends and supporters, but where, I am pleased to be able to say, the election was fair and the count honest, up to the time the returns were made to the county commissioners, the county gave a majority of 1,052 against him. No one supposed for a moment that the commissioners could be induced or even seduced into committing this great outrage, especially as the precinct inspectors had positively refused to reject these tickets in spite of the appeals that were made to them to do so.

But General Chalmers, who seems to be equal to any emergency when his personal interests are at stake, appeared before this board in the person of his law partner, and without notice to his opponent, without allowing the other side an opportunity to take exceptions to the jurisdiction of the board or to present the other side of the question on the merits of the case, insisted upon the commission, without delay, of this great wrong, although they had ten days under the law in which to make their returns to the secretary of state. The opinion is prevalent in Warren County to-day that this board of election commissioners, which consisted of three men of only ordinary intelligence, would not have committed this outrage upon popular suffrage, as one of them frankly admitted to me, had both sides of the question been presented at the time. But the contestee, through his law partner, made them believe that it was their sworn duty to act exactly in accordance with his advice and agreeably to his instructions. In fact it can be truly said that he virtually decided the case himself; and as his modesty is not equal to his ambition, it is perhaps not strange that he decided the case in his own favor.

But there is another fact in support of the assertion that the commissioners acted agreeably to instructions furnished from General Chalmers's law office. The result of the election in the first ward of the city of Vicksburgh was as follows: Chalmers, 168; Lynch, 57. The 57 Republican tickets polled in that ward were exactly like those that were declared by the commissioners to be unlawful, and yet these 57 tickets were declared to be lawful and were therefore counted and returned as such. If all of the other tickets voted by the Republicans in the county were unlawful on account of the printers' dashes, then these were unlawful also, for they were all exactly alike. When the commissioners were asked why they did not throw these out also, their answer was because they were not protested against. The reason they were not protested against is no doubt due to the fact that the contestee had a large majority in that ward. The charge, therefore, made by the Vicksburgh Herald, the ablest Democratic paper published in the State, that the Republican tickets in that county were not thrown out because they had a few printers' dashes on them, but because they did not have the name of Chalmers on them, is unquestionably true. The assertion that the illiterate Republican voters were enabled to distinguish the tickets of the two parties by these dashes is untrue, because every ward in the city and every precinct in the county was supplied with counterfeit Republican tickets, the only difference between the genuine and counterfeit Republican tickets was that the latter had the name of Chalmers instead of Lynch on them for Congress. The printers' dashes, therefore, could not possibly operate to the disadvantage of Mr. Chalmers.

RACE PREJUDICE.

In reading one of Gath's letters to the Cincinnati Enquirer shortly after the election of 1880, I saw the following:

The Tribune interviewed General Chalmers, of Mississippi, yesterday, who coolly said: "I think about 5,000 votes for Lynch were thrown out in the district, out of 15,000 in all. As self-preservation is the first law of nature, I am in favor of using every means short of violence to preserve the intelligent white people of Mississippi in supreme control of political affairs. They are justified in using every means that wit or money, short of open bribery, can procure. If this is Chalmerism," he concluded, "I am proud of it."

The words "short of violence" and "short of open bribery" were no doubt used for purposes of embellishment and smooth reading. The facts would have been more accurately stated, as expressive of the purposes and methods of the element of which that gentleman is a recognized exponent, had these qualifying words been omitted But the language the gentleman is reported to have used, as quoted above, is hardly less than a libel upon the most intelligent and respectable white people of Mississippi. That General Chalmers is authorized to speak for the Bourbons of Mississippi, I unhesitatingly admit. That he is authorized to speak for the conservative white people of Mississippi, I most emphatically deny. That he does not and has not expressed their feelings, sentiments, and wishes, either in his utterances or methods, I most positively assert. No one, I presume, will deny that whenever there is a conflict between wealth and intelligence upon the one side and poverty and ignorance upon the other, the former can always wield a controlling influence, or at least hold the latter within legitimate bounds, and that too without resorting to any lawless or questionable means for that purpose. Whenever fraud and violence are resorted to, upon the plea that they are necessary to prevent the ascendency of ignorance over intelligence, the impression that is naturally created upon the public mind is that the order of intelligence is either very inferior or else there is no antagonism or conflict between these elements.

I deny that race prejudice has anything to do with fraud and violence at elections in the Southern States. There is not half as much race feeling at the South as many of the Bourbon leaders of that section would have the country believe. The antagonisms that exist there to-day are not based on antipathies of race, but they are based on antipathies of parties. The race feeling was strong shortly after the war, but it has now very nearly died out. Colored men are not now persecuted in the section from which I come on account of their color, but Republicans, white and colored, are persecuted in many localities on account of their politics. More colored than white men are thus persecuted, simply because they constitute in larger numbers the opposition to the Democratic party. The opposition to me as the candidate of the Republican party for Congress was no more intense than it would have been had the Republicans nominated an aristocrat of the *ante-bellum* period who fought on the side of the confederacy during the late war. The barrier to my success was not due to my color; it was due to my politics.

Bruce, Douglass, Langston, or any other reputable colored man, as the candidate of the Republican party for the Presidency in 1880, would have come just as near carrying Mississippi as did General Garfield. The Southern Bourbons are simply determined not to tolerate honest differences of opinion upon political questions. They make no distinction between those who have the courage, the manhood, and the independence to array themselves in opposition to Bourbon methods and measures. It matters not what name the opposition may assume nor of what elements it may be composed. They may call themselves Republicans, or Greenbackers as in some localities, or Independents as in others, or Readjusters as in Virginia. The fact that they oppose the ascendency of Bourbon Democracy makes them, from a Bourbon stand-point, enemies to the South, to its interests and to its people. All that is needed at the South to-day is the inculcation of a just and liberal public sentiment which will destroy political proscription and intolerance. That being done a full vote, a free ballot, and a fair count will necessarily follow, for it is an indisputable fact that fraud and violence have, as the basis of their existence, proscription and intolerance. [Applause.]

THE SOLID SOUTH.

That the South is solidly Democratic at the expense of the purity of elections is no longer a disputed question. Every intelligent man knows it and every candid man admits it. Many of those who defend the methods of Southern Bourbons, do so upon the plea that wealth and intelligence ought not to be governed by poverty and ignorance, and, as the wealth and the intelligence of the South are identified with the Democratic party, and the poverty and ignorance with the Republican party, it necessarily follows that Democratic success is essential to the ascendency of the intelligent and property-owning classes. According to their reasoning, therefore, the country ought to countenance and justify fraud and violence on their part. Let us inquire into this a little. The claim that the Democratic party at the South embraces within its membership all of the wealth and the intelligence of that section has not the slightest foundation in fact. I know whereof I speak when I assert that the opposition to the Democratic organization, in the State of Mississippi for instance, embraces within its membership a large per cent. of the wealth, the intelligence, and the moral worth of that Commonwealth. It is equally true that the Democratic party embraces within its membership some of the most ignorant and depraved of our population.

True, the Republican party at the South has a larger percentage of the illiterate voters than has the Democratic party, but it is also true that both parties contain a sufficient number of each of these classes to prevent either from being accepted as the exclusive representative of either class. Under the existing order of things it is impossible to make wealth and intelligence the basis of party organization in any one of the Southern States. If it be true that the Democratic organization at the South is the exclusive representative of the wealth and the intelligence of that section, why is it they do not establish by law an educational or a property qualification for electors? I think I can inform the country why it is they have attempted nothing of the kind. It is because they know they cannot disfranchise the illiterate Republican voter without disfranchising at the same time and in the same way the illiterate Democratic voter. It is because they know they cannot disfranchise the poverty-stricken Republican voter without disfranchising at the same time and in the same way the poverty-stricken Democratic voter. This is the "self-preservation" which they consider to be the "first law of nature."

I admit that a much larger number of Republican than Democratic voters would be thus disfranchised, but a sufficient number of Democrats would be disfranchised to create a public sentiment which would destroy the Democratic organization and drive the party from power. As to that party being the exclusive representative of polit-

ical morality, the facts presented in this case have gone far to disprove that claim. I assert with feelings of deep mortification and profound regret that in the official person of the contestee in this case the country is presented with a living monument of rifled ballot-boxes, stifled public justice, and a prostituted suffrage. Although the gentleman has occupied a seat upon this floor during the last five years, yet no one knows better than he does himself that he has never, with possibly one exception, 1878, when the Republicans made no organized opposition, received as many as one-third of the votes polled at any election at which he was a candidate. With all of their boasted intelligence and independence it is an unfortunate fact that Southern Democrats are particularly noted for their subserviency to party leadership. They rely chiefly upon their party leaders and local newspapers for political instruction and direction and they generally do or allow to be done whatever their leaders and party papers advise, whether it be right or wrong, fair or unfair. Under these circumstances it can be truly alleged that the contestee in this case is more responsible for the frauds and outrages that were committed in his behalf and for his benefit than any one else.

I am satisfied that had he gone before the people of the sixth district and told them that while he was ambitious to represent them in Congress, yet as an honorable man he could not afford to countenance or encourage any fraudulent or questionable methods to bring about that result, the election would have been fair and the count honest throughout the district. But it is an unfortunate fact that no such words as these were ever known to fall from his lips. On the contrary, the fraudulent acts that were committed by a portion of his friends and supporters, and which resulted in his being returned to a seat upon this floor, were received by him with either silent acquiescence or public approval. His chief aim, his sole object, seems to have been to occupy a seat upon this floor, regardless of the means by which that result might be brought about. I can assure the House and the country of the fact that it gives me no pleasure to feel compelled, in vindicating the cause of truth and justice, to use such strong language in referring to my distinguished opponent, because, aside from his questionable election methods, he is a gentleman whose ability, eloquence, and genial disposition are calculated to commend him to the appreciation and respect of those with whom he may be officially or socially connected. Gladly would I acquit him of ever having countenanced or encouraged the commission of election frauds if the facts would only warrant me in so doing.

But, Mr. Speaker, must it be assumed that the commission of these crimes and these outrages are encouraged by the wealth and the intelligence of the sixth district of Mississippi? In the name of those who in *ante-bellum* days gave tone and character to Southern society, under the supervision and direction of some of whom I received my early training, and by whom I was taught to seek through a laudable and commendable ambition the realization and accomplishment of those things which can be honorably achieved only by those who are imbued with and actuated by the highest, noblest, and most exalted aspirations, I must enter my earnest and emphatic protest against such an unjust, unfair, and unreasonable assumption. While I admit that the late war, which was disastrous in its results so far as many of the Southern white people were concerned, produced a marked and lamentable decadence in the public morals of that section, yet I know, of my own personal knowledge, that there are, even in the sixth district of Mississippi, white men and Democrats who are admitted by all who know them to be men of honor, character, and integrity. When, therefore, the contestee attempts to make it appear that these men indorse and defend the methods by which he was returned to a seat upon this floor, he thereby becomes a maligner of his section and a traducer of the most intelligent and respectable portion of his own people.

I can assert whereof I know to be a fact that there are thousands of Democrats in the sixth district of Mississippi, many of whom voted for the contestee, but who know and admit that he was fairly and honestly defeated, and that he reflects no credit upon himself, his party, and his State in claiming a seat upon such a flimsy and ridiculous plea as the one set up by him in this case. The worst that can be said about these law-abiding Democrats is, that through a mistaken zeal for the success of their party they remain, as a rule, reticent and inactive, while the ignorant and immoral are allowed to debauch the suffrage in the interest of the Democratic party, and thus bring odium and disgrace upon their State and party.

Both of the great political parties of the day are no doubt anxious to bring about a cessation of the agitation of sectionalism. They differ only as to the basis upon which this agitation shall cease. The Democrats who are in favor of upholding and defending the Bourbon system of fraudulent elections, as illustrated in this case, for instance, are anxious to bring about a cessation of sectional agitation upon the basis of a violent and fraudulent suppression of the popular will. The Republicans, on the other hand, and I am pleased to be able to say thousands of honest Democrats as well, are anxious that this agitation shall cease, upon such conditions as will secure to all citizens the equal protection of the laws, and a willing acquiescence in the lawfully expressed will of the majority. As an humble member of the great Republican party, I have no hesitation in declaring it to be the unchangeable determination of that party to continue to wage a persistent war upon Bourbon methods at the South until the right of every citizen to cast his ballot for the man or the party of his choice and have that ballot fairly and honestly counted shall have been acquiesced in from one end of the country to the other. [Applause on the Republican side.]

Mr. Speaker, so far as this case is concerned it is not a question of party. It is one that appeals to the patriotism and justice of the American people. You are called upon to determine in this case whether or not 10,000 voters of one party in a district shall be allowed through systematic frauds and ballot-box manipulation to be equal to 20,000 voters of the other party in a district where the election is fairly and honestly conducted. You are called upon to determine whether or not in a district containing about 40,000 voters 30,000 of them shall be allowed through the commission and perpetration of flagitious crimes to be practically disfranchised and the 10,000 alone to have voice and representation upon this floor. You are called upon to determine whether or not these grave offenses against law, justice, and public morals shall receive the condemnation or approbation of the national House of Representatives. To the Democratic members of the House who are the chosen representatives of a willing constituency and whose titles are not saturated with the crime of fraud, I have this to say: that you will accept the fraudulent methods and practices that were resorted to in behalf of the contestee in this case as your standard of political morality is what I have been too charitable to believe and too generous to assert. That any considerable number of representatives of any party can give these offenses the sanction of their approval is what I cannot and will not believe until that fact has been unmistakably demonstrated.

I am aware of the fact that Southern Republicans are sometimes reproached because they do not make forcible resistance to the perpetration of these frauds; but it must be remembered that the frauds are always committed under some sort of color of law. The five thousand and more Republican tickets that were thrown out in the sixth district of Mississippi were thrown out by men whose sworn duty it was to make true and correct returns of all the votes polled in their respective counties. In counties where not less than 5,000 votes were counted and returned for the contestee that were polled against him, the frauds were either committed by the sworn officers themselves or by accomplices who had been selected for that purpose. The frauds are always committed either by the sworn officers of the law or by others with their knowledge and approval. What lawful redress have Republicans, then, except to do just what I am now doing?

You certainly cannot expect them to resort to mob law and brute force, or to use what may be milder language, inaugurate a revolution. My opinion is that revolution is not the remedy to be applied in such cases. Our system of government is supposed to be one of law and order, resting upon the consent of the governed, as expressed through the peaceful medium of the ballot. In all localities where the local public sentiment is so dishonest, so corrupt, and so demoralized as to tolerate the commission of election frauds, and shield the perpetrators from justice, such people must be made to understand that there is patriotism enough in this country and sufficient love of justice and fair play in the hearts of the American people to prevent any party from gaining the ascendency in the Government that relies upon a fraudulent ballot and a false return as the chief source of its support.

BRAVERY AND FIDELITY OF THE COLORED PEOPLE.

The impartial historian will record the fact that the colored people of the South have contended for their rights with a bravery and a gallantry that is worthy of the highest commendation. Being, unfortunately, in dependent circumstances, with the preponderance of the wealth and intelligence against them in some localities, yet they have bravely refused to surrender their honest convictions, even upon the altar of their personal necessities. They have said to those upon whom they depended: You may deprive me for the time being of the opportunity of making an honest living; you may take the bread out of the mouths of my hungry and dependent family; you may close the school-house door in the face of my children; yea, more, you may take that which no man can give, my life, but my manhood, my principles you cannot have! [Applause.] Even when the flag of our country was trailing in the dust of treason and rebellion; when the Constitution was ignored, and the lawfully chosen and legally constituted authorities of the Government were disregarded and disobeyed; although the bondman's yoke of oppression was then upon their necks, yet they were then true and loyal to their Government, and faithful to the flag of their country. [Applause.]

They were faithful and true to you then; they are no less so to-day. And yet they ask no special favors as a class; they ask no special protection as a race. They feel that they purchased their inheritance when upon the battle-fields of their country they watered the tree of liberty with the precious blood that flowed from their loyal veins. [Loud applause.] They ask no favors; they demand what they deserve and must have, an equal chance in the race of life. They feel that they are a part and parcel of you, bone of your bone, flesh of your flesh. Your institutions are their institutions, and your Government is their Government. You cannot consent to the elimination of the colored man from the body-politic, especially through questionable and fraudulent methods, without consenting to your own

downfall and to your own destruction. That the colored people of the United States have made and are making material progress in the acquisition of knowledge, the accumulation of wealth, and in the development of a high order of civilization are facts known, recognized, and admitted by all except those who are too blind to see them or too prejudiced to admit them.

The condition of the colored people of this country to-day is a living contradiction of the prophecies of those who have predicted that the two races could not live upon the same continent together upon terms of political equality. In spite of these predictions we are here to day, clothed with the same rights, the same privileges, and the same immunities, with complete political assimilation; loyal to the same Government, true to the same flag; yielding obedience to the same laws, revering the same institutions; actuated by the same patriotic impulses, imbued with the same noble ambition; entertaining the same hopes, seeking the gratification and satisfaction of the same aspirations; identified with the same interests, speaking the same language; professing the same religion, worshiping the same God. The colored man asks you in this particular instance to give effect to his ballot, not for his sake alone, but for yours as well. He asks you to recognize the fact that he has the right to assist you in defending, protecting, and upholding our Government and perpetuating our institutions. You must, then, as I am sure you will, condemn the crimes against our institutions, against law, against justice, and against public morals that were committed in this case.

CONCLUSION.

In conclusion, Mr. Speaker, I regret to be compelled to say that it seems to be the settled determination of the Bourbon party at the South that we must either have a centralized Government or no Government at all. They seem to be determined that if they cannot destroy the Government in one way they will in another; for it is an incontrovertible and indisputable fact that the sanctity and the purity of the ballot is the chief pillar in our governmental structure. Destroy that pillar, and the structure must necessarily fall. I speak to-day not in behalf of my party, but in behalf of my country. I hope that I speak not as a partisan, but as a patriot. If the party to which I belong and to which I feel that I owe allegiance cannot commend itself to the approbation and support of a majority of the American people upon its merits, then it does not deserve success. Political parties under our system of Government are supposed to be organized for the purpose of advocating certain political principles and to carry into effect certain public policies. Upon all such questions we may honestly differ and make such differences the basis of party organization. But upon questions affecting the stability of the Government and the perpetuity of our institutions we are at least presumed to be a united, harmonious, and indissoluble people.

Mr. Speaker, this disgraceful system of election frauds in several of the Southern States through and by which that section was made solid in its support of one of the great political parties of the day ought, must, and will be destroyed. [Applause.] The people of this great country are too intelligent and patriotic to tolerate a continuance of such outrages upon our elective system. Such methods and such practices are contrary to the spirit of the age in which we live and to the civilization of the nineteenth century. That there may exist in all parts of our country—North, South, East, and West—and among all races and classes of our people peace, happiness, concord, and fraternal feeling upon such conditions as will secure to all exact justice and the equal protection of the laws is the aim, the object, the hope, and the aspiration of every patriotic American citizen. For the accomplishment of these grand and noble purposes and the attainment of these commendable and patriotic ends, I invoke, in the language of the immortal Lincoln, the considerate judgment of mankind and the gracious favor of almighty God. [Great applause.]

[During the delivery of the above speech, the hour having expired, the time was, by unanimous consent, extended to its conclusion.]

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was communicated to the House by Mr. PRUDEN, his secretary; who also informed the House that the President had approved and signed bills of the following titles:

An act (H. R. No. 1017) granting an increase of pension to Charles H. Ordway;

An act (H. R. No. 4202) granting an increase of pension to John F. Chase;

An act (H. R. No. 4786) granting an increase of pension to Dennis Sullivan;

An act (H. R. No. 5383) granting an increase of pension to Mrs. Jane Dulaney;

An act (H. R. No. 365) granting an increase of pension to Levi Anderson;

An act (H. R. No. 4182) granting a pension to Sarah A. Hooper;

An act (H. R. No. 1619) granting a pension to Flora C. McCaslin;

An act (H. R. No. 1769) granting a pension to Mary T. McCawley;

An act (H. R. No. 2258) granting a pension to Richard M. Baker;

An act (H. R. No. 3867) granting a pension to Elizabeth S. M. Finley;

An act (H. R. No. 130) granting a pension to Ann Atkinson;

An act (H. R. No. 1225) granting a pension to Mrs. Rosetta L. McKay;

An act (H. R. No. 1337) granting a pension to Sylvador Jackson;

An act (H. R. No. 1521) granting a pension to Susan R. Johnson;

An act (H. R. No. 4787) for the relief of Benjamin F. Dobson;

An act (H. R. No. 124) to establish distinct United States courts, with distinct officers, in the northern and southern judicial districts of the State of Georgia;

An act (H. R. No. 5221) to amend section 3066 of the Revised Statutes of the United States, in relation to the authority to issue warrants;

An act (H. R. No. 4454) to authorize the construction of a bridge across the Mississippi River at or near Keithsburgh, in the State of Illinois, and to establish it as a post-road; and

An act (H. R. No. 3246) changing the name of the German Protestant Orphan Asylum Association.

ELECTION CONTEST—LYNCH VS. CHALMERS.

Mr. CHALMERS. Mr. Speaker, the contestant began his remarks by the announcement he would not discuss either the law or the facts of this case, and I take it that no gentleman who heard him will differ with him in regard to that proposition. He has not discussed either the law or the testimony as disclosed in the record before this House. What he has said is but a repetition of what has been said time and time again by him and his co-conspirators who have, through the public press of this country, endeavored to destroy the reputation of the white people of the Southern States. Gentlemen who have heard that address will perhaps recall the language of the notice of contest in this case, which was filled full of just such generalities, full of such charges of fraud, violence, and all manner of corruption. And yet when the question came to be tried, when the proof was asked for, when it was adduced before a committee of this House, they have by their report refused to agree with him, except on one single point he made.

He has undertaken to arraign me personally before this House. I ask gentlemen to look at the record which he has brought here himself and see whether there is anything in it, a line or a syllable from the beginning to the end, that casts any personal aspersion on my character. He said distinctly in his speech just made, that in the county of Warren, which is my home, where I lived, the election was as fair and free and the vote as full as it could possibly have been; and his only charge offered was that my law partner presented a legal exception to the counting of the marked ballots cast in this county, and his exception was afterward maintained by the supreme court of the State of Mississippi. That and that alone is the charge he now offers, and none whatever is shown against me in the record he presents before this House.

I am sorry the record does not show the same thing as to himself. If you will look into the record you will find him convicted of having twice contradicted himself by making directly contradictory statements, and making them under oath. This will show you at once how much confidence can be placed in the statements he makes.

When the question first came up about these marked ballots of which so much has been said, he endeavored to persuade the secretary of state to count them for him. In order to convince the secretary that these ballots should be counted for him, he said his ballots were exactly alike in the whole district, and they had been counted in every county except Warren. The contestant was asked the question by the secretary of state whether these ballots were all printed at the same office. His reply was, "No, they were printed at two different offices." When I heard that, I came to the conclusion that it was impossible that such peculiar marks as appeared upon these tickets could have been put upon them, and put upon them in the identical place on each and of the same character, by two different printing offices, unless it was done by design. The secretary asked him the next day, in the presence of a witness, in order to fasten this testimony upon him, the same question. Lynch then said: "You misunderstood me. They were not printed at two different offices. I had them all printed at one office."

That is the testimony as it appears in the record in this case. I do not go outside of it. Notwithstanding his contradiction of his first statement and his statement that they were printed at one office, the record shows conclusively that they were printed at two different offices; therefore the contestant stands convicted of not having spoken the truth, and he is convicted by the record and not by any outside statement of mine. Again, when he offered himself as a witness in this case and was cross-examined, the question was asked if he had examined the proofs of the tickets; he said: "I examined the proofs of those printed at the Miller office, but have no recollection of having examined those that were printed at the Herald office at all. I supposed one examination was sufficient." And yet on the record you will find in another place on the next day he states in detail when he went into the Herald office what he said to the foreman there, and that he then and there compared his tickets with the Democratic tickets which were shown him in that office. Here again he is convicted of making directly contradictory statements. Now, I say you may search that record from beginning to end, and every member of the Committee on Elections will bear me witness to the fact that there is no line or syllable contained in it that will cast one single spot or blemish upon my personal character.

But upon this question of these marked ballots let me say further that my attention was called here to-day to a fact to which I desire

to ask the careful attention of this House. It is pretended, as I have shown, that these tickets were marked in this peculiar manner accidentally, although it was done at two different offices. Now, my attention has just been called to the fact that a majority of the committee undertook to have printed in their report a *fac simile* of one of these tickets, and yet the ticket exhibited in that report is not a *fac simile* of the one used, and I ask the chairman to look and see if in this respect I do not speak the truth. That attempted *fac simile* of this ticket is set out in the majority report of the committee and any gentleman can compare it with the ticket exhibited in the testimony and see for himself that one is not a *fac simile* of the other. Again, in the RECORD of to-day, printed for the use of this House, the majority report is again printed, and again the Public Printer of this Congress attempted, with the report before him, to make a *fac simile* of the ticket appearing in the report, and again he failed to do so; and I ask the chairman of the committee if I am not correct. So we have here two efforts of the Public Printer under instructions to make a *fac simile* of this ticket and yet neither is correct, and the two thus made still further differ from each other.

Mr. CALKINS. Will the gentleman permit me to interrupt him in this connection?

Mr. CHALMERS. Certainly, with pleasure.

Mr. CALKINS. I wish to state that I think it was possibly my fault, and not that of the Public Printer, that this *fac simile* was not made. My impression is that in sending over to the Printer the ticket, which it was desired to have copied exactly, I sent one of the tickets which appeared in your brief.

Mr. CHALMERS. Then that only strengthens the point, because the chairman of the committee admits that he himself and the Public Printer both could not make a *fac simile* of that ticket.

Mr. CALKINS. I only want to say this in justice to the Public Printer, for it was perhaps not his mistake but my own.

Mr. CHALMERS. With all of the facilities afforded by that extensive printing office a *fac simile* of the ticket was not made when attention was especially called to it. Again, as I have said, in the RECORD of this morning, where the majority report of the committee is set out in full, the Public Printer undertakes to give a *fac simile* of the ticket, and I desire to call attention to the fact that again he makes a failure. They have put marks on these tickets in both cases to which I have referred which differ entirely from those on the original ticket, and differing from each other, although endeavoring to make a copy; and yet you are asked to believe that in the city of Vicksburgh two printing offices printed identically the same tickets with four different and peculiar marks upon them, and this was done without any design. And yet we are told there is no fraud and no intention to commit any in printing these tickets. I believe that there is no gentleman who will not admit that these ballots should not be counted if on a candid examination of the facts they believe these marks upon the tickets were put there with intent, and not by accident.

Mr. Speaker, nothing is more difficult to combat than rumor. Virgil said of it, "*crescat eundo.*" It runs with the wind, and gathers strength at every step. This was true of it in the earliest days of the world, and is a thousandfold more true now when it flies on the wings of the telegraph, and is disseminated by the unlimited power of the press. The public mind is quick to believe scandal, and there is a morbid appetite which devours with avidity every tale of outrage and horror. However false the story may be, and however clear and convincing the refutation which comes after, few stop to learn the truth, while the falsehood rolls on like the increasing waters of the Mississippi, until it covers with ruin all who fall victims to its fury. A false and slanderous tale of horror was once told of a confederate fight which shocked the humanity of the civilized world. If it had been true, what was said of it on this floor was eminently true, savages might have sat at the feet of its perpetrators and learned lessons in brutal atrocity; but there are gallant Union soldiers on this floor whom I met often in battle, General BROWNE, of Indiana, and Colonel HEPBURN, of Iowa, who I met not only in fight but under a flag of truce, when we broke bread and tasted salt together, and I think I may safely trust either of these gentlemen to defend me any where against such foul accusations.

A man believed to be guilty or reasonably suspected of being guilty of such barbarity would naturally and readily be believed guilty of any crime that malice, envy, or party prejudice could bring against him. When it was charged that the same man was the head and front of bulldozing in Mississippi, intimidating and driving colored voters from the polls, or the head of ballot-box stuffers, committing the most outrageous frauds upon suffrage and polluting the fountain-head of our free institutions, and when these charges were flashed over the country as Associated Press dispatches, it is not strange that the public believed them. Nor was it strange that a political Guiteau, inspired by these inflammatory newspaper denunciations, should have sought notoriety by attempting in the name of humanity and civilization to assassinate the political rights of such a man. The imbecility or insanity of such a harmless creature is only to be pitied. If he can forgive himself, I can certainly forgive him for his tragic failure.

The passion and prejudice excited by these false charges is the first great obstacle to an honest, fair, and impartial consideration of this case. That Republicans should entertain these preconceived prejudices is not to be wondered at, when there are Democrats on this floor who I asked to look into the record and who answered me that they were afraid to look for fear they might find something they would not like to know.

I have challenged investigation. I have urged gentlemen on both sides of this Chamber to search the record to the bottom, and if they found anything in the record disgraceful to me or my district to decide against me. And I say now, if after a careful examination of the record, the arguments, and the reports any gentleman on this floor, whether Democrat or Republican believes that the contestant has by legal evidence established his claim to a seat in Congress, I hope they will vote for him without regard to politics.

I hope on the other hand that no gentleman here will violate law and disregard long and well-established rules of evidence in order to reach a conclusion or sustain a preconceived opinion founded on rumor.

But, Mr. Speaker, there is another and almost insurmountable obstacle to an impartial consideration by Republicans of this case. Party ties are strong and no man likes to place himself in opposition to his party friends and party associates. It subjects him to the sneers of being a self-religious pretender to more honesty than his neighbors and to the harsh criticism of being a traitor to his political allegiance. It makes him an object of distrust and suspicion among those whose good opinion he prizes and whose confidence he would sacrifice much to preserve.

I know the barriers that stand in the pathway of any Republican who might feel inclined to vote against the majority of his party in this case. It would be as self-sacrificing in a pagan to confess himself a Christian, a Protestant to proclaim himself a Catholic, or a Jew to acknowledge that any good could come out of Nazareth, as for a Republican, in the face of the newspaper clamor on the subject, suddenly to acknowledge that the election of a Democrat in the sixth Congressional district in Mississippi was legal and fair. And yet I have faith enough in humanity to believe that there are some gentlemen on that side of the Chamber who can break through the crust of political prejudice and who, if they can see the truth as it is, will do justice even in a case like this. If they can be made to see and to understand that in order to seat the contestant they must disregard law, and must violate long and well-established rules of evidence, I will not believe until I hear and see it that able and intelligent lawyers will sacrifice their honest convictions on well-settled principles of law at the dictation of newspaper clamor.

I have therefore besought gentlemen on both sides of the House to examine the record thoroughly, and I am proud to say that all who have examined it and have spoken to me on the subject have confessed to me their great surprise at finding how grossly the case had been misrepresented by the press. And some of my Republican friends have gone further and confessed that they were disappointed in not finding clear and convincing proof of fraud, violence, and corruption. But unfortunately few have found time to examine the record or the reports. Some even of the Committee on Elections have acknowledged to me that they did not have time to examine the case, and they relied upon the report of the sub-committee. So it is, the House relies upon the committee, the committee relies upon the sub-committee, and the sub-committee sometimes relies upon one man, so that a member's right to his seat is left to the hazard of a single judgment. The newspapers have harried the committee with a cry for the rejection of Southern Democrats. All the sub-committees have been diligently at work at the same time on different cases, and they come with reports all signed by the whole committee, and yet announcing diametrically opposite opinions of law and conclusions on facts in different cases. The incongruities of these reports would be laughable if the subject was not too serious for laughter.

Three sub-committees were examining three different cases all at the same time. And I say to you that in the Bisbee-Finley case and in the Lynch-Chalmers case three identical questions arose. One sub-committee decides them one way to unseat a Democratic member from Florida, and another sub-committee decides them diametrically the other way to unseat the Democratic member from Mississippi. They are led to this inconsistency because of the fact that they were all examining the cases at the same time.

Now, look at the Florida case—and, by the way, it made a difference of only 27 votes against General Finley. There the question was as to whether certain Republicans had voted for Presidential electors, leaving off the name of the candidate for Congress. It was said a Republican enemy of Mr. Bisbee induced them without their knowledge to so vote. The proof of the voters was brought in; they were ignorant negroes, and could not know what was or was not on the tickets they voted, but they swore that they had voted for Mr. Bisbee. The clerk of the court was called upon to produce the ballots as they were preserved in the ballot-box in his office. Those ballots thus produced showed that the voters had not voted for Mr. Bisbee; that they had simply voted for the Presidential electors.

Now, what does the committee do in that case? They say it is enough to say in reply that there is no law in Florida that requires ballots to be preserved; no law in Florida that authorizes a clerk to have anything to do with the election returns; and therefore they hold that that testimony is of no value. And I think they are right on this point.

Now, when you come to the Mississippi case you see this same question arises: that 742 votes are counted for contestant from Issaquena County, of which there is no earthly testimony except the testimony of the certificate of the chancery clerk, who undertakes to give a certificate as to what he says is the record of the votes on file in his office. Now, I answer the committee, just as Mr. RANNEY says in his report in the Florida case, that it is enough to say there is no law in Mississippi to authorize the ballots to be preserved, and there is no law in Mississippi to authorize the chancery clerk to have anything to do with election returns.

But the gentleman who made the majority report in the Mississippi case says that he attaches that clerk's certificate onto something else. He says that the commissioners reported to the secretary of state that they had rejected so many votes from Hayes's Landing, for instance, 75 votes. And the report says that while that does not of itself show for whom they were cast, in comes the clerk's certificate to supplement that of the commissioners, and the clerk's certificate corroborates and sustains the number of votes thrown out.

Now, if you will examine that certificate you will find that this is not true, and that the clerk's certificate does not correspond with the commissioners'. In the first place, it is said by the commissioners that 75 votes were thrown out by them. If you will look at the pretended certificate of the clerk you will find that it reports only 65 votes cast for Mr. Lynch and Mr. Chalmers. So that the concurrence of statement which the committee rely on does not hold good if you look to the vote for Congressmen. Nor does it hold good when you look to the votes cast for Presidential candidates.

But that ought not to cut any figure in this case, because every lawyer knows that when any certifying officer gives a certificate about that which the law does not authorize him to certify to it is of no value. When he gives a certificate about a record which the law does not authorize him to make every lawyer knows that the certificate so given is of no value whatever. Yet upon that flimsy testimony they count 742 votes for Mr. Lynch. Now, if you strike out those votes he is defeated by 315 majority, for they claim for him only 385 majority.

Again, take Mr. RANNEY's report in the Bisbee-Finley case, in the Orange County precinct, in Florida. Here again he lays down the law correctly, that no returns can be counted unless they are signed and certified by the inspectors; and when once rejected they must be proved by evidence *aliunde* or they cannot be counted. That is what they say in the Florida case, and that is the law. That is sustained by McCrary and every other writer on elections.

But when they come to apply that rule to the Mississippi case you will find that they count 481 votes in favor of the contestant in Bolivar County under worse circumstances than in Florida, for in Bolivar County the commissioners refused to count the vote, in Mississippi, while in Florida the commissioners did count them. Yet in the Florida case they say that those votes must be stricken out because the commissioners counted them, while in the Mississippi case they say they must be put in because the commissioners did not count them; the two standing upon precisely the same testimony. And here again I say that if you strike out those 481 votes the contestant is defeated, even if you give him the 742 votes counted for him by the committee upon the clerk's certificate on Issaquena.

Again, in the Florida case it was determined that when the ballots in the box outnumber the voters the whole poll must be thrown out. That was the old common-law rule. Many of the States, Florida among the number, have corrected it by statute; and yet the committee refused to abide by the Florida statute and purge the vote, while in Mississippi, where the commissioners followed the precise rule which the gentleman from Massachusetts [Mr. RANNEY] and the majority of the committee lay down in the Florida case, they are denounced for having committed a fraud upon the election. In the Palestine box in Adams County there were found 35 more votes than there were voters; there were only 17 Democratic voters altogether. These extra votes could not have been put in by any Democratic ballot-box stuffer. The box was left during the recess in the hands of colored men. When the question was asked whether they were not all Republicans who had charge of the box, old Leonnox Scott answered: "I cannot say they were all Republicans; they were all colored men; but heaps of colored men calls themselves Republicans and they votes the Democratic ticket." There having been found in this box 35 more votes than there were voters, it follows, according to the rule laid down by the gentleman from Massachusetts—the old rule must stand where not corrected by statute—the box should go out. Yet the majority of the committee come in and say in their report it must be counted and thus give 214 majority for the contestant from this box.

Mr. CALKINS. I can now answer the question of my friend from Mississippi which I was not able to answer directly awhile ago. I am now able to state that the mistake in the report of the committee is entirely a mistake of the Printing Office, as any one can see by an examination of the ticket appearing in the original brief of the contestee, [Mr. CHALMERS,] a copy of which was sent to the Printing Office.

Mr. CHALMERS. So then I was right——

Mr. CALKINS. The gentleman was right.

Mr. CHALMERS. That the Printing Office, although instructed to make a *fac-simile*, did not do it, while you would have us believe the Vicksburgh offices did it accidentally and without instructions.

I repeat that three propositions of law are decided one way in the Florida case and the other way in this Mississippi case by this Committee on Elections; and the determination of the Mississippi case will be in favor of the sitting member if either one of the two first propositions laid down in the Florida case is maintained, and both are unquestionably the law. The clerk's certificate was no more than a private paper from Issaquena. And in Bolivar the boxes were properly rejected because not signed and certified. Having once been rejected they must be otherwise proved, and yet no proof is offered except the statement of the commissioners as to the number they rejected. This was no better proof than in the Florida case when the commissioners not only stated the number of votes but who they were for, and counted them. In the Bolivar County case they do not state who the votes were pretended to be for. In truth, in one of the boxes the commissioners expressly say they do not know for what officer the votes were cast, and in the other they simply say so many Democratic and so many Republican votes. This certainly was no proof of the vote *aliunde*.

Again, in the case of Stolboard *vs.* Aiken, the Committee on Elections have laid down the doctrine that in the settlement of these cases they will follow the rules of evidence; and, as suggested by my friend from Georgia, [Mr. HAMMOND,] the House adopted that report; so that the House stands committed to the doctrine that the rules of evidence should be followed in determining election cases. If you follow those rules in this case, it is impossible for any man to say that the contestant is entitled to a seat. The votes counted on the chancery clerk's certificate must unquestionably go out; and that settles the case. The 481 votes in Bolivar County must go out; and that adds to the majority against the contestant.

Now, I ask gentlemen why are they not willing to listen to reason and to law in this case? Why do they come here with their minds made up in advance that they must, as was stated by the contestant, look to the number of colored voters in the district and the number of white voters, and from that determine how many Republican votes and how many Democratic votes were cast? This whole question was distinctly brought up years ago in the Forty-fifth Congress by Mr. Blaine in the Senate, when he introduced a resolution for the purpose of inquiring into the suppression of colored voters in the South. He then took the sixth district of Mississippi as his text, and said he was asked to believe that all the colored voters in that district had been converted from Republicanism to Democracy in the twinkling of an eye. I say now what I said in Mississippi, that if this district had there and then been properly defended in the Senate the heavy load that rests upon my shoulders would not be there to-day. I attempted to get the floor in the House to defend my district but failed. I published a defense in the RECORD; it appears in the proceedings of the last session of the Forty-fifth Congress; yet I venture to say that not half a dozen men in this House ever read it.

I said then, as I say now, that this great Republican majority in the counties forming that district was the fact that brought about the overthrow of the Republican party there. I repeat now the statements I then made. I first call attention to the fact that in Tunica County, the upper county of my district, Captain Manning, a Federal soldier and Freedmen's Bureau officer, the sheriff of the county and my personal friend, had been a prominent candidate for United States Senator, and was defeated by Mr. Bruce, a colored man, who ably represented Mississippi in the Senate. Captain Manning came back under the belief that the colored men had treated him unfairly in that race; and in the next canvass, when Mr. Lynch another colored leader was nominated for Congress, Captain Manning openly opposed him on the stump with all the force of his office, and the result was that while Hayes carried that county by 1,800 majority over Tilden, I had a majority of 600 over Lynch; a majority counted under the supervision of Republican officers. There was the first break in that county.

Take next the county of Coahoma, the home of Governor Alcorn. There a split grew up between the Alcorn and the Ames wings of the Republican party, which grew so violent that it resulted in a riot. Three hundred armed negroes came into the town of Friar's Point for the purpose of assailing Governor Alcorn and burning the town. They were dispersed by a combined force of Democratic and Republican white men. This produced a split in that county, which utterly destroyed the Republican organization there.

Take next Bolivar County. In that county there was a wide split growing out of a contest between two colored men for the office of sheriff. A gentleman on this floor, lately a colored Senator from Mississippi, who lived in that county, knows what I say to be true. These two colored men, Johnson and Ousley, were candidates for sheriff. There were two candidates for clerk, a white carpet-bagger by the name of Florey and a colored man named Stirling. The contest was so great that it brought out the largest vote ever polled in that county. There was a difference of only 15 in the votes of the candidates for sheriff, and of only 1 in the votes of the candidates for clerk. The colored man charged that he was cheated by his carpet-bag opponent, and this produced the utter demoralization and destruction of the party organization in that county.

Take next Warren County. There, in 1872, Grant had a majority of 3,000 over Greeley; yet in the next year, when there was a split

between Ames and Alcorn, Ames carried the county by merely 225 majority. Thus there was a split in the politics of that county.

Come next to Adams County, the home of the contestant. There a split grew up between McCary, a colored candidate for sheriff, and Wood, another colored candidate. Mr. Lynch and his friends supported McCary; the Democrats took up Wood and he was elected. Here again the Republican organization in the county went to pieces.

And immediately after this, the next year, for the first time these counties were put together into a Congressional district. They had no county organization, they had no district organization, and when they met to nominate a candidate for Congress the colored men took possession of the convention and nominated Mr. Lynch. Many of the white Republicans left it in disgust and supported me in the canvass, saying, if the colored Republicans think they can run this district by themselves let them try it.

All these facts are to be found in the record published in the last session of the Forty-fifth Congress. I refer to them now simply to show how all this talk about a large colored majority in my district when sifted to the bottom shows that this of itself was the cause of their downfall. The Democrats took advantage of the splits in the counties and won the victory.

Now, then, in that condition of affairs I was nominated as the Democratic candidate for Congress. It was stated at the time, and it was generally acquiesced in, that I had some popularity in the counties where I had practiced law; and I believe I can refer to the testimony of some gentlemen, and Republican gentlemen, too, who went down the Mississippi River in the Forty-sixth Congress to inspect the levees—I think they will bear witness that they were met by colored men who told them, although they were Republicans, they had voted for me for Congress and would do it again. They so reported to me on their return, and I believe their testimony to be true.

If I may be pardoned the egotism of it, I can point you to two instances which show that the belief of my Democratic friends was well founded. In that same county of Bolivar there were two colored preachers, Nelson Glass, a Baptist, and Simon Daniel, a Methodist. They were both justices of the peace. It was in the early days of colored office-holding. They were under the impression the fines and forfeitures they collected for misdemeanors belonged to themselves, and they pocketed the money. They were indicted for embezzlement. They were prosecuted with great fierceness by the district attorney and by the judge on the bench. I defended them, and it was a scene of intense excitement. The court-room was filled with women and men. The first verdict was brought in about ten o'clock at night. When the jury came in there was a breathless silence in the room. When the clerk read out the verdict, not guilty, there broke out as wild a camp-meeting scene as ever occurred in the woods of Tennessee or Georgia. The old women began to clap their hands and shout "hallelujah!" and "glory to God!" The men began to cheer, and they took me on their shoulders and bore me in triumph from that court-room.

Again, when I was elected to Congress five years ago I started in my buggy to the steamboat landing, and the colored voters of Friar's Point, in the county of Coahoma, took the horse from the buggy and dragged it to the landing themselves. This I say is some evidence I had some popularity with these colored people. Instead of making my canvass with a rifle and shot-gun, as was falsely charged here by the contestant to-day, it is a matter of history I made it with a brass band of instruments blown on by colored musicians, and in a patriotic band-wagon which was painted red, white, and blue. [Laughter and applause.]

In the second canvass I made, as was admitted by the contestant here to-day, I had no opposition. In the last canvass, which is now being considered, I had the additional advantage that I had faithfully served my people in this Congress. I believe every man who served with me in the Forty-fifth and Forty-sixth Congresses will bear witness that I have been as diligent and earnest in looking after the interest of my colored constituents as I have after the interest of my Democratic white constituents. This gave me an additional advantage in that race.

But I had still another advantage. Mr. Lynch was opposed to General Grant in the Chicago convention. The negroes of my district were devoted to General Grant, and some of the best colored speakers in that district, equally as good as the contestant himself, were his opponents on the stump and advocated my election because they charged him with having been a traitor to the great hero who, next to Abraham Lincoln, had won their emancipation and their freedom in this country.

Now, gentlemen, to say under these circumstances that you must claim a solid Republican vote from the colored people is to say that they are not to be moved either by sympathy or reason. It is to say that you deny to them the common instincts of humanity. If you say this it would be to admit that the Republican party had attempted to place the destiny, the liberty, the rights of property, and every other right of the white men of the South under the authority of stocks and stones which could not be moved by anything. Now, you can take your choice: you can believe these voters are moved like other voters, by sympathy and reason, or you must come out and admit you have endeavored to destroy the civilization of the white people of the Southern States.

I have said there is no charge against me personally in this record; but I feel as deep an interest in the honesty and integrity of my constituents as I do in my own. This Committee on Elections undertakes to point out one single case of fraud in the whole district.

I ask gentlemen and appeal to them to examine the record for themselves before they vote on this case, and they will find that so far from contradicting the solemn, sworn returns, as the contestant has said—and mark you it was a solemn, sworn return—instead of contradicting that return the testimony absolutely sustains the count as made by the commissioners of election. Who are the witnesses? The first is the brother of Mr. Lynch himself. He was there on the ground from the morning until the noon adjournment. He says he went there to look and see that there was a fair count, and that he went and looked at the tickets before they were put into the box. He says there were 235 votes polled before he left, and of that number he saw a majority of them. All he saw had the name of his brother on them. If he saw no more it is an evidence that the voters were against him and did not desire him to see their ballots. This is the Kingston precinct. He only claims that he saw a majority of the whole number, and 219 is therefore all that he pretends to swear to having seen. Jerry Taylor swears to only 60. Abraham Felters, the constable who stood at the door to allow the voters to come in, said they generally showed their tickets to him as they came in. They all rely upon the testimony of the Republican challenger. He stood at the polls with pencil and paper, and swears that every voter was instructed to show his ticket before he put it into the box, so that he could make a private tally. Now he puts down 350 votes as having been cast for Mr. Lynch, and yet on examination he says that he could only swear to 160 for Lynch. He is a colored man and a partisan friend of the contestant. Three times he swears positively that he saw only 160 votes for Lynch.

Now, when you look into the returns from this box you find that the inspectors and commissioners have given him exactly this number, 160 votes. If there had been any tampering with the ballots after they were cast, as has been alleged, it certainly is a most remarkable thing that these men who were robbing the ballot-box should have left in it precisely the same number, no more and no less than the partisan friends of Lynch swear he was entitled to and as having been seen cast for him. Now, this testimony sustains the count of the returning officers instead of impeaching it. But suppose there had been a difference between the two counts. If, as they pretend to believe, there was tampering, or if the one count did not sustain the other, which would be entitled to most credit? Now, it clearly appears on the cross-examination, the witness Fowles says that of the 350 votes cast 160 were cast for Lynch, and some of them might have voted the Democratic ticket; but I say, if these witnesses had sworn positively that the 350 votes were all cast for Lynch what would have been the attitude of the case? Are not the sworn officers of election entitled to consideration? Were not the sworn officers, men of intelligence and character, who returned under their oaths 160 votes for Lynch, entitled to consideration?

But you say they are white partisan friends of mine. How was it on the other side—were they not partisan friends of the contestant? I bring out the testimony of the sworn officers of the law. On the other hand is produced the colored partisans of the contestant. They sustain the count which you here complain of. But if they did not, which testimony will you take? Will you take the tally-stick at the poll, kept on the outside, or the sworn return, signed, sealed, certified to by the duly authorized officers who conducted the election?

In order to set aside these returns you must fasten corruption upon the people of Kingston precinct, and who are they? I have the book here, but will not stop to read it. In the history of Mississippi stands the record of the town of Kingston, reaching back one hundred and twenty years. The settlers of Kingston were the descendants of a New Jersey preacher. It is said that they increased in numbers, grew rich and prospered; that they were distinguished for high moral character, and that they were distinguished for refinement and hospitality; and the history of Mississippi will bear it out. The Farrars, the Fowles, the Ashfords, the Swazeys live there to-day, and their names appear in this record. Their history reaches back to New Jersey, one hundred and twenty years ago. Now, what are you asked to believe? That these descendants of distinguished families whose names they still bear, that these men were willing, in order to put me into Congress, to do dishonor to their name and their ancestry, that they were willing to resort to fraud and swindling in the election; and you must believe that upon the evidence of a mere tally-stick, kept by a partisan friend of the contestant who sits on the outside of the polls.

This Congress said the other day that the Chinaman was not a fit associate for the white man of California, that he was not even fit to labor for him there; but this Congress is asked by this contestant and this Committee on Elections to say that the descendant of the African is more honest, more honorable, and more truthful than the white descendants of the New Jersey preacher in Adams County, Mississippi. I appeal to the Jerseymen upon this floor to resent this insult cast upon their people who have made their homes in Mississippi. But, Mr. Speaker, in this case, if I understand the testimony correctly, it makes no difference whether you count the marked ballots rejected in Warren County or not. My certified majority was 3,779, and if you give the 2,000 marked ballots thrown out to the contestant, he is still a good ways from being elected.

But if you refuse to count the marked ballots then you do violence not only to New Jersey's descendants but to a sovereign State of this Union.

Time and time again this Congress has said by its solemn resolution and through its Committee on Elections that it will follow, and that every Federal authority will follow the decisions of the State authorities in regard to State laws and State constitutions. You said that in the Tennessee cases, when under it this House seated Republican members of Congress. You said that in the Iowa cases in the last Congress when you seated Republicans. You followed the decision of Indiana in the case of Neff against Shanks in the Forty-second Congress. You followed the decision of Pennsylvania in a distinguished case that occurred in the last Congress. And again you followed a decision of the supreme court of Florida in the Bisbee-Hull case.

Gentlemen now say that this is a single case. They demand a long line of decisions. When the Speaker of this House was making that report, when the chairman of this Elections Committee was making that report in the Bisbee-Hull case, they never once thought to stop and ask whether it was a single decision or a line of decisions. It was a single decision; and made about that identical case. And strange to say, the Committee on Elections come in here and say they will not follow the decision of the Mississippi court because it is a single decision and because it is in regard to a case now before Congress. And yet when we look into the report in the Mackey-O'Connor case we find that very same Elections Committee, in a report signed by every one of them, has said they would follow the decision of the supreme court of South Carolina because it gave the seat to Mr. Mackey, or because it said that seven precincts in Orangeburgh and Charleston should be counted for Mr. Mackey.

Here, then, we find that for the first time in the history of our Government you are advancing the doctrine that you will not follow a State decision. One of the committee said to me, "We only follow the decision when we approve it;" and they take good care never to approve it, except when it seats a Republican and throws out a Democrat. That is the position they stand in before the House and the country.

Now, Mr. Speaker, I ask the fair-minded lawyers upon that side of the House, men who have said that they would stand by the law in every case, I ask them to look at the law in this case; I ask them as honest Representatives from their own States if they are willing to fix the stigma of shame upon the State of Mississippi? You have followed the decision of every other State; when it comes to mine, then for the first time you find exceptions to the rule.

Many years ago a gifted Representative of Mississippi stood in the Halls of Congress to protest against an outrage which he thought was about to be perpetrated on his State, and his eloquent words are more fit and proper now than they were then; and I repeat them here, that if you do this foul thing, if you refuse for the first time to extend either the right or the courtesy—I do not care which you choose to call it—if you refuse to extend to Mississippi what you have extended to every other State, then, in the language of Prentiss, I say:

> Strike from the flag of the Union the bright star that glitters to the name of Mississippi; but leave, oh, leave the stripe behind, fit emblem of her degradation.

Why, sir, but the other day we heard upon that side the declaration that with or without law, with or without Constitution, the polygamous Mormon must go. That speech was greeted with cheers, and its sentiments were adopted by the majority of this House. Yet when some Southern community rises indignantly and asserts the same doctrine in its self-defense, and in its determination to preserve its civilization, it is denounced from one end of this Union to the other. There was a time when the free-born white men of Mississippi said precisely what was said here; they were inspired by the same higher-law feeling that with or without law, with or without Constitution, the vice, the ignorance, and the superstition of the black man shall not destroy the civilization of the white man. But happily that day has passed away. The contestant himself testifies that it has passed away. We have been endeavoring to educate the colored man morally, socially, and politically.

You believe that that day has passed away, but you believe and you charge that in its place has come a day of fraud. Now, in the name of the sixth district of Mississippi, I deny this charge so far as that district is concerned, and I say that the record in this case proves it is false. I say that these very charges which this contestant has made here to-day were every one of them made before the courts of Mississippi, made before the United States courts, and every man who was brought to trial was acquitted after a fair, honest, and impartial trial before a mixed jury of whites and blacks, except those men from Coahoma County, who confessed exactly what they had done, and the judge said a fine of $1 was sufficient, because it was simply a mistake in their judgment of law. They have been all examined, too, by this Committee on Elections, and the Committee on Elections have failed to sustain the charge made by the contestant.

The contestant has said that the white men of Mississippi have counted out a Republican illegally and fraudulently. He attempted to prove it and he failed. And now the Republicans of this House are asked to stand up in the broad sunlight of Heaven, in the face of this whole nation, and illegally and forcibly to count a Democrat out from this House. Those who ask you to do it, no doubt, expect to sustain themselves by going before the country and appealing to the passions of men and describing in pathetic terms the wrongs of the downtrodden black man; but in my judgment the day has gone by when the people of the United States can be made to weep as we wept in childhood over the Last of the Mohicans and Uncle Tom's Cabin.

The faithless and the drunken savage in the West has knocked all the romance out of the peerless red man, which existed only in the imagination of Fennimore Cooper, and that touching story of gentle Eva has been forever dispelled by the matchless frauds and falsehoods of Eliza Pinkston.

And right here let me say to my friends from Iowa upon this subject of not following the State decisions, you know that the law of Congress requires that members of this House shall be elected in November, unless it is necessary to change the constitution of the State in order to change the time of your State elections.

The SPEAKER *pro tempore*, (Mr. BURROWS, of Michigan.) The time of the gentleman has expired.

Mr. CALKINS. I ask that the time of the gentleman be extended.

There was no objection.

Mr. CHALMERS. I thank the gentleman from Indiana, [Mr. CALKINS.] I shall not trespass much longer on the patience of this House.

I say that those gentlemen from Iowa came here, having been elected in October. Their seats were challenged. They proved to the Committee on Elections of the House that the State authorities had decided that the time of election could not be changed without changing the State constitution.

Mr. TUCKER. The governor had so decided.

Mr. CHALMERS. The governor alone had decided that. The Committee on Elections sustained that decision, or said that they would abide by the decision of the State authority, although it was not the decision of a court; that they would abide by the decision of the governor of your State, and so you gentlemen from Iowa were permitted to keep your seats in this House.

And now what do we see? The last Legislature of Iowa changed the time of holding the elections, and yet the constitution of the State still remains unchanged. Now, one of two things is true: either those nine members from Iowa sat here in the Forty-sixth Congress without legal authority, and by the grace of a Democratic House, because that Democratic House yielded respect to the decision of a State authority, or they held their seats rightfully. If they held them wrongfully, they owed them to the grace of a Democratic House. If they held them rightfully, then when the Iowa members of the next Congress come here, they will have been elected without a change of the constitution of the State. And possibly they may be invited to drink from that bitter cup which they now press to the lips of Mississippi. Gentlemen tell us now that Congress is a law to itself; that Congress must for itself construe State statutes and State constitutions. The next House of Representatives may be Democratic, and when those Iowa members come here they will come to ask that Democratic House to change the rule which is now made by their own Republican friends in this House. It may be possible that they may not be permitted to hold their seats, because they will have been elected under a constitution which has not been changed; and it has been held by the authority of that State that an election cannot be held there except in October without a change of the State constitution.

But let me say here that whatever may be the result in my case, I trust no such thing will ever be done by a Democratic Congress. If a State is to be dishonored, if its supreme court is to be treated with contempt by this Congress, I trust it may stand a monumental example as a warning to future generations—like the portrait of the traitor doge in Venice, which was turned to the wall—to mark an unparalleled crime in the annals of our legislation.

Much has been said in this discussion about when the Supreme Court of the United States would follow the decision of a State court. One decision was cited where a State court had made conflicting decisions; where they had changed the rules of property, had destroyed the rights of property. When that case came before the Supreme Court of the United States its judges said indignantly, "We will not follow the oscillations of a State court; we will not immolate truth, justice, and law, though a State court has erected the altar and decreed the sacrifice."

Now, I trust that when the honest and fair-minded lawyers on that side of the House are asked to set aside the time-honored rule which has been followed by every Congress heretofore respecting the decisions of a State court; when they are again asked to trample upon the rules of legal evidence; when they are asked to take as testimony the certificate of a clerk who was not authorized by law to certify about the matter in issue; when they are asked to lay down one set of rules which will turn out a member from Florida and immediately turn around and reverse those rules in order to turn out a member from Mississippi; when they are asked to take the tally-stick of a Republican partisan against the sworn returns of Democratic officers of elections, I trust that there may be some at least upon that side, some honest lawyers, who will answer in the same indignant spirit of the supreme court—we will not immolate truth, justice, and law, though party has erected the altar and decreed the sacrifice.

But, if I am mistaken; if reason and shame have fled to brutish beasts; if the sacrifice of Democrats—and a hecatomb seems to be prepared—if the sacrifice of Democrats is to be made and I am to be the first victim, then I say to you so be it; you have the power if you choose to exercise it. Let your guillotine fall; you will regret it more than I. If you commit this outrage, I say to you, you may drive me from my seat by force; you may place another in it; and yet whenever you look at him you will be reminded of this day's outrage. Whenever he speaks to you his voice will bring back to you the recollection of this day; and if conscience be not "but a canker" in your breast, in the silence of the night it will hound you with the recollection that truth, justice, and law were immolated, and that you were the high priests who officiated at the unholy sacrifice. [Applause.]

Mr. DE MOTTE. Mr. Speaker, it has been often times said, and is worthy of being said again, that the American people are always willing to be governed by a majority, and that it does not matter how small the majority may be, so that it is a fair one. Want of fairness in any of our elections on the part of any party is a thing which ought to receive, and I believe does receive, the condemnation of the whole people, if properly understood.

There is something in connection with this "Shoestring district," and everything pertaining to it, which suggests continually to me the idea of unfairness. If some intelligent man, knowing nothing whatever about the politics of this country, should take a view of the map of Mississippi, with the Congressional districts as now arranged made plainly visible upon it, he would at one glance make up his mind, if he was a fair man, that there was something wrong in the construction of what is known as the "Shoestring district." I say again, he need know nothing whatever about our election machinery other than the fact that this State had been divided with the view of a representation somewhere.

Mr. HOUSE. Will the gentleman yield for a motion to adjourn?

Mr. DE MOTTE. I would do so very readily, but the House would hardly agree to it. I shall only occupy a few moments at any rate. What makes the conformation of this district peculiar and remarkable to us is, we know, that the larger part of a certain class of people belonging in the State of Mississippi are found within it. Hence those of us who know the situation feel all the time, when viewing the shape of the district, that this strip, forty miles in width and five hundred in length, was made for a political purpose—a purpose which was not a fair one.

We all know that when a State is divided for representative purposes, the proper mode is to have the divisions embrace as nearly as may be contiguous territory. Therefore when we see a district thus laid out, knowing as we do our own political machinery, we are very apt to judge in advance that the party in power had some evil end to accomplish.

There has been no time since the war when there has not been trouble and complaint in regard to the elections held in that district or its immediate neighborhood. I am not here to-day to arraign particularly any party or any man in connection with these evils; but that they have existed ever since the district was formed, that they have been continuously paraded here by contests and throughout the country on account of the frauds alleged to have been committed, cannot be denied. Hence it seems to me that there has been unfairness, not only in the making of this district, but in the manner in which elections have been conducted there.

By the returns of the Democratic election officers there were but 14,565 votes polled at the last election in that district. The gentleman returned as elected has 9,172 votes. Now I remember very well that the candidate who was unsuccessful in my district received about twice that many votes. What is the matter in Mississippi? Why is it that, with a population equal to that of any other district in the United States, only about half the average number of voters is required to elect a member? I have prepared a table, which I will print in connection with my remarks, showing the average number of votes which it takes to elect a member of Congress in the various States of this Union. This table is based upon a House of Representatives of 325 members, and upon the election returns of 1880:

Table showing the average number of votes cast for member of Congress in the various States of the Union.

Alabama	18,938	Mississippi	16,839
Arkansas	21,245	Missouri	28,377
California	27,370	Nebraska	29,118
Colorado	52,532	Nevada	18,343
Connecticut	33,285	New Hampshire	43,181
Delaware	29,333	New Jersey	35,132
Florida	25,809	New York	32,488
Georgia	15,565	North Carolina	26,675
Illinois	31,115	Ohio	34,522
Indiana	36,205	Oregon	40,816
Iowa	29,336	Pennsylvania	31,242
Kansas	28,717	Rhode Island	14,617
Kentucky	24,027	South Carolina	24,422
Louisiana	16,200	Tennessee	24,182
Maine	35,963	Texas	21,952
Maryland	28,703	Vermont	32,549
Massachusetts	23,542	Virginia	21,161
Michigan	32,040	West Virginia	28,178
Minnesota	30,054	Wisconsin	29,685

It appears that the average vote to elect a member of Congress in the various States is 28,335, nearly twice as many as were cast for both candidates in the "Shoestring district" at the election of 1880. The average of the State of Mississippi is 16,839, some 12,000 below the average in the other States, and in this particular district the vote is about 14,000 less than the average of the State. The population of Mississippi in 1880 was 1,131,597; the vote polled there was 117,078. This is but one for every 9.6 inhabitants.

For the sake of contrast let us compare these statistics with the State of Indiana. I know we Republicans have been in the habit in the past of charging our Democratic friends with bringing from Kentucky, where they have a great Democratic margin which they do not need, enough votes to carry the day. When we are successful they return the charge by saying that as the northern end of the State is largely Republican, we draw on our Republican neighbors of Illinois and Michigan for votes in an emergency. Whether there be any truth in that or not, I do not care to say, but I am satisfied with one fact, that in 1880 the election was entirely fair, for no Democratic electioneerer was allowed to go anywhere without a Republican followed him, to watch every movement he made. And *vice versa*. The two parties watched each other continually, and I think both Democrats and Republicans came out of the contest with tolerably clean hands. I know it was a large vote, for we brought all we had to the polls. If a man was sick we had him ready when the polls were opened, for fear he might die during the day. [Laughter.] We voted them early but not often, and took care that every man who was entitled to vote voted.

In Indiana it takes 36,200 votes to elect a member of Congress; that is, one vote for every 4.2 inhabitants. It is rather a remarkable vote, but, as I have said, we were very industrious on both sides.

But some may say that is not a fair comparison, because in Mississippi there is a large margin one way, that it is not a closely-contested State like Indiana. Very well; let us go to Iowa, where they scarcely have Democrats enough left for mournful examples. [Laughter.] There the Republicans have it all their own way, and a comparison would certainly be fair. In Iowa it takes 29,336 votes to elect a member of Congress. That is one vote for every five inhabitants. There is no contest there, as I said before, yet one in every five asserts his right to vote, while in Mississippi, where there has been a contest, as I understand, one side led by a colored man, and the other by a brass band and a wagon with all the colors of the United States on it, [laughter,] and yet but one in 9.6 of the inhabitants exercised their right to vote.

What is the reason of this? Do men care less for their rights there than in Iowa or other States? I would think not after hearing the earnest speeches made by the two gentlemen claiming seats in this House here to-day. It is clear to me that if there are not more voters in Mississippi than the Democratic election officers have returned, one of two propositions is true: there is a great disproportion of women and children in that State or an unfair apportionment.

There is another thing, Mr. Speaker, which I think will aid us in getting an understanding of the situation in this district.

In 1880, as I am informed by gentlemen from that State, a census was taken with a view of legislative apportionment. They base that apportionment on the number of electors. They would be in a sad way if some of the counties were apportioned according to the number of men who asserted their rights at the polls. That census shows there were 240,391 electors in the State of Mississippi in 1880. Out of that number only 117,078 voted, leaving 123,313, a majority of all, who never even attempted to exercise their right of suffrage. The "Shoestring district" now under consideration contained by the same census 46,424 electors, and yet our Democratic returning officers tell us but 14,565 voted—less than one-third of the number.

I think the truth of this matter as it is gathered from the evidence in this contest is that more men voted in that district than these election officers returned. About 21,000 men voted, which is still less than one-half the number that rightfully belonged there, and for some reason over one-fourth of those votes have not been counted. And yet the contestee appeals to us to-day to look at the record and be guided solely by it.

Very well, let us look at it. Who makes that record he is so anxious we shall rely on? At every precinct in that district the election was controlled by Democratic officials. He and his friends had all the machinery of the election in their own hands. There was no one to say nay. The record shows that they organized the election boards, received the votes offered, counted those which were for Chalmers, and threw out those for Lynch. It is their record, not ours; and I see no reason why we should be bound by it.

I do not know how this may look to other gentlemen, but to me there seems an unusual amount of assurance in the contestee standing here before this intelligent body and after having made this record without allowing us anything to say and demanding that we shall all measure ourselves by it. I do not attribute to the gentleman any unworthy means, but I do say, when his friends had it all in their own power and when they deliberately made, not false returns, but useless returns, when they failed to do their duty, failed to make the returns required by law, and then refused to count the votes because of these irregularities, it comes with bad grace from him to demand of us to acquiesce.

And another remarkable fact about the matter is, that every one

of the boxes thrown out were Republican boxes. Now, how easy such a scheme is to organize and carry out. You would simply have to make a mistake, and mistakes are not criminal; we are all liable to make them. They could be made in the places where the vote was against us, and by the letter of the law which is appealed to to-day they could be thrown out. I shall not charge that there has been a conspiracy to do this, but the evidence and circumstances attending this election would fully justify me in so charging.

But we are told there are not so many Republican voters in this district as was supposed. The minority of the committee in their report seem to chuckle over this statement as if it were very pleasant to contemplate.

The contestee alluded to that in his speech with a great deal of gratification, and went on to say how the immense Republican majority of a few years ago had, in his opinion, been dissipated. Of course it was not on account of any unwarranted and unlawful means made use of by the Democrats, but because the Republicans quarreled among themselves. He alleged that there was no longer a Republican majority there.

Now, Mr. Speaker, let us look at this a little more closely. If it be true that the Republicans have not a majority there, what is the necessity of throwing out Republican boxes at each election? If they can just as well carry the district by "painted wagons" and "colored bands," as contestee alleges he carried it this time, allowing every colored man to have his own way and to vote according to his sense of justice and right, what is the necessity for carrying it by throwing out Republican votes?

Does it not seem reasonable, in view of their claim here, that they might just as well have carried the district in a fair manner, and saved the odium of the unusual, unjust, and unseemly means the evidence shows they did resort to?

But we are told these ballots are marked and violate the statute of Mississippi. This is the ballot:

REPUBLICAN NATIONAL TICKET.

For President,

JAMES A. GARFIELD.

For Vice-President,

CHESTER A. ARTHUR.

For Electors for President and Vice-President,

HON. WILLIAM R. SPEARS.

HON. R. W. FLOURNOY

DR. J. M. BYNUM,

HON. J. T. STETTLE

CAPT. M. K. MISTER, JR.,

DR. R. H. MONTGOMERY,

JUDGE R. H. CUNY,

HON. CHARLES W CLARKE

For Member of the House of Representatives from the 6th Congressional District.

JOHN R. LYNCH

The law of Mississippi reads as follows:

SEC. 137. All ballots shall be written or printed in black ink, with a space not less than one-fifth of an inch between each name, on plain white printing newspaper, not more than two and one-half, nor less than two and one-fourth, inches wide, without any device or mark by which one ticket may be known or distinguished from another, except the words at the head of the ticket; but this shall not prohibit the erasure, correction, or insertion of any name by pencil mark or ink upon the face of the ballot; and a ticket different from that herein prescribed shall not be received or counted.

The commissioners of election refused to count these ballots because of the dashes under "Republican National Ticket," "James A. Garfield," "Chester A. Arthur," and "Hon. Charles W. Clarke."

The supreme court of Mississippi sustained the commissioners in their action, and say:

The only safe guide as to what ballots are illegal because of devices or marks is the statute. It excludes any mark or device by which one ticket may be known or distinguished from another. A distinction between ballots by means of devices or marks instead of by means of the names on them is what the statute aims to prevent, and we are not at liberty to confine the broad language of the statute to any particular description of devices or marks, for ingenuity would evade any such limit. The law should be enforced as written.

Now, I have always had, and hope I shall continue to have, the greatest respect for the judgment of the highest tribunal of a State. I am compelled to say that I have but little respect for the decision of the supreme court of Mississippi in this matter, very little, indeed; and the reason is that they based their decision (for I cannot go into a discussion of all the points involved) upon a doctrine which, to my knowledge, has never before been announced. They say the object of having the ballots uniform is not only to protect the secret of the voter, but that intelligence shall guide him.

Now, mark you, according to this decision they must take from the ballot everything that an ignorant man can recognize, in order that intelligence may guide him. The intelligence of whom? His own or that of some one else? I think I can see in this a cunningly devised plan, calculated to make the ignorant voter who is dependent upon some other man rely upon him as to how he shall vote, while there is no means of ascertaining whether his friend tells the truth or not. Now, there had been tickets which had something on them that enabled an ignorant man to know what he was doing. They had possibly a spread eagle, a flag, or something of that kind, which appealed to such intelligence as he had. But this new-found law says that there shall be nothing upon it which the intelligence of the voter can recognize, and gives as a reason that "intelligence shall guide" the voter. Therefore I am forced to conclude that it was the intelligence of some other man and not the intelligence of the voter which was to be appealed to.

But are gentlemen on the other side of the House willing to go as far as that decision goes? That decision says—and I shall not undertake to quote it exactly—that any mark, whether intentional or unintentional, whether fraudulent or innocent, upon a ballot, that will enable anybody to tell it from any other ballot, shall vitiate it. I understand that to be the sum and substance of the decision. And I ask gentlemen if they will carry that doctrine out to its furthest extent? Are they prepared to say that the ballot of the honest coal-heaver, for instance, who comes from his hod with his hands begrimed and blackened by his labor, and in handling the ticket shall deface it or besmear it so that it might be picked out from among other tickets, shall not be counted? And yet if you go as far as the supreme court of Mississippi goes you must say so.

And again, suppose by some accident any blot, blur, or mark, no matter how small, for its size is not material, or even if some wandering fly deposits a speck upon it, by which some man on examining would be able to recognize it as different from some other ballot, will you claim that it should also be excluded? The supreme court of Mississippi have so decided, and we are appealed to to govern our action in this matter by the terms of that decision.

No, Mr. Speaker, the trouble with that judgment, in my opinion, lies here, that the same motives actuated these men clad in judicial ermine that actuated the men who made their election returns in such shape that they could not be counted.

I fear the same spirit which has been mentioned here to-day by both speakers, which says that a certain element shall control whether or no, had something to do in dictating that decision. I have always had the ordinary respect for punctuation marks which a boy carefully taught to read would have. I have seen sentences curiously devised, so that by the removal of a comma or placing it in a different position it gave an entirely different meaning to the sentence. Those were literary curiosities, and I have admired them. But I never thought the time would come when a punctuation mark would deprive a citizen of the highest right he has in this Government. I never thought the time would come when a mere matter of punctuation would be urged in this House why the people of Mississippi should not be represented by the man of their choice. And although a punctuation mark is a small thing and does not deserve much attention, yet I think I would be justified in saying to the gentleman who is now occupying that seat, that there are certain other punctuation marks which will some times appear when they are not wanted; and that there is one that will hang over that seat so long as he occupies it; that there is a punctuation mark that will appear there to every fair and honorable and truth-loving man all over the land so long as he sits there, and that mark is an interrogation point—[laughter]—appealing to him, appealing to us, appealing to everybody, why is it that he sits there claiming a seat upon a mere mistake having been made by a voter?

It has been suggested behind me that possibly a period would be put there. That suggested another thought to me. In looking over the law of Mississippi I find no allusion to anything except letters on the ballot. There is no provision for punctuation whatever. Will the gentlemen go still further and say that a period after one of those names shall be a designating mark? Will they say that of the commas which appeared there, because they are no more mentioned in the law than the dashes which the gentleman has made so much of? They are all one and the same thing, put there for the same purpose, and are not such, it seems to me, as any reasonable, fair-minded man would for one moment stop to consider.

Mr. Speaker, I have this to say by way of conclusion: the great mass of the people of this country believe that every qualified voter should be allowed to go to the polls unmolested and cast his vote for whomsoever he pleases, and that his vote shall be counted. Everything connected with this election, from the passage of the statute concerning the ballot, if this statute is properly construed by the

supreme court of Mississippi, to the issuing of the certificate to the sitting member, plainly shows to me that those having the administration of the law in their hands have sought anything else than a full, free, and fair vote, and no word or vote of mine shall help in giving any advantage to such a conspiracy. [Applause.]

ORDER OF BUSINESS.

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

Mr. RANDALL. I desire to submit a resolution which I have shown to the chairman of the Committee on Banking and Currency, and which has his approval.

Mr. CALKINS. I will withdraw the motion to adjourn for the present to allow the gentleman from Pennsylvania and other gentlemen to make some requests for unanimous consent.

SECOND NATIONAL BANK OF CINCINNATI.

Mr. RANDALL, by unanimous consent, submitted the following preamble and resolution; which were read, considered, and adopted:

Whereas the charter of the Second National Bank of Cincinnati will expire on or about the 25th day of May, next; and

Whereas it is alleged that said bank has gone into liquidation and has reorganized to continue its existence as a corporation under existing law: Therefore,

Be it resolved, That the Comptroller of the Currency is hereby directed to communicate to this House any correspondence between him and the officers of the said bank in relation to said liquidation and reorganization, and to inform this House under what existing statutes said reorganization was authorized; and, further, to communicate the manner and form prescribed of such reorganization by national banks.

Mr. RANDALL moved to reconsider the vote by which the preamble and resolution were adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REPRINT OF GENEVA AWARD BILL AND REPORT.

Mr. BUTTERWORTH. I ask the House for an order to have printed an additional number of the report of the committee on what is known as the Geneva award bill. There are none left. I have had a number of applications for them, and a number of applications have been made to other members, and it is desirable to have some additional copies printed.

Mr. ROBINSON, of Massachusetts. Let the bill also be printed.

Mr. BUTTERWORTH. Very well.

The SPEAKER. The gentleman from Ohio requests that the Geneva award bill and accompanying report be reprinted. Is there objection?

There was no objection, and it was so ordered.

WITHDRAWAL OF PAPERS.

On motion of Mr. ATKINS, by unanimous consent, leave was given to withdraw from the files of the House papers in the case of W. C. Marsh, now before the Committee on War Claims, there being no adverse report thereon.

CONDITION OF FOLDING-ROOM.

Mr. HAWK. I desire to submit for reference to the Committee on Accounts a resolution of inquiry as to the condition of the folding-room.

The Clerk read as follows:

Resolved, That the Committee on Accounts be instructed to inquire into the sanitary condition of the House folding-room, and to report whether the same is not detrimental to the health of those employed therein.

Be it further resolved, That if said committee shall find said folding-room unfit for human habitation, they are hereby instructed to inquire into and report upon what terms more suitable quarters can be obtained.

Mr. HEWITT, of New York. Why should the gentleman propose to refer the resolution to the Committee on Accounts? The more appropriate committee would be that which has charge of the heating and ventilating of this building.

Mr. HAWK. I believe it is usual to send resolutions of this kind to the Committee on Accounts.

Mr. SPRINGER. I think also it would be well to have the committee consider whether this Capitol is not in great danger by having so large an amount of printed matter in the basement of this building, and whether it could not be advantageously removed to some other place.

Mr. HAWK. It is immaterial to me what committee shall make this examination.

The SPEAKER. The Committee on Public Buildings and Grounds is the proper committee to be charged with the matter of obtaining other rooms. If it is a question as to proper ventilation, it would properly go to the Committee on Ventilation.

Mr. HAWK. It is immaterial to me which committee is charged with the duty. I desire to state that there are forty-two persons employed as folders, &c., in that dark, unhealthy place; a place so unfit that no member on this floor would be willing to keep a good horse or mule in it. I think this is a matter of great importance, a matter of absolute necessity. It is immaterial to me what committee the subject may be referred to.

Mr. TOWNSHEND, of Illinois. These persons have been on duty in the place referred to for some time, and I have heard of no mortality among them resulting from it.

Mr. HEWITT, of New York. I have given some personal attention to the condition of things in the folding-room, and I have called the attention of the Architect of the Capitol to the very unhealthy and improper condition of that room. I quite agree with the gentleman who offers this resolution [Mr. HAWK] that this matter demands prompt attention on the score of humanity. But it strikes me that the Committee on Accounts is hardly the proper committee to attend to it.

The SPEAKER. The resolution might be amended so as to direct the Select Committee on Ventilation and Acoustics to examine the subject.

Mr. HAWK. I have no objection to that modification.

The resolutions as modified were then adopted.

Mr. HAWK moved to reconsider the vote by which the resolutions were adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

NEW ALBANY NATIONAL CEMETERY.

Mr. STOCKSLAGER. I ask unanimous consent to submit a resolution for present consideration.

The SPEAKER. The resolution will be read.

The Clerk read as follows:

Resolved, That the Secretary of War be, and he hereby is, directed to transmit to this House the correspondence and papers on file in his office touching the construction of a road from the limits of the city of New Albany, Indiana, to the National Soldiers' Cemetery, situated near said city.

Mr. STOCKSLAGER. I desire to state that my purpose in offering this resolution is to obtain these papers for reference to the Committee on Appropriations, with a view to securing the necessary appropriation.

The resolution was adopted.

Mr. STOCKSLAGER moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PATRICK CASEY.

Mr. PEELLE, from the Committee on Claims, by unanimous consent, reported back the bill (H. R. No. 3692) for the relief of Patrick Casey, and moved that the committee be discharged from its further consideration, and that the same be referred to the Committee on Ways and Means.

The motion was agreed to.

WAGON-ROAD IN OREGON.

Mr. STRAIT, from the Committee on the Public Lands, to which had been referred Executive Document No. 97, relating to a grant of land to aid in the construction of a wagon-road in the State of Oregon, reported the same back and moved that the committee be discharged from its further consideration, and that the same be laid on the table.

The motion was agreed to.

HEIRS OF M. HALLIBURTON.

Mr. SIMONTON, by unanimous consent, introduced a bill (H. R. No. 6009) to pay the heirs of M. Halliburton for property taken and used during the war; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

REMOVAL OF POTOMAC FLATS.

Mr. BOWMAN, by unanimous consent, introduced a bill (H. R. No. 6010) to remove all the Potomac flats from the Washington Harbor; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

ARLINGTON MILITARY CEMETERY.

Mr. DAVIS, of Illinois, by unanimous consent, from the Committee on Military Affairs, reported, as a substitute for House bill No. 3140, a bill (H. R. No. 6011) to improve the public road from the Aqueduct Bridge near Georgetown, District of Columbia, to the Arlington National Military Cemetery; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

NATIONAL CEMETERY AT RICHMOND, VIRGINIA.

Mr. DAVIS, of Illinois, also, from the same committee, reported, as a substitute for House bill No. 3138, a bill (H. R. No. 6012) to construct a road from the city of Richmond to the Richmond National Military Cemetery; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

COMPENSATION OF UNITED STATES DISTRICT ATTORNEYS.

Mr. HUMPHREY, by unanimous consent, from the Committee on the Judiciary, reported, as a substitute for House bill No. 16, a bill (H. R. No. 6013) fixing the compensation of United States district attorneys, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PAYMENTS FOR MILITARY SERVICES.

Mr. BAYNE, by unanimous consent, from the Committee on Military Affairs, reported back with a favorable recommendation the bill (H. R. No. 4618) approving payments made for military services rendered between April 19, 1861, and August 20, 1866, under orders from the War Department; which was placed upon the House Calendar, and the accompanying report ordered to be printed.

AGRICULTURAL APPROPRIATION BILL.

Mr. VALENTINE. I ask unanimous consent that the bill (H. R. No. 4466) making appropriations for the Agricultural Department of the Government for the fiscal year ending June 30, 1883, and for other purposes, be taken from the Speaker's table. The bill has been returned from the Senate, that body insisting upon its amendments disagreed to by the House. I move that the House insist upon its disagreement to the amendments of the Senate, and agree to the conference asked on the disagreeing votes of the two Houses thereon.

There was no objection, and it was so ordered.

The Speaker announced as the conferees on the part of the House Mr. VALENTINE of Nebraska, Mr. RICH of Michigan, and Mr. HATCH of Missouri.

LAWLESSNESS IN ARIZONA.

The SPEAKER, by unanimous consent, laid before the House a message from the President of the United States; which was read, as follows:

To the Senate and House of Representatives:

By recent information received from official and other sources I am advised that an alarming state of disorder continues to exist within the Territory of Arizona, and that lawlessness has already gained such head there as to require a resort to extraordinary means to repress it.

The governor of the Territory, under date of the 31st ultimo, reports that violence and anarchy prevail, particularly in Cochise County and along the Mexican border; that robbery, murder, and resistance to law have become so common as to cease causing surprise; and that the people are greatly intimidated and losing confidence in the protection of the law. I transmit his communication herewith, and call especial attention thereto.

In a telegram from the General of the Army, dated at Tucson, Arizona, on the 11th instant, herewith transmitted, that officer states that he hears of lawlessness and disorders which seem well attested, and that the civil officers have not sufficient force to make arrests and hold the prisoners for trial or punish them when convicted.

Much of this disorder is caused by armed bands of desperadoes known as cowboys, by whom depredations are not only committed within the Territory but it is alleged predatory incursions are made therefrom into Mexico. In my message to Congress at the beginning of the present session I called attention to the existence of these bands, and suggested that the setting on foot within our own territory of brigandage and armed marauding expeditions against friendly nations and their citizens be made punishable as an offense against the United States. I renew this suggestion.

To effectually repress the lawlessness prevailing within the Territory, a prompt execution of the process of the courts and vigorous enforcement of the laws against offenders are needed. This the civil authorities there are unable to do without the aid of other means and forces than they can now avail themselves of. To meet the present exigencies the governor asks that provision be made by Congress to enable him to employ and maintain temporarily a volunteer militia force to aid the civil authorities, the members of which force to be invested with the same powers and authority as are conferred by the laws of the Territory upon peace officers thereof.

On the ground of economy as well as effectiveness, however, it appears to me to be more advisable to permit the co-operation with the civil authorities of a part of the Army as a *posse comitatus*. Believing that this, in addition to such use of the Army as may be made under the powers already conferred by section 5298, Revised Statutes, would be adequate to secure the accomplishment of the ends in view, I again call the attention of Congress to the expediency of so amending section 15 of the act of June 18, 1878, chapter 263, as to allow the military forces to be employed as a *posse comitatus* to assist the civil authorities within a Territory to execute the laws therein. This use of the Army, as I have in my former message observed, would not seem to be within the alleged evil against which that legislation was aimed.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *April* 26, 1882.

Mr. PAGE. I move that this message, with the accompanying documents, be referred to the Committee on Military Affairs and printed; and I ask unanimous consent that the committee be authorized to report at any time on this subject.

Mr. SPRINGER. I hope that the authority suggested by the gentleman from California [Mr. PAGE] will be given. From personal visits to the part of the country referred to in this message I have some knowledge of the outrages perpetrated there. I know that Indian outbreaks and other disturbances of the public peace are now producing consternation and anarchy in a large portion of the territory of the United States. Up to this time there seems to be no adequate defense for the settlers in that region. A year ago I visited the flourishing town of Galeyville, in Arizona, and remained there a week, among an intelligent and industrious community. By telegrams which have been published yesterday and to-day I learn that that town has been sacked and burned, and thirty of its inhabitants slaughtered in cold blood by bands of Indians. Something should be done to protect our frontier and the brave people who have gone there. In many localities there seems to be utter inability on the part of the civil authorities to deal with the existing disturbances. I hope the request of the gentleman from California [Mr. PAGE] will be granted, and that the Committee on Military Affairs may have leave to report on this subject at any time, so that Congress may take action in the matter promptly.

The SPEAKER. If there be no objection, the message and accompanying documents will be ordered to be printed and referred to the Committee on Military Affairs, with leave to report at any time.

There was no objection, and it was ordered accordingly.

NATIONAL EXHIBITION AT BOSTON IN 1883.

Mr. CANDLER, (by request,) by unanimous consent, introduced a bill (H. R. No. 6014) to admit free of duty articles intended for the exhibition of art and industry to be held at Boston, Massachusetts, during the year 1883; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

SPECIAL ASSESSMENTS IN THE DISTRICT OF COLUMBIA.

Mr. CHAPMAN, by unanimous consent, introduced a bill (H. R. No. 6015) to provide for the correction of certificates of assessment issued for assessments for special improvements in the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

IRRIGATION OF SNAKE RIVER VALLEY, IDAHO.

Mr. RICE, of Missouri, by unanimous consent, from the Committee on the Public Lands, reported, as a substitute for House bill No. 5002, a bill (H. R. No. 6016) to provide for the irrigation of Snake River Valley, in the Territory of Idaho, and to promote the settlement thereof; which was read a first and second time, ordered to be printed, and recommitted.

ENROLLED BILLS SIGNED.

Mr. ALDRICH, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. No. 1598) to authorize the Secretary of War to donate to the Ladies' Soldiers' Monument Society of Portsmouth, Ohio, four condemned cannon; and

A bill (H. R. No. 4680) to repeal the discriminating duties on goods produced east of the Cape of Good Hope.

Mr. CLARK. I move that the House adjourn.

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

PETITIONS, ETC.

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

By Mr. BAYNE: The petition of Carnegia Bros. & Co., of Pittsburgh, Pennsylvania, urging the passage of the bill (H. R. No. 4726) providing for the appointment of a commission to test iron, steel, &c.—to the Committee on Manufactures.

By Mr. CALDWELL: Papers relating to the claim of Smith P. Dreon—to the Committee on War Claims.

By Mr. CAMPBELL: Paper relating to the pension claim of Martin Carney—to the Committee on Invalid Pensions.

Also, paper relating to the pension claim of James Aaron—to the same committee.

By Mr. DOWD: The petition of C. Austin and others, for an appropriation for common schools—to the Committee on Education and Labor.

By Mr. S. S. FARWELL: The petition of 150 business men of Davenport, Iowa, asking for the passage of the Lowell bill, to establish a uniform system of bankruptcy throughout the United States—to the Committee on the Judiciary.

By Mr. HOOKER: The petition of citizens of Mississippi, for the construction of the ship-railway across the Isthmus of Tehuantepec—to the Committee on Commerce.

By Mr. PHINEAS JONES: The petition of citizens of Mount Clair, New Jersey, for legislation for the suppression of polygamy—to the Committee on the Judiciary.

Also, the petition of Charles M. Holmes, sr., and others, for the passage of the French spoliation claims bill—to the Committee on Foreign Affairs.

By Mr. KENNA: The petition of Thomas H. Dennis and 38 others, of West Virginia, for an appropriation for educational purposes—to the Committee on Education and Labor.

By Mr. LACEY: The petition of G. W. Sheffield and 118 others, citizens of Barry County, Michigan, for legislation to prevent unjust discrimination of transportation companies—to the Committee on Commerce.

By Mr. MANNING: Papers relating to the claim of William Arthur, of Henry County, Tennessee—to the Committee on War Claims.

By. Mr. RANDALL: Papers relating to the pension claim of Sarah Burns—to the Committee on Invalid Pensions.

By Mr. RAY: The petition of Charles McDaniel and 20 others and of Newton Clough and 20 others, citizens of New Hampshire, for legislation to regulate charges for railway transportation—severally to the Committee on Commerce.

Also, the petition of the mayor and common council of Manchester, New Hampshire, for the improvement of the navigation of the Merrimac River—to the same committee.

Also, the petition of Charles McDaniel and 20 others, citizens of New Hampshire, for the passage of a bill to make the Commissioner of Agriculture a member of the Cabinet—to the Committee on Agriculture.

Also, the petition of Charles McDaniel and 19 others, citizens of New Hampshire, for the passage of an income-tax bill—to the Committee on Ways and Means.

Also, the petition of Charles McDaniel and 21 others, citizens of

New Hampshire, for legislation to protect innocent purchasers against fraudulent venders of patents and patent rights—to the Committee on Patents.

By Mr. ROSECRANS: The petition of citizens of California, for the passage of the French spoliation claims bill—to the Committee on Foreign Affairs.

By Mr. SCALES: The petition of H. P. Stipe and others, citizens of Thomasville, North Carolina, for an appropriation for educational purposes—to the Committee on Education and Labor.

By Mr. SCOVILLE: The petition of T. G. Smith and others, relative to internal-revenue taxes—to the Committee on Ways and Means.

By Mr. SHACKELFORD: The petition of 80 citizens of Onslow County, North Carolina, for an appropriation for the improvement of the navigation of the sounds between Morehead City and New River—to the Committee on Commerce.

By Mr. STEPHENS: The petition of Mrs. Cornelia Bernelle, for relief—to the Committee on War Claims.

By Mr. J. T. UPDEGRAFF: The petition of E. V. Brookfield and 7 others, citizens of Ohio, in favor of Government aid to education in Alaska—to the Committee on Education and Labor.

By Mr. URNER: Papers relating to the claim of Lewis Ernde—to the Committee on War Claims.

By Mr. VANCE: The petition of J. F. Downs and others, of North Carolina; of Dr. A. A. Scroggs and others, citizens of Caldwell County, North Carolina; and of W. M. Tuttle and others, citizens of Lenoir County, North Carolina, for an appropriation for educational purposes—severally to the Committee on Education and Labor.

Also, the resolutions of the Produce Exchange of Wilmington, North Carolina, in favor of reducing the taxes on bank-checks, circulation, and deposits—to the Committee on Ways and Means.

By Mr. MORGAN R. WISE: The petition of Hon. James A. Hunter and 25 others, citizens of Westmoreland County, Pennsylvania, for the better protection of immigrants—to the Committee on Commerce.

By Mr. YOUNG: The petition of Armstrong & Miller and many other business firms of Mount Vernon, Ohio; of John S. Hawley & Co. and 31 other business firms of New York City; of J. H. Smith and 42 others, of Ballston Spa, New York; of G. H. Plumb and 38 other business firms of New Jersey; and of Charles A. Boynton and 36 others, citizens of Brooklyn, New York City, and Hoboken, New Jersey, for the passage of the bill now pending to tax the adulterant known as glucose five cents per pound—severally to the Committee on Ways and Means.

SENATE.

FRIDAY, *April* 28, 1882.

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

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

ADJOURNMENT TO MONDAY.

On motion of Mr. ANTHONY, it was

Ordered, That when the Senate adjourn to-day it be to meet on Monday next.

PETITIONS AND MEMORIALS.

Mr. ALLISON. I present a petition numerously signed by citizens of Davenport, Iowa, representing commercial interests, merchants, manufacturers, &c., praying for the passage of what is known as the Lowell bankrupt bill. I move that it lie on the table.

The motion was agreed to.

Mr. ALLISON presented a petition of citizens of Vinton, Iowa; a petition of citizens of Grundy Centre, Iowa; a petition of citizens of Belle Plaine, Iowa; a petition of citizens of Sibley, Iowa; a petition of citizens of Davis County, Iowa; and a petition of citizens of Leon, Iowa, in favor of an appropriation for the establishment and maintenance of schools in Alaska; which were referred to the Committee on Education and Labor.

Mr. ROLLINS. I present a petition of David Smith and some 350 others, citizens of Georgetown, District of Columbia, praying for the passage of Senate bill No. 419, concerning the construction of a free bridge across the Potomac River. As the prayer is very short, I would like to have it read; it is only a few lines.

The PRESIDENT *pro tempore*. The petition will be read without the names, the Chair hearing no objection.

The petition was read, and referred to the Committee on the District of Columbia, as follows:

The undersigned, inhabitants of Georgetown, District of Columbia, being deeply interested in the construction of a free bridge across the Potomac River, at a point where the same can be done not only with the greatest economy but where the public interest will be best subserved, respectfully petition that Senate bill No. 419, now pending before the Senate Committee of the District of Columbia, be speedily passed; inasmuch as the Aqueduct piers, constructed at a large cost, are in excellent condition, and the site of the Aqueduct is in every respect the most suitable location for a free bridge, the present military road to Arlington and the national cemetery passing over it, and in connection with already established roads leading to the adjacent producing counties in Virginia.

Mr. LAPHAM presented a memorial of the Maritime Association of the Port of New York, in favor of the abrogation of the treaty with the Hawaiian Islands in respect to the importation of sugar free of duty; which was referred to the Committee on Foreign Relations.

Mr. LAPHAM. I present a memorial of a very large number of citizens of the city of New York, of nearly all trades and professions, remonstrating against the passage of any bill restricting Chinese immigration. I move that the memorial lie upon the table.

The motion was agreed to.

Mr. HARRIS. I present joint resolutions adopted a few days since by the Legislature of the State of Tennessee, asking that certain franchises be granted to the Saint Louis, Montgomery and Florida Railroad Company. I ask that the resolutions be read at the desk, and referred to the Committee on Public Lands.

The resolutions were read, and referred to the Committee on Public Lands, as follows:

Whereas there is a bill now pending before the Congress of the United States, granting certain franchise to the Saint Louis, Montgomery and Florida Railroad; and

Whereas the early construction of said railroad will be of great benefit to Tennessee, as well as a great national work:

Be it resolved by the senate and house of representatives of Tennessee, That our Senators and Representatives in Congress are requested to use all their influence, consistent with their conscientious discharge of duty to our common country, to further the passage of said bill.

GEO. H. MORGAN,
Speaker of the Senate.

Adopted April 8, 1882.

H. B. RAMSEY,
Speaker of the House of Representatives.

Approved April 17, 1882.

ALVIN HAWKINS, *Governor.*

REPORTS OF COMMITTEES.

Mr. VAN WYCK, from the Committee on Pensions, to whom was referred the bill (S. No. 604) granting a pension to Margaret Beymer, reported it with an amendment; and submitted a report thereon, which was ordered to be printed.

Mr. McMILLAN, from the Committee on the District of Columbia, to whom was referred the bill (H. R. No. 5127) to amend an act entitled "An act to incorporate the Masonic Mutual Relief Association of the District of Columbia," reported it without amendment.

Mr. McDILL, from the Committee on the District of Columbia, to whom was referred the bill (S. No. 1342) authorizing the trustees of the Isherwood estate to amend a certain plan of subdivision of said estate recorded in the land records of the District of Columbia, reported it with an amendment.

Mr. HAWLEY, from the Committee on Railroads, to whom was referred the bill (S. No. 972) creating the Oregon Short Line Railway Company a corporation in the Territories of Utah, Idaho, and Wyoming, and for other purposes, reported it without amendment; and submitted a report thereon, which was ordered to be printed.

Mr. MORRILL. I present the bill (H. R. No. 2932) for the relief of Thomas Evans, which appears by the record to have been referred March 28 to the Committee on Finance, although that committee has never received it. It is clear that the bill belongs to the Committee on the District Columbia, and I move that it be referred to that committee.

The motion was agreed to.

Mr. CONGER, from the Committee on Commerce, to whom was referred the bill (S. No. 1402) for the relief of shipping, reported it with an amendment; and submitted a report thereon, which was ordered to be printed.

Mr. JONAS, from the Committee on Railroads, to whom was referred the bill (S. No. 1147) to release the Memphis and Little Rock Railroad Company from such of the conditions of the several acts of Congress approved February 9, 1853, and July 28, 1866, as unjustly affect said corporation, reported it without amendment; and submitted a report thereon, which was ordered to be printed.

REMOVAL OF OBSTRUCTIONS AT HELL GATE.

Mr. MILLER, of New York. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. No. 5908) making an immediate appropriation for the removal of obstructions at Hell Gate, New York, to report it favorably, and I ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It appropriates $50,000 for the removal of obstructions in East River, Hell Gate, New York, the same to be expended under the direction of the Secretary of War, and to be immediately available.

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

CONGRESSIONAL ELECTIONS IN WEST VIRGINIA.

Mr. HOAR. I am directed by the Committee on Privileges and Elections, to whom was referred the bill (H. R. No. 5352) to amend the laws with reference to elections in West Virginia, to report it favorably and without amendment. It is important for the people of that State to know the time of the election of their members of Congress, and I ask that the bill be considered at the present time.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that on the second Tuesday of October, 1882, there shall be elected in each Congressional