1883; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. HISCOCK. I understand the Post-Office bill goes over as unfinished business, with the demand for a second pending, and therefore I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 12 o'clock and 15 minutes a. m., March 2) the House adjourned.

PETITIONS, ETC.

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

By the SPEAKER: Memorial of the Legislature of Arizona Territory, asking for the appointment of a commissioner to investigate matters at the Papago Indian reservation—to the Committee on Indian Affairs.

By Mr. ANDERSON: The petition of P. H. Williams and 80 others, citizens of Hilton, Kansas, for free lumber—to the Committee on Ways and Means.

By Mr. BELMONT: The petition of Lenette M. Frost, of Queens County, New York, for an extension of patent—to the Committee on Patents.

By Mr. CANDLER: The petition of James S. White & Co. and others, praying for the repeal of sections 2907 and 2908 of existing law which requires the addition of inland transportation, costs, and charges to the ad valorem cost of goods—to the Committee on Ways and Means.

By Mr. DEZENDORF: The resolutions of superintendents of schools in the State of Virginia, adopted at a meeting held in the city of Richmond, February 28, 1883, relative to educational matters—to the Committee on Education and Labor.

By Mr. S. S. FARWELL: The petition of citizens of Scott, and of citizens of Clinton County, Iowa, relative to the duty on lumber—severally to the Committee on Ways and Means.

SENATE.

FRIDAY, *March* 2, 1883.

The Senate met at 11 o'clock a. m. Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Principal Legislative Clerk proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. PLUMB, and by unanimous consent, the further reading was dispensed with.

CREDENTIALS.

The PRESIDENT *pro tempore* presented the credentials of Shelby M. Cullom, chosen by the Legislature of Illinois a Senator from that State for the term beginning March 4, 1883; which were read, and ordered to be filed.

Mr. VAN WYCK presented the credentials of Charles F. Manderson, chosen by the Legislature of Nebraska a Senator from that State for the term beginning March 4, 1883; which were read, and ordered to be filed.

PETITIONS AND MEMORIALS.

Mr. SAULSBURY presented resolutions of the Wilmington (Delaware) Typographical Union, remonstrating against proposed legislation adverse to union printers in the Government Printing Office; which were ordered to lie on the table.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. PLUMB. I desire to make a report from a conference committee.

Mr. MCMILLAN. Should not the bills that came from the House last night be laid before the Senate?

The PRESIDENT *pro tempore*. This takes precedence.

Mr. MCMILLAN. Very well.

Mr. PLUMB. I present the report of the conference committee on the District appropriation bill.

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

The Principal Legislative Clerk read the report, 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. 7181) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1884, 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 1, 2, 3, 4, 5, 25, 27, 32, 34, 35, 37, 38, 47, 55, 69, 70, 71, 72, 76, 81, 82, 98, 101, 113, and 114.

That the House recede from its disagreement to the amendments of the Senate numbered 6, 7, 8, 9, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23, 24, 26, 29, 30, 31, 36, 39, 40, 41, 42, 43, 44, 49, 50, 51, 52, 53, 57, 59, 60, 61, 62, 63, 65, 66, 67, 68, 73, 74, 75, 77, 79, 83, 84, 85, 86, 87, 88, 89, 90, 91, 93, 94, 95, 97, 100, 102, 103, 104, 105, 106, 107, 108, 109, 111, and 112; and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with amendments as follows: In lieu of the sum proposed in said amendment insert $1,900; on page 4, in line 9 of the bill strike out "two" and insert "three;" and in line 10 strike out "two clerks" and insert "one clerk;" and in line 11 strike out the word "each;" and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$61,450;" and the Senate agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: Strike out all after the word "full," in line 3, down to and including line 6 of said amendment; and the Senate agree to the same.

Amendment numbered 45: That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with amendments as follows: In line 1 of said amendment, after the word "building," insert "by the commissioners of the District;" and in line 2, after the word "be," insert "prepared by the inspector of buildings and;" and the Senate agree to the same.

Amendment numbered 46: That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$10,000, $5,000 of which shall be used for building a house on the premises, under the direction of the commissioners of the District of Columbia;" and the Senate agree to the same.

Amendment numbered 48: That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by said amendment insert the following:

"And hereafter the commissioners of the District of Columbia are required to visit and investigate the management of all the institutions of charity within the District which may be appropriated for, and shall require an itemized report of receipts and expenditures to be made to them to be transmitted with their annual report to Congress."

And the Senate agree to the same.

Amendment numbered 54: That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment as follows: At the end of the matter proposed to be inserted by said amendment insert the following:

"And in case a contract can not be made at that rate the commissioners of the District of Columbia are hereby authorized to substitute other illuminating material for the same or less price and to use so much of the sum hereby appropriated as may be necessary for that purpose."

And the Senate agree to the same.

Amendment numbered 56: That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "$1,000;" and the Senate agree to the same.

Amendment numbered 58: That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with an amendment as follows: In lieu of the number proposed by said amendment insert "eighty;" and the Senate agree to the same.

Amendment numbered 64: That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$301,560;" and the Senate agree to the same.

Amendment numbered 78: That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$543,675;" and the Senate agree to the same.

Amendment numbered 80: That the House recede from its disagreement to the amendment of the Senate numbered 80, and agree to the same with amendments as follows: In lieu of the sum proposed by said amendment, insert "$1,000;" and on page 17, in line 15 of the bill, before the word "dollars," insert "and fifty;" and the Senate agree to the same.

Amendment numbered 92: That the House recede from its disagreement to the amendment of the Senate numbered 92, and agree to the same with an amendment as follows: In line 2 of said amendment strike out the word "two" and insert the word "three;" and the Senate agree to the same.

Amendment numbered 95: That the House recede from its disagreement to the amendment of the Senate numbered 95, and agree to the same with an amendment as follows: Strike out the word "four" and insert the word "five;" and the Senate agree to the same.

Amendment numbered 99: That the House recede from its disagreement to the amendment of the Senate numbered 99, and agree to the same with amendments as follows: In lieu of the sum proposed insert "$56,000," and add the following as a new paragraph:

"For new heating apparatus for the John F. Cook School Building, $2,500; for the Randall School Building, $2,400; for the Miner School Building, $3,900; for the Abbott School Building, $3,200; in all, $12,000."

And the Senate agree to the same.

Amendment numbered 110: That the House recede from its disagreement to the amendment of the Senate numbered 110, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out, insert the following:

"And the time allowed for filing claims in the Court of Claims under an act entitled 'An act to provide for the settlement of all outstanding claims against the District of Columbia and conferring jurisdiction on the Court of Claims to hear the same and for other purposes,' approved June 16, 1880, be, and the same is hereby, extended thirty days from and after the approval of this act; and all claims not so presented shall be forever barred."

And the Senate agree to the same.

P. B. PLUMB,
F. M. COCKRELL,
H. L. DAWES,
Managers on the part of the Senate.

J. H. KETCHAM,
FRANK HISCOCK,
WM. H. FORNEY,
Managers on the part of the House.

Mr. PLUMB. I move the adoption of the report.

The report was concurred in.

IMPROVEMENT OF THE MISSISSIPPI RIVER.

Mr. MCMILLAN. I ask the Senate to excuse me from service upon the committee appointed yesterday to examine the Mississippi River improvement, under resolution passed by the Senate.

The PRESIDENT *pro tempore*. Will the Senate excuse the Senator from Minnesota? The Chair hears no objection; and the Chair appoints in his place the Senator from Wisconsin [Mr. SAWYER.]

HOUSE BILLS.

Mr. MCMILLAN. May I ask that the bill for the improvement of rivers and harbors be taken up and referred?

The PRESIDENT *pro tempore*. The bills received from the House last night were sent to the Printer, and have not yet been returned. They are expected back every moment.

Mr. McMILLAN. When they arrive I shall ask that they be laid before the Senate.

REPORTS OF COMMITTEES.

Mr. BLAIR. I ask leave, from the Committee on Education and Labor, to report back the bill (S. 1281) to provide for the preparation of a centennial record of the Government of the United States, without recommendation as to action, and I ask for the printing of the documents accompanying the same.

The documents were ordered to be printed.

Mr. BLAIR. There is on the table a resolution for the printing of the annual report of the Commissioner of Education, which passed the Senate at the last session with an amendment decreasing the number 7,000 copies, 20,000 being the number of copies the original resolution called for. The vote was very close, and after the resolution was passed as amended by the Senate the chairman of the Committee on Printing said to me that if the resolution were recalled he would make no further opposition to its passing as originally prepared; that is, 20,000 instead of 13,000 copies, whereupon the Senate voted to recall the resolution. I had entered my motion to reconsider the vote, and now I should like to call it up.

The PRESIDENT *pro tempore*. It is not yet in order.

Mr. BLAIR. It will take but a moment.

The PRESIDENT *pro tempore*. Morning business is still in order.

Mr. BLAIR. It is necessary to act this morning, it is so late in the session; but I will wait until the morning business is concluded.

Mr. McMILLAN, from the Committee on Commerce, to whom was referred the bill (S. 2459) to amend an act entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880, reported it without amendment.

Mr. HARRISON submitted the report of the Congressional Board of Visitors to the West Point Military Academy for 1882; which was ordered to be printed.

Mr. CAMERON, of Wisconsin, from the Committee on Claims, to whom was referred the bill (H. R. 3842) to pay Charles W. Button the costs of advertising property levied on by the collector of United States internal revenue in the fifth district of the State of Virginia, reported it without amendment, and submitted a report thereon, which was ordered to be printed.

Mr. HAWLEY, from the Committee on Military Affairs, to whom was referred the bill (S. 1843) dedicating the military reservation at Plattsburgh, New York, to the village of Plattsburgh for a public park, reported it with amendments, and submitted a report thereon, which was ordered to be printed.

Mr. VAN WYCK. The Committee on Public Lands instruct me to make a couple of reports, for which I would like consideration at the present time. They have been waiting for a long time to get these two measures before the Senate. The facts are agreed upon. I report first the bill (H. R. 832) for the relief of Marzel Altmann, without amendment.

The PRESIDENT *pro tempore*. The Chair understands this is a bill which has been reported and is on the Calendar. It is not in order to report it now. It is on the Calendar already.

Mr. VAN WYCK. I should like to have it considered.

The PRESIDENT *pro tempore*. Reports of committees are now in order.

Mr. VAN WYCK, from the Committee on Public Lands, to whom was referred the bill (S. 2073) for the relief of Wesley Montgomery, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 2401) for the relief of William H. Simmons, reported it without amendment.

Mr. BLAIR. I rise to the consideration of a report from the Committee on Printing, which has been partially considered.

The PRESIDENT *pro tempore*. That is not in order now.

Mr. JONAS, from the Select Committee to Investigate and Report the Best Means of Preventing the Introduction and Spread of Epidemic Diseases, to whom was referred the bill (S. 2318) to establish a floating ward in the port of New Orleans, reported it with amendments.

Mr. FRYE. I am instructed by the Committee on Claims to report back the bill (H. R. 3850) for the relief of Joseph Wescott & Son, favorably without amendment; and as it is a very simple affair I should like to have it considered now.

Mr. MORGAN. I object to its present consideration.

The PRESIDENT *pro tempore*. The bill goes to the Calendar.

HEIRS OF LOYAL COWLES.

Mr. JONES, of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the following resolution submitted by Mr. BARROW on the 5th of February, reported it without amendment.

The Senate, as in Committee of the Whole, proceeded to consider the resolution:

Resolved, That the Acting Secretary of the Senate be, and is hereby, authorized and directed to pay out of the miscellaneous items of the contingent fund of the Senate, to the legal heirs of Loyal Cowles, deceased, late assistant in the stationery-room of the Senate, the sum of $500, being an amount equal to six months' salary as assistant aforesaid; the above sum to be considered as including the funeral expenses and all other allowances.

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

REPORT OF DIRECTOR OF THE MINT.

Mr. ANTHONY. I am instructed by the Committee on Printing, to which was referred a concurrent resolution of the House of Representatives to print additional copies of the report of the Director of the Mint, to report it without amendment and recommend its passage. I ask for its present consideration.

The resolution was considered by unanimous consent and concurred in, as follows:

Resolved by the House of Representatives (the Senate concurring therein), That 9,000 copies of the report of the Director of the Mint on the annual production of gold and silver in the United States be printed; 4,000 copies for the use of the House of Representatives, 2,000 copies for the use of the Senate, and 3,000 copies for the use of the Director of the Mint.

Mr. ANTHONY. I would say, and I wish my voice could reach the heads of Departments and Bureaus, that the Committee on Printing is exceedingly reluctant to report resolutions for printing documents coming from the Executive Departments. They should be provided for in their appropriation for printing.

CENSUS REPORT MAPS.

Mr. ANTHONY. The Committee on Printing, to which was referred the joint resolution (S. R. 143) authorizing the Committee on Printing to instruct the Public Printer relative to the maps, &c., for the census reports, have instructed me to report it back with an amendment. I ask for its present consideration.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It proposes to authorize the Committee on Printing to instruct the Public Printer to accept private proposals for printing the required number of copies of maps and other illustrations for the census reports from plates or stones which were engraved under special appropriations for printing and engraving for the Tenth Census prior to the act of August 7, 1882, whenever it shall clearly appear that expense can be saved thereby.

The amendment reported by the Committee on Printing was to strike out, in lines 3 and 4, the words:

That the Committee on Printing be, and they are hereby, authorized to instruct the.

And in line 4, after "Public Printer," to insert:

Is authorized under the direction of the Joint Committee on Public Printing or of the Senate Committee on Printing in case there be no committee on the part of the House.

The amendment was agreed to.

Mr. ANTHONY. There is a resolution to dispense with advertising for the maps and plates of the census that have already been engraved. They have already been engraved for the bulletins, and the stones are now in the possession of the engraver and the work can be done much cheaper by him than they can be by an outsider, who would have to make the engraving over again.

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

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

SMITHSONIAN REPORT.

Mr. ANTHONY. The Committee on Printing, to which was referred a concurrent resolution of the House of Representatives for printing extra copies of the report of the Smithsonian Institution, have instructed me to report it without amendment and recommend its passage. I ask for its present consideration.

The resolution was considered by unanimous consent and concurred in, as follows:

Resolved by the House of Representatives (the Senate concurring), That 15,560 copies of the report of the Smithsonian Institution for the year 1882 be printed, 2,500 copies of which shall be for the use of the Senate, 6,060 for the use of the House of Representatives, and 7,000 copies for the use of the Smithsonian Institution.

NEW EDITION OF SENATE MANUAL.

Mr. ANTHONY. The same committee, to which was referred a resolution for printing a new edition of the Manual and Rules, have instructed me to report back the same and ask to be discharged from its further consideration. The rules require revision, and it is hardly proper to print them until they have been revised. When the matter of printing comes up the Printing Committee, if it is referred to them, will take it into consideration, but at present it belongs to the Committee on Rules.

The report was agreed to, and the committee were discharged from the consideration of the following resolution:

Resolved, That there be prepared under the direction of the Committee on Rules a new edition of the Manual, and that 1,000 copies of the same be printed for the use of the Senate.

OFFICIAL RECORDS OF WAR OF REBELLION.

Mr. ANTHONY. The same committee, to which was referred the joint resolution (H. Res. 365) in relation to the distribution of the volumes of the Official Records of the War of the Rebellion, have instructed

me to report back the same with an amendment. I ask for its present consideration.

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

The amendment of the Committee on Printing was to strike out the word "Senators" in line 3.

Mr. ANTHONY. The House of Representatives, if I may say it without disrespect, seem to be exceedingly vacillating about the distribution of these records. This is the second resolution they have sent over to us, and we have amended this as we did the former by striking out "Senators" and allowing them to distribute their own copies as they see fit. We distribute ours under the law as originally passed.

Mr. HOAR. I ask the Senator from Rhode Island does the resolution propose, as the committee recommended it, to require Senators to make their final allotment before September, or otherwise lose the power?

Mr. ANTHONY. The word "Senators" is stricken out, which confines it entirely to the House.

Mr. HOAR. There are sometimes new libraries or new wants made known to Senators, and as this is a document of one hundred or more volumes it may be desirable to keep one or two sets without disposing of them for the time being. I hope the Senator will look sharply to that point.

Mr. ANTHONY. The committee thought of that, and by striking out the word "Senators" it leaves the distribution as to Senators to remain under the existing law, and allows the Representatives to distribute their copies as they see fit.

Mr. FRYE. There is a provision also in the sundry civil bill on this subject.

Mr. PLUMB. The provision in the sundry civil bill applies to Senators and extends the time to July, 1884. I understand that the Secretary of War holds that every Senator, Representative, or Delegate who does not, between now and the 4th day of this month, designate the persons to whom he will have these documents sent, waives the right to designate them at all.

Mr. ANTHONY. That is another illustration of the folly of legislating on appropriation bills. If that had been referred to the Committee on Printing, it never would have had our recommendation. We are willing that the House shall distribute their reports as they see fit, but the Senators, we infer, are satisfied with the law as it exists.

Mr. HAWLEY. So we lose our chance if we do not do it by the 4th of March.

Mr. PLUMB. I have not named mine, but if I do not name them before the 4th of March I lose them and the Secretary sells them. We simply extend the time for naming until the 1st of July, 1884.

Mr. ANTHONY. Then I think this had better be amended so as to reserve the rights of Senators.

Mr. PLUMB. I think so. That provision was inserted in the sundry civil bill to cover this construction of the Secretary of War.

Mr. HOAR. The gentleman from Kansas thinks it is reserved till the 1st of July, 1884.

Mr. PLUMB. Certainly, that is the provision in the sundry civil bill.

Mr. ANTHONY. I ask, then, that this joint resolution be recommitted to the Committee on Printing.

The PRESIDENT *pro tempore*. The joint resolution will be recommitted to the committee on printing.

RIVER AND HARBOR BILL.

Mr. McMILLAN. I move that the bill commonly known as the river and harbor bill be read the second time and referred to the Committee on Commerce.

Mr. HOAR. When that motion of reference is put I wish to say a few words.

The PRESIDENT *pro tempore*. That is the question now. The Senator from Massachusetts has the floor on the motion to refer, the bill being considered as read the second time.

Mr. HOAR. When the motion of reference is put I desire to say a few words.

The PRESIDENT *pro tempore*. It is now in order.

Mr. HOAR. It may possibly take five or ten minutes. As I see my friend on my left [Mr. BLAIR] and several Senators are desiring to have the attention of the Senate, I would a little rather defer what I have to say to a later period, if my friend from Minnesota will withdraw the motion.

Mr. McMILLAN. Very well.

Mr. BLAIR. I wish to recall the attention of the Senate to the resolution for the printing of the report of the Commissioner of Education.

The PRESIDENT *pro tempore*. Reports of committees are now in order.

Mr. BLAIR. This is a resolution, and I supposed reports of committees were through.

Mr. HAWLEY. By no means through.

The PRESIDENT *pro tempore*. Reports of committees are in order now.

GOVERNMENT DEPARTMENT AT CENTENNIAL EXPOSITION.

Mr. HAWLEY. I am instructed by the Committee on Printing, to whom was referred a joint resolution (H. Res. 359) to print 5,000 copies of the report of the board on behalf of the United States Executive Departments at the international exhibition of 1876, to report it without amendment. I ask for its present consideration.

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

The joint resolution was reported to the Senate, ordered to a third reading, read the third time, and passed.

YORKTOWN CENTENNIAL COMMISSION.

Mr. HAWLEY. I am instructed by the Committee on Printing, to whom was referred the following resolution, to report it with a slight amendment, changing it to a concurrent resolution:

Resolved, That 10,000 copies of the report of the proceedings of the Yorktown Centennial Commission be printed, of which 6,000 shall be for the use of the House and 4,000 for the use of the Senate.

The amendment of the Committee on Printing was, after the word "resolved," to insert the words "by the Senate (the House of Representatives concurring)," and in the same line, after "thousand," to insert "additional."

The amendment was agreed to.

The resolution as amended was agreed to.

SORGHUM SUGAR REPORT.

Mr. HAWLEY, from the Committee on Printing, to whom the subject was referred, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved by the Senate (the House of Representatives concurring), That the Report of the National Academy of Sciences on the sorghum sugar industry be printed with such portions of the appendix and accompanying exhibits as may be selected by the Joint Committee on Public Printing, and that there be printed 6,500 additional copies, of which 2,000 copies shall be for the use of the Senate, 3,000 copies for the use of the House of Representatives, 1,000 copies for the use of the Department of Agriculture, and 500 copies for the use of said National Academy of Sciences.

FEES OF PENSION ATTORNEYS.

Mr. MITCHELL. I am instructed by the Committee on Pensions to report back the bill (S. 2263) to amend the pension laws, and for other purposes, with an amendment, and I ask for its present consideration. It is an important bill, though very short.

The PRESIDENT *pro tempore*. The Senator from Pennsylvania asks for the present consideration of this bill.

Mr. INGALLS and others. Let it be read for information.

Mr. MITCHELL. The committee are unanimously in favor of it, and the Commissioner regards it as very important.

The Acting Secretary read the amendment reported by the Committee on Pensions, which was to strike out all after the enacting clause and insert a substitute.

Mr. MITCHELL. If the Senator will allow me about three minutes, I think I can explain it.

Mr. INGALLS. I ask for an explanation.

Mr. MITCHELL. The existing law allows a $10 fee to pension attorneys and claim agents, but it does not provide when the payment shall be. As a result of that the payment of the claim agents often precedes the filing of pension claims, and they proceed at once to collect their pay for their work before it is done, and in some instances delay the settlement of cases in the Pension Office, as it appears plain to some members of the Committee on Pensions, for the purpose of securing their pay. The bill proposes to go back to the old law in that respect and provide that the fee shall not be demandable until the case is settled and allowed, and that then it shall only be paid by the pension agent when the certificate is forwarded to him by the Commissioner of Pensions, as was formerly done.

That is the substance of the whole bill. The first section, however, is necessary in view of the construction which has been placed on the act of 1868 fixing the amount allowed of $10, which has been decided by the courts in this District, as I understand, not to apply to cases of claims for arrearages of pension, so that the claim agents have been going on and making their contracts and getting their pay in arrearage cases without regard to the legal limitation.

Mr. HOAR. Does this make the fee of the claim agent or pension attorney a lien in all cases?

Mr. MITCHELL. It depends on the successful prosecution of the claim.

Mr. HOAR. Is that the present law?

Mr. MITCHELL. It is not the present law.

Mr. HOAR. I think I must, unless there is very strong reason for it, though I have great respect for the judgment of the Pensions Committee, enter my protest against solemnly enacting the doctrine of contingent fees by legislation. I regard the having any person who is prosecuting a claim in a court of justice or anywhere else interested——

The PRESIDENT *pro tempore*. Does the Senate object to the present consideration of the bill?

Mr. HOAR. Yes, sir; I must object.

The PRESIDENT *pro tempore*. It will go over.

LAND CLAIM OF JOHN J. JACKMAN.

Mr. HALE (by request) submitted the following resolution, which was read:

Resolved, That the Committee on Public Lands be, and is hereby, instructed to inquire into and report to the Senate upon the questions herein, relating to

the southwest quarter of section 32, township 139 north, range 80 west, Dakota Territory:

First. Whether said lands were awarded to John J. Jackman, a settler thereon, under the pre-emption law, by a decision of the Secretary of the Interior, rendered July 26, 1876.

Second. If so, whether such award was conclusive and final, and binding upon the Government of the United States.

Third. Whether such decision was fully executed and carried into effect by the subsequent allowance of an entry of said lands by John J. Jackman, and the issuance of a certificate of entry and a receipt for the purchase-money to him.

Fourth. Whether said Jackman, by virtue thereof, became vested with the title to said lands and the right to a patent therefor.

Fifth. If so, whether said Jackman's entry was subsequently set aside and canceled, and he denied the right to such patent.

Sixth. If so, by what authority and for what reason the same was done.

Seventh. What action has been since taken by the land department with reference to said lands.

Eighth. That said committee inquire into and report all other matters material to a full knowledge of everything that has been done by the land department affecting Jackman's right and title to said lands, examining all evidence, reports, opinions, and decisions relating thereto in the Interior Department and any other information deemed material, sending for persons and papers, if necessary, and report the same to the Senate by bill or otherwise.

And the President is hereby requested to withhold said lands from disposition in any manner or to any person or persons until such time as the investigation herein and hereby directed can be made and due and proper action had thereon.

Mr. INGALLS. Let that go over until to-morrow.

The PRESIDENT *pro tempore*. The resolution goes over, objection being made to its present consideration.

POST-OFFICE APPROPRIATION BILL.

Mr. PLUMB. I submit the report of the committee of conference on the Post-Office appropriation bill.

The Acting Secretary read the report, 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. 7049) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1884, 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 amendment numbered 4.

That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: Strike out the word "July" in said amendment and in lieu thereof insert the word "October;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"And report to Congress in December next, with the data upon which it is based, a more complete system of gauging the rates of pay for carrying the mails on railroad routes if practicable, in order to secure the better protection of the interests of the Government and the adjustment of rates of compensation for the service required; and he is authorized to expend not to exceed $10,000 out of the appropriation for the transportation of mails for actual and necessary expenses involved, including such extra compensation as he may deem just and reasonable to officers of the Department for specific services rendered, which sum shall be immediately available."

And the Senate agree to the same.

Upon amendments numbered 2 and 3 the conference committee are unable to agree.

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

L. B. CASWELL,
GEO. M. ROBESON,
E. JNO. ELLIS,
Managers on the part of the House.

Mr. PLUMB. I move the adoption of the report.

Mr. EDMUNDS. Let the report be explained a little.

Mr. PLUMB. I will state that the conferees agreed upon everything that was in issue except the amendment of the Senate providing $185,000 for special mail facilities and the action of the Senate in striking out the provision of the House amending the charters of the Pacific railway companies.

Mr. EDMUNDS. Do I understand this report to be an agreement?

Mr. PLUMB. This is an agreement as to certain items and a disagreement as to others.

Mr. EDMUNDS. Can the Senator tell us in brief the items agreed to?

Mr. PLUMB. The Senate inserted $25,000 additional for steamboat transportation, and that the Senate recedes from. The Senate also named the 1st day of July next ensuing as the date when the 2-cent postage shall take effect; that has been by agreement made the 1st day of October instead of the 1st day of July. Then there was some verbiage connected with the last section of the bill which requires the investigation of the relations of the Government as to the methods of carrying the mails on railroads.

Mr. EDMUNDS. What does that investigation provide for?

Mr. PLUMB. It provides that the Postmaster-General shall investigate the relations of the Government to the railroads.

Mr. EDMUNDS. Is that in the print of the bill?

Mr. PLUMB. I think it is.

Mr. EDMUNDS. I have no objection to the report as far as it goes.

Mr. DAVIS, of West Virginia. I should be glad to know from the Senator making the conference report what is the exact point of it? He said there was something stricken out in regard to the Pacific railways, and that there was $185,000 added by the Senate to the bill for fast mails. There was also an amendment by the Senate, on the motion of the Senator from Maryland [Mr. GORMAN], asking for future information from the Postmaster-General from time to time on that subject. Is that in the conference report or is it stricken out?

Mr. PLUMB. The precise language of the amendment of the Senator from Maryland is not in the bill. The whole paragraph was recast in such a way as we thought would better express the idea that was evidently in the mind of the Senate and still get the information which the Senator from Maryland desires.

Mr. DAVIS, of West Virginia. Now I ask is the information that was intended by the Senate to be called for still retained in the paragraph in substance?

Mr. PLUMB. The committee thought it not only contained it in substance, but that we were more certain to get in the proper logical way what was wanted on that subject by the Senator from Maryland than we should by the amendment that he proposed and that was adopted by the Senate.

Mr. DAVIS, of West Virginia. Now I should like to ask whether the real difference is about the Pacific Railroad provision or the $185,000 for fast mail facilities?

Mr. PLUMB. The difference is in regard to both. As far as I can ascertain by the language of the conferees on both sides it is no more in regard to one item than in regard to the other.

Mr. DAVIS, of West Virginia. So far as the $185,000 is concerned for fast-mail service, I am under the impression, and I believe others are, that if the Senate is willing to recede from that amendment the bill may be readily settled. If there are other differences I have no disposition to ask the Senate to recede just now before another effort is made to procure a settlement; but if that is the only difference, I think the bill is too important to have it in hazard at this late day of the session by reason of the fact that the Senate is very anxious to pay $185,000 for certain fast mail facilities to certain portions of the country, when the great mass of the people and that part of the country that needs facilities as much as the part which is now served is left without any mail facilities, and certain cities get benefits from the Government in the shape of large subsidies when others are left entirely unprovided for. I think it very unequal, very unfair, and unjust to give $185,000 to be paid in that way. I believe the discussion and examination that took place here shows that the great mass of the people of the country, especially of the West and Southwest, would get on just as well without paying the $185,000 as with it. If that is the real difference that prevents an agreement between the conferees of the House and Senate, I hope that the Senate will not cause the probable loss of the passage of this bill on that account.

The PRESIDENT *pro tempore*. The question is on the adoption of the report.

Mr. DAVIS, of West Virginia. I should want to know what that means.

Mr. PLUMB. The report is simply an agreement on the minor points of which I have spoken, and a disagreement on the two major points which I stated in the beginning.

Mr. DAVIS, of West Virginia. Is a further conference asked for?

Mr. PLUMB. We simply propose now to adopt the report. After that there can be subsequent action in that direction. The moment the report is adopted, I understand it then devolves on the House to take action, and if they desire a further conference they can ask for it.

Mr. DAVIS, of West Virginia. Suppose the House do not ask for a further conference, will the bill remain on the table?

Mr. PLUMB. They will undoubtedly act upon it. It is for them to take new affirmative action.

Mr. EDMUNDS. I merely wish to add that I hope the conferees on the part of the Senate will persist resolutely and to the end of this session, if necessary, against tacking on to this bill in conference any new legislation about the relation of the United States to railroads or to anybody else. I am not on the question of how much they ought to be paid for transportation, but in respect to going into legislation as to what should be done with the money or how it shall be collected and what shall be their duty toward the United States I beg the conferees to resist riding on anything of that kind; and my reason is not because I am in favor of the railroads but because I am in favor of the United States, and I do not want to run the slightest risk of disturbing the supremacy that we now by the decisions of the courts have got over them in respect to these affairs.

Mr. PLUMB. Let me say in regard to the observations of the Senator from Vermont and the Senator from West Virginia that so far as I am authorized to speak for the Senate conferees, being admonished by the vote of the Senate and by the discussion which has been had from time to time on the subject of legislation, especially material legislation, on appropriation bills, there need be no apprehension that the position of the Senate will not be maintained. In regard to this other matter I think the Senator from West Virginia need not feel unnecessarily alarmed about the loss of the bill on account of the item of which he has spoken. If that item should be, as he seems to think it ought to be, eliminated, the bill will still pass; and I may say that I think the action of the Senate conferees will not much disappoint him.

Mr. DAVIS, of West Virginia. I am very glad to have the Senator say so.

Mr. BROWN. I hope the conferees, who ever they may be, on the

matter of the fast-mail appropriation will be as firm as the Senator from Vermont wants them to be on the other subject. The position of the Senate should not be yielded. In my opinion the Senate is clearly right about it.

The Senator from West Virginia says we can not have a fast mail to every section. That is true. It is not expected that the fast-mail service will be able to reach every town and every village in the country, but it penetrates some sections of the country, and from the points reached by the fast mail in that way the mail is distributed throughout the entire country. The fast mail from here to Florida is a very important one. It passes through Richmond, Wilmington, Charleston, Savannah, and Jacksonville, Florida. It accommodates an immense travel in the winter season of people who are desirous of going from the northern section down to that semi-tropical garden of ours in Florida, and it affords facilities to travel which are important in connection with the carriage of the mails. Then it is a vast accommodation to business people and to the public generally in having their letters and newspapers and other mail matter carried rapidly through and distributed.

I think there is no more important appropriation in the bill than the one to which I have just referred. I trust the Senate will not yield upon it, but will insist on it that the appropriation be made.

Mr. GORMAN. I desire only to call the attention of the Senate to the report of this conference committee in one respect. As I understand the eleventh amendment of the Senate to this bill the conferees propose to make a change and the simple change is to appropriate $10,000 additional compensation to the superintendent of the railway mail service and the employés in that office who are now amply paid. That seems to me, from the examination I have given it, the only change, to increase the compensation of these gentlemen for performing a service that they are well paid for now, and which in the last eight years they have failed to perform as it might have been. Everything else that the Senate placed on the bill is disposed of except the $185,000 appropriated for fast mails. As I understand the report, all there is in it is what I have stated. I trust it will not be adopted.

The report was concurred in.

Mr. PLUMB. To complete the proceedings in regard to the Post-Office bill I move that the Senate further insist on its second and third amendments and ask a new committee of conference.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. PLUMB, Mr. ALLISON, and Mr. BECK were appointed.

SANTA RITA DEL CABRE LAND CLAIM.

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

Resolved, That the Secretary of the Interior be, and he hereby is, directed to furnish the Senate with copies of all papers, of any kind, on file in the General Land Office, relating to the claim heretofore made and filed with the surveyor-general of the Territory of New Mexico, by or for the heirs of Don Francis Manuel Elquea, deceased, to and for what is known as the "Santa Rita del Cabre" mineral grant or tract of land in the Territory of New Mexico. Also all papers relating to the claim of Martin B. Hayes, as the purchaser of said grant or tract of land from said heirs, together with the action had on both of said claims by the surveyor-general of said Territory or the Commissioner of the General Land Office. Also all the papers relating in any manner to any location or locations or attempted locations made for any purpose upon any lands embraced within said claims, together with the action had on each of such locations, or attempted locations, by either the general or local land officers.

Mr. PLUMB. Let that go over.

Mr. EDMUNDS. Let it be printed also.

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

CONDITION OF SIOUX INDIANS.

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

Resolved, That a select committee of five Senators be appointed by the Presiding Officer to examine into the condition of the Sioux Indians upon their reservation, the character of the same, and the feasibility and propriety of proposed reduction of said reservation, and such other matters concerning the welfare of said Sioux Indians as they may think necessary. Said committee shall also have power and are directed to examine into the grievances of the Indian tribes in the Territory of Montana, and receive and consider such propositions from said Indians looking to legislation for the adjustment of their differences with each other and with the Government as they may make; and said committee may in their discretion accept of the advice, assistance, and co-operation of not more than three members of the House of Representatives of the Forty-eighth Congress, and shall have power to send for persons and papers, examine witnesses under oath, employ a clerk and stenographer, and sit during the recess of the Senate, and at such times and places as the committee may determine, and shall report their proceedings to the Senate at its next session, and that the actual and necessary expenses of said investigation be paid, on the approval of the chairman of said committee, out of the contingent fund of the Senate.

Mr. MORGAN. It seems to me extraordinary that a committee should be allowed to select three members from the House of Representatives to compose a part of the committee.

Mr. LOGAN. It does not mean that at all. It does not mean that they shall select, but that they may confer with members of the House instead of having a joint committee, which can not be got through now. The object is to allow a conference with persons of the House connected with the Indian Committee. That is all it means.

Mr. MORGAN. I think it is unprecedented.

Mr. LOGAN. That may be.

Mr. HOAR. Would not that power be in the committee without expressing it?

Mr. LOGAN. No doubt about that; but I did not suppose there was any impropriety in putting it into the resolution that they might confer, and then in their report they can show what conference has been had.

Mr. HOAR. But it says "not more than three." It ties up the committee. We do not know but that the House may hereafter make some appointment. Of course these three have got to be selected by the Senate committee. I would suggest to the Senator whether he has not got all the power he wants without that clause?

Mr. LOGAN. There would not be power to pay them.

Mr. HOAR. I will not interfere.

Mr. LOGAN. I wish to say, as I offered the resolution, that the presumption might be that I desired to be on the committee. I do not. I offered the resolution for the purpose of having this examination made, but I do not desire to be appointed on the committee and shall decline to serve on it. The Indian Committee, which holds over, is a very competent committee, and I think appointments can be made from it.

The resolution was agreed to.

PROTECTION FOR FISHERIES.

Mr. WINDOM. I am instructed by the Committee on Foreign Relations to offer the following resolution and ask its present consideration:

Resolved, That the sub-committee of the Senate Committee on Foreign Relations, as designated by the chairman of said committee at the last session of Congress, to act in conjunction with the Commission of Fish and Fisheries to examine into the subject of the protection to be given by law to the fish and fisheries of the Atlantic coast, as proposed in the bill S. 1823, be, and the same is hereby, continued for the purpose of completing said investigation and reporting thereon.

Resolved, That said committee have power to employ a clerk and stenographer, to send for persons and papers, and that it have leave to sit during the recess of the Senate.

Resolved, That the expenses incurred under the foregoing resolution be paid out of the appropriation for the contingent expenses of the Senate, on vouchers approved by the chairman of said sub-committee.

I will say that owing to the engagements of Senators last summer this work was not completed. It will cost but a very small sum, as I am informed, and it is considered desirable especially by the people of New Jersey who are affected by menhaden fishing operations.

Mr. GARLAND. I ask the attention of the Senator from Minnesota. There is some doubt about one part of the resolution in my mind. I do not believe it is the custom of the Senate to instruct a sub-committee, but generally they instruct the committee and then the committee gives its own instructions to its sub-committee. Would it not be better to use the phraseology that the Committee on Foreign Relations be instructed to do so and so?

Mr. WINDOM. I have no objection to changing it in that way.

Mr. GARLAND. I do not think it is parliamentary for the Senate to instruct a sub-committee.

The PRESIDENT *pro tempore*. The Senator from Minnesota modifies the resolution by making it an instruction to the Committee on Foreign Relations.

The resolution as modified was agreed to.

CORTE DE MADERA DEL PRESIDIO.

Mr. PLUMB. I submit the following resolution. I will state that it is substantially a copy of the resolution under consideration day before yesterday, but it is now put in shape to meet the objection made then:

Resolved, That the Committee on Public Lands be continued as now constituted until the first Monday of December next, and that it have authority to sit during the vacation and to make the investigation committed to it by order of the Senate on the 26th day of February, 1883, concerning a certain grant of lands in the State of California; and for the purposes of said investigation it shall have power to send for persons and papers and to employ a stenographer, and the expenses of said investigation shall be paid from the contingent fund of the Senate.

Mr. INGALLS. Does that mean that Senators whose terms expire on the 3d of March are to be continued on the committee until December?

Mr. PLUMB. That would not be within the power of the resolution. It was drawn by the Senator from Vermont, who gave the subject ample consideration.

Mr. INGALLS. Let the first part of it be read again.

The Acting Secretary read the first portion of the resolution.

The amendment was agreed to.

REVISION OF THE RULES.

Mr. FRYE. I sent a resolution to the Committee on Printing a few days since providing for a new edition of the Manual. The Senator from Rhode Island, chairman of the committee, reported this morning adversely, giving as a reason that no new edition of the Manual should be provided for until there has been a revision of the rules, a correction of errors, &c. I concur with him that there ought to be something of that kind, and I offer the following resolution:

Resolved, That the Committee on Rules be, and it is hereby, continued, and authorized to sit during the recess of Congress, at Washington or elsewhere, for the purpose of revising, codifying, and simplifying the rules of the Senate, and of correcting and preparing the Manual for publication; and it may employ such assistance as may be required; and the necessary actual expense incurred in the execution of this order shall be paid out of the contingent fund of the Senate.

Mr. BAYARD. Let that lie over and be printed.

The PRESIDENT *pro tempore*. The resolution will lie over and be printed, if that is requested.

Mr. FRYE subsequently said: The Senator from Delaware withdraws his objection to my resolution.

Mr. BAYARD. I withdraw my objection to the consideration of the resolution about the revision of the rules.

The PRESIDENT *pro tempore*. The Chair will put the question on the resolution offered by the Senator from Maine.

The resolution was agreed to.

H. B. LITTLEPAGE.

Mr. CALL submitted the following resolution:

Resolved, That H. B. Littlepage be reinstated to the messenger-roll of the Senate, with compensation from the date of his removal.

Mr. INGALLS. Let that lie over.

The PRESIDENT *pro tempore*. The resolution will lie over.

AMENDMENTS TO BILLS.

Amendments were submitted by Mr. JOHNSTON, Mr. JONAS, Mr. LAPHAM, Mr. MILLER of California, and Mr. PLUMB, intended to be proposed by them, respectively, to the bill (H. R. 7637) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1883, and for prior years, and for those certified as due by the accounting officers of the Treasury in accordance with section 4 of the act of June 14, 1878, heretofore paid from permanent appropriations, and for other purposes; which were referred to the Committee on Appropriations.

Amendments were submitted by Mr. ANTHONY, Mr. CALL, Mr. CAMDEN, Mr. CONGER, Mr. JOHNSTON, Mr. LAMAR, Mr. MAHONE, Mr. MILLER of California, and Mr. SLATER, intended to be proposed by them respectively to the bill (H. R. 7631) making appropriations for the construction, repair, and preservation of certain works on rivers and harbors, and for other purposes; which were referred to the Committee on Commerce.

Mr. MCMILLAN submitted an amendment intended to be proposed by him to the bill (H. R. 7679) to establish post routes; which was referred to the Committee on Post-Offices and Post-Roads.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury transmitting the names of the clerks and other persons employed in the several bureaus of his Department during the calendar year ended December 31, 1882, with the sums paid to the same and the time they were employed; which was ordered to lie on the table, and be printed.

He also laid before the Senate a communication from the Secretary of War in answer to resolution of February 27, calling for a report in regard to the condition and progress of the improvement of Charleston Harbor, &c.; which was ordered to lie on the table, and be printed.

LOUISVILLE EXPOSITION.

Mr. BECK. There is a House bill on the table that I ask may be laid before the Senate.

The PRESIDENT *pro tempore* laid before the Senate the bill (H. R. 7623) relative to the Southern exposition to be held in the city of Louisville, State of Kentucky, in the year 1883; and it was read twice by its title.

Mr. BECK. I ask that that bill be passed now. It is an exact copy of the centennial bill. It will only take the time necessary to read it. The Committee on Finance have examined it and recommend it.

Mr. EDMUNDS. Has that bill come up this morning?

Mr. BECK. No; it has been here a week.

The PRESIDENT *pro tempore*. It has been here some days.

Mr. BECK. It is agreed to by the Committee on Finance.

Mr. EDMUNDS. Has that not been laid before the Senate?

The PRESIDENT *pro tempore*. The attention of the Chair was not called to it.

Mr. EDMUNDS. I merely rise now to call the attention of the Chair and the Senate to the fact about these House bills, that the order that the Senate adopted on the yeas and nays the other day, so that it is a standing order of the Senate, commands us to take up House bills on the Calendar in their order and nothing else. I do not object to this bill, but I wish to have the opportunity to make that objection when the river and harbor bill shall be moved, if it is moved, from the Calendar where it now is in point of parliamentary law, for its second reading. I make no objection to this bill; I believe it is right.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7623) relative to the Southern exposition to be held in the city of Louisville, State of Kentucky, in the year 1883.

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

MINING AND INDUSTRIAL EXPOSITION AT DENVER.

The PRESIDENT *pro tempore* laid before the Senate the bill (H. R. 7597) to admit free of duty articles intended for the national mining and industrial exposition to be held at Denver, in the State of Colorado, during the year 1883; which was read twice by its title.

Mr. BECK. That also was examined by the Committee on Finance.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

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

MISSOURI RIVER BRIDGE.

The PRESIDENT *pro tempore* laid before the Senate the bill (H. R. 7682) to authorize the construction of a bridge across the Missouri River at some accessible point within ten miles below and five miles above the city of Kansas City, Missouri.

Mr. VEST. This is a House bill. The Committee on Commerce reported favorably a similar Senate bill, and pending its consideration here the House passed this bill.

The PRESIDENT *pro tempore*. Is there objection to its consideration?

Mr. ROLLINS. I object, merely for the purpose of saying this: The Senate has adopted an order that it will consider House bills. Now, this case simply reverses the order by considering House bills that last came over instead of those that first came over. Instead of considering House bills in their proper order, this is an attempt to reverse that order and take those that have just come over from the House. All I desire in this matter is to secure not equal justice, for I do not expect that, but an apparent show of justice, so that the bills from the House which have been lying on our tables and on the Calendar for a long time may have some chance of consideration.

Mr. PLATT. May I have the attention of the Senator from New Hampshire a single moment?

The PRESIDENT *pro tempore*. There are two bills, one for Thames River, Connecticut, and this.

Mr. ROLLINS. With the understanding that other States asking for this consideration, as well as Connecticut and Missouri, are to have a fair show some time before the close of the session, I shall withdraw the objection.

Mr. VEST. Certainly. I desire to have all these bills taken up and disposed of now.

Mr. BROWN. I make no objection now, but hereafter I shall object and insist on the regular order.

Mr. MORGAN. I object. We have adopted an order of business here and it is not fair for any Senator to insist that we shall depart from it. I object.

Mr. PLATT. May I appeal to the Senator from Alabama for a single moment? These bills came over from the House last night; they were laid before the Senate last evening.

Mr. MORGAN. I have had bills here for eight months, and I have petitioned the Senate time and again to take them up for consideration and never can get it done. I object to this bill being considered, and will continue to object to this and all others, not because it is this bill——

Mr. PLATT. The Senator may strike, but I beg him to hear. These bills came over from the House last evening——

Mr. MORGAN. I know they did.

Mr. PLATT. They were laid before the Senate, and I supposed there was unanimous consent last evening that they should be acted upon this morning. I do not know that that unanimous consent was formally expressed, but it certainly was understood when they came here last night that if they were read last evening and printed, they should be acted upon this morning. We have just acted upon two bills that came over from the House relating to industrial expositions. These bills will not take any time except the time required to read them.

Mr. MORGAN. I withdraw my objection.

The PRESIDENT *pro tempore*. Objection is withdrawn. The bill will be read.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7682) to authorize the construction of a bridge across the Missouri River at some accessible point within ten miles below and five miles above the city of Kansas City, Missouri.

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

INTERNAL-REVENUE AND TARIFF DUTIES.

Mr. MORRILL. I ask unanimous consent for the printing of the report of the conference committee on the tax reduction bill, in order that we can have it here for the examination of Senators.

The PRESIDENT *pro tempore*. Is there objection to the printing?

Mr. EDMUNDS. That is, before you submit it to the Senate?

Mr. MORRILL. Yes, sir.

The PRESIDENT *pro tempore*. The Chair hears no objection, and the order is made.

BRIDGE ACROSS THE THAMES RIVER.

The PRESIDENT *pro tempore* laid before the Senate the bill (H. R. 7115) to authorize the construction of a bridge across the Thames River, near New London, in the State of Connecticut, and declaring it to be a post-road.

Mr. EDMUNDS. This is done by unanimous consent, the objection, I understand, having been withdrawn.

The PRESIDENT *pro tempore*. The Senator from Alabama withdraws his objection.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

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

HOUSE BILL REFERRED.

The bill (H. R. 7148) to establish a railway bridge across the Illinois River, extending from a point within five miles of Columbiana, in Greene County, to a point within five miles of Farrowtown, in Calhoun County, in the State of Illinois, was referred to the Committee on Commerce.

LIGHT-HOUSE AT SOUTHWEST PASS.

Mr. KELLOGG. I ask unanimous consent to take up the bill (S. 1943) making an appropriation for rebuilding the light-house at Southwest Pass, Vermillion Bay, Louisiana, which is No. 1026 in the order of business. It will take but an instant.

Mr. HARRISON. I object. We have a standing order and some of us are interested in matters that will be reached by pursuing it; but if time is consumed by special cases——

Mr. KELLOGG. I appeal to the Senator from Indiana to hear me a moment.

Mr. MCMILLAN. Objection being made, I ask the Senate——

Mr. KELLOGG. Wait a moment. This is a bill that I offered in the form of an amendment last night. Under a misapprehension it did not go to the Committee on Appropriations, though I was ordered to report it from the Committee on Commerce. It is a very simple matter establishing the only light-house on the Gulf coast from Florida to Sabine. I am sure the Senator from Indiana will not object. It will take but a moment. It is the only bill I have asked for.

Mr. HARRISON. There are a hundred bills on the Calendar that will take but a moment. The question is whether we shall follow the order adopted by the Senate, and let each one of us have a chance in matters in which our constituents are interested, or whether we shall occupy the whole time as we have been doing this morning.

The PRESIDENT *pro tempore*. Objection is made to the request of the Senator from Louisiana.

Mr. MCMILLAN. I ask for the disposition of the river and harbor bill.

Mr. KELLOGG. I believe I have the floor. I move to postpone the pending and all prior orders and take up this bill.

The PRESIDENT *pro tempore*. That is not now in order.

Mr. KELLOGG. When it is in order I shall make that motion.

The PRESIDENT *pro tempore*. It will not be in order at all. A resolution can be offered to-day to change the order.

Mr. KELLOGG. I am sure this bill will pass if it is only brought to the notice of the Senate.

RIVER AND HARBOR BILL.

The PRESIDENT *pro tempore*. The Chair will call the attention of the gentleman from Vermont [Mr. EDMUNDS] to the state of the river and harbor bill. While the Senator was out this morning it was taken from the table, read the second time, and a motion made by the Senator from Minnesota [Mr. MCMILLAN] to refer it to the Committee on Commerce. The vote on the reference would have been taken then, but the Senator from Massachusetts [Mr. HOAR] wished to say something, and by common consent it was passed over until morning business was concluded.

Mr. EDMUNDS. I make the point of order that the bill having been read the first time can not be read a second time until it is taken up by vote of the Senate; and, secondly, that under the standing order of the Senate in relation to House bills, this bill can not be considered at this time. It having been read the first time it went on the Calendar; there is no other place for it now; and it can not be taken up for a second reading on the Calendar any more than if it was reported from one of our own committees. It goes to the foot of the Calendar and it can not be taken up until we have got down to it under the order of the Senate, adopted after discussion on the yeas and nays.

Mr. MCMILLAN. This is still within the morning hour, and the bill has been read the second time and a motion has been made to refer it to the Committee on Commerce. Last evening the bill had its first reading and it went over upon objection; but there was no order sending it to the Calendar, and until an order of the Senate is entered sending it to the Calendar, it does not go there.

The PRESIDENT *pro tempore*. The Chair understood from what was done this morning that it was taken up and read a second time. The motion to refer was simply postponed by common consent of the Senate until the morning business was ended. The Chair thinks the motion to refer is in order. The question is, Will the Senate refer the bill to the Committee on Commerce?

The motion was agreed to.

Mr. EDMUNDS. I wish to give notice, so that if I happen to step into the lobby to speak to a gentleman for a moment the bill will not pass, that when this report is made I shall insist that the bill shall go upon the Calendar, as it must then, of course, and then the standing order of the Senate will forbid it to be taken up out of its order.

Mr. MCMILLAN. The Senator's remarks certainly are not just if they are intended to imply that the Senator has not had full notice of everything that has been done.

Mr. EDMUNDS. The Senator is mistaken. I did not have notice when it was taken up; but I take no offense at all.

Mr. HOAR. I had desired to address the Senate perhaps fifteen or twenty minutes in regard to the general subject embraced in this bill. But it seems to me in the present condition of public business, with the large number of matters which demand the attention of the Senate during the next forty-eight hours, at the end of which time this session will terminate by the operation of the Constitution, I ought not to avail myself of my privilege for such a discussion.

I wish, however, to say a word. It is the constitutional duty of every Senator to act according to his own judgment of what is right and for the public interest without regard to mere clamor, but with regard and deference and consideration to honest public sentiment. Still I think that regard requires, in the present condition of public sentiment upon this question, that every proposition for a river and harbor improvement which should be adopted here should be accompanied by a careful consideration of every item on the part of a committee of the Senate, and should also be accompanied by such a statement of the importance to national commerce of every individual improvement as will make its way not merely to the favorable judgment of the Senate, but to the general favor of the public.

There is no mode of ascertaining in the end what is the public sentiment of a self-governing people in regard to legislation but by the laws which the constitutional representatives of the people enact. The public sentiment of the American people in matters of legislation is to be found in its laws. I do not speak of temporary gusts of passion, but the permanent, sober second thought of this people in regard to what should be law is to be ascertained, and ascertained only by inquiring what is law.

Now, Mr. President, it is manifestly impossible that upon a bill containing, I suppose, hundreds of items—I have not read the particular pending bill—it is manifestly impossible that in forty-eight hours this committee, however industrious, however intelligent, however well informed, however conscientious, can give the necessary scrutiny; and therefore it is manifestly impossible that in the present stage of the public business this bill can be properly considered by the Senate itself and become a law.

The reference of the bill will only enable the committee to ascertain the impossibility of reporting it to the Senate with such facts and information as the Senate has a right to require at the hands of the committee before it can act. Therefore, not in the least having changed my mind as to what the interest of this people requires, not in the least doubting that the permanent and final judgment of the people will be in favor of developing its water ways all over the country, and its harbors, by the use of the national forces and the national resources, which are alone adequate to that purpose, I have risen to say that I can not doubt that this committee, when this bill is committed to them, will be compelled to report to the Senate that it is impossible to deal intelligently and properly with this subject at the present session.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 7595) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1884, and for other purposes, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. FRANK HISCOCK of New York, Mr. BENJAMIN BUTTERWORTH of Ohio, and Mr. JOSEPH C. S. BLACKBURN of Kentucky managers at the conference on its part.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7181) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1884, and for other purposes.

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

A bill (S. 719) for the relief of the representatives of Sterling Austin, deceased;

A bill (S. 826) for the relief of Powers & Newman and D. & B. Powers; and

A bill (S. 1829) to amend an act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts.

The message also announced that the House had passed a bill (H. R. 5543) to confirm certain entries on the public lands; in which it requested the concurrence of the Senate.

ORDER OF BUSINESS.

Mr. HILL. There are two bills from the Post-Office Committee which are of very great importance. One is a bill that will not require five minutes to consider, and the other is the post-route bill. The post-route bill requires a good deal of time for enrolling, and unless it is passed early it can not be enrolled, and so the bill will be lost.

The PRESIDING OFFICER (Mr. VOORHEES in the chair). The Senator from Colorado asks consent to take up at this time a certain bill.

Mr. HILL. I will say first the joint resolution (H. Res. 333) validating certain contracts executed by the Postmaster-General.

The joint resolution was read.

Mr. INGALLS. How does that come before the Senate?

The PRESIDING OFFICER. The Chair does not know. The Senator from Colorado calls it up.

Mr. INGALLS. Is it reported to-day?

Mr. HILL. It is on the Calendar.

Mr. INGALLS. Does it come up under the order of the Senate?

Mr. HILL. No, sir.

Mr. INGALLS. Then I object.

Mr. HILL. It will not require five minutes.

Mr. INGALLS. There are a great many others that will not require five minutes.

Mr. HILL. It is very important to the Post-Office Department.

Mr. INGALLS. I think this matter has gone far enough. I have been waiting two hours to get at some District bills on the Calendar from the House. I propose from this time to oppose everything out of order.

Mr. MAXEY. I hope the Senate will go on with the post-route bill.

The PRESIDING OFFICER. It is not in order. Nothing is in order except the execution of the order passed on the motion of the Senator from Ohio [Mr. SHERMAN].

Mr. HILL. Then I ask unanimous consent to take up the post-route bill.

Mr. INGALLS. I object.

Mr. HILL. Can it not be taken up by a vote of the Senate?

The PRESIDENT *pro tempore*. No, not while the order remains. You must get rid of the order first. The Senate will proceed to the consideration, under the regular order, of pension bills on the Calendar.

Mr. FRYE. Is it not in order to move to postpone the order of the Senate and to take up, for instance, the shipping bill?

The PRESIDENT *pro tempore*. No; this is a standing order of the Senate. The Senator can give notice. He can get it up to-morrow if he offers a resolution to-day, and it can be considered to-morrow; but this is the rule. That was understood at the time it was adopted. The Senator from Vermont so stated; he stated that the hands of the Senate would be tied.

Mr. FRYE. The shipping bill occupied a special committee during the whole vacation, and it has passed the House.

The PRESIDENT *pro tempore*. The Chair personally would be glad to see the shipping bill under consideration. The order is to proceed to the consideration of pension bills of any kind.

Mr. PLATT. If I could be heard I should like to have an understanding as to the construction of that order. There are on the Calendar fifty or sixty pension cases which have been reported adversely, some of them with the views of the minority and some without the views of the minority having been presented. There are perhaps eight or ten cases which have been reported favorably, in which there are minority reports. The order itself seems broad enough to consider every pension case on the Calendar. That I think would take a very long time. I desire to have a construction of the order at this time to know whether it necessitates the taking up of all cases on the Calendar, or what cases on the Calendar it does bring up.

The PRESIDENT *pro tempore*. The Chair does not think there is any reasonable doubt about the construction of the order. It was that the Senate should proceed to the consideration of the pending pension bills after the then unfinished business should be disposed of. That unfinished business has been disposed of. It was next that House bills reported favorably should be considered. It does not speak in the first order of any pension bills reported favorably, but orders that the House bills reported favorably shall be considered after going through with the pending pension bills. The Chair is of the opinion that the pending pension bills on the Calendar are to be considered under the order, whether they are reported favorably or unfavorably.

Mr. FRYE. The Calendar was not finished the other day?

The PRESIDENT *pro tempore*. No; the Senate will go on and finish the Calendar of pension bills and then go back to House bills reported favorably.

SUSAN BAYARD.

The bill (H. R. 5558) granting a pension to Mrs. Susan Bayard was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mrs. Susan Bayard, widow of Anthony W. Bayard, a soldier of the war of 1812.

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

MARGERY NIGHTENGALE.

The bill (H. R. 5103) granting a pension to Margery Nightengale was considered as in Committee of the Whole. It provides for a pension of $8 a month to Margery Nightengale, widow of Michael Nightengale, late of Company D, Fifty-first Regiment New York Volunteer Infantry.

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

EDGAR B. LAMPHIER.

The bill (H. R. 1443) granting a pension to Edgar B. Lamphier was considered as in Committee of the Whole. It directs the Secretary of the Interior to place on the pension-roll the name of Edgar B. Lamphier, late a private in the Twenty-sixth Regiment New York Light Artillery Volunteers.

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

DANIEL M. MORLEY.

The bill (H. R. 1860) granting a pension to Daniel M. Morley was considered as in Committee of the Whole. It places on the pension-roll the name of Daniel M. Morley, late a private in Company E, Twenty-ninth Regiment Ohio Volunteers.

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

AMANDA STOKES.

The bill (H. R. 3743) granting a pension to Miss Amanda Stokes was considered as in Committee of the Whole. It places on the pension-roll, at the rate of $15 per month, the name of Miss Amanda Stokes, of Lebanon, Warren County, Ohio.

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

HELEN M. THAYER.

The bill (H. R. 6923) granting a pension to Mrs. Helen M. Thayer, was considered as in Committee of the Whole. It places on the pension-roll the name of Mrs. Helen M. Thayer, widow of Charles H. Thayer, late a private in Company C, Tenth Regiment Maine Volunteers.

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

PATRICK HORAN.

The bill (H. R. 6501) granting a pension to Patrick Horan was considered as in Committee of the Whole. It directs the Secretary of the Interior to place on the pension-roll the name of Patrick Horan, late a teamster in the Quartermaster's Department of the United States Army, with the same rate of pension to which a private soldier would be entitled for like disabilities.

Mr. PLATT. I did not concur in that report. I ask for the reading of the report.

The Acting Secretary read the following report, submitted by Mr. MITCHELL February 27, 1883:

The Committee on Pensions, to whom was referred House bill 6501, granting a pension to Patrick Horan, have examined the same, and report:

The Committee of Invalid Pensions, in the consideration of the above bill, report as follows:

"The petitioner, Patrick Horan, of Joliet, Illinois, was enrolled on or about September 15, 1861, as a teamster of the Quartermaster's Department, by Captain G. E. D. Diamond, at Saint Louis, Missouri. He was never discharged, but paid last at Fort Riley, Kansas, and sent back to Saint Louis on the 28th of November, 1866.

"While serving as a teamster he was taken prisoner of war at the battle of Poisons Springs, and was confined at Camp Ford, Tyler, Texas, from about April, 1864, to about the middle of February, 1865. While a prisoner he was without shelter or covering of any kind, and in June, 1864, was exposed to a rain-storm of fourteen days' duration. During his confinement he dug a hole in the ground, in which he slept. In consequence of his exposure and suffering, he was stricken with paralysis, from which disease he has been suffering to the present time.

"His statement as to his imprisonment, exposure, and incurrence of paralysis in rebel prisons is corroborated by the testimony of Henry B. Clark, himself an inmate of said prisons, and by the testimony of John B. Arnold, of the Chicago Mercantile Battery.

"The evidence also shows that prior to and on his arrival at said prison he was in sound health. The testimony of neighbors, of Joliet, Illinois, shows that upon his return to Joliet, after the war, he was afflicted with paralysis, which has continued to the present time, making him completely unable to perform any physical labor.

"Dr. W. Dougall, of Will County, Illinois, states that since 1874 petitioner has been under his treatment; that he has carefully studied his case; that he is suffering from 'locomotor ataxia,' caused by exposure and sleeping upon damp ground; that it gradually grows worse; is incurable, and will soon render him entirely helpless. His claim was rejected by the Pension Office on the ground that petitioner was not in the military service of the United States, and therefore does not come under the general provisions of the pension law; but the Pension Bureau is of opinion that his claim is a meritorious one and should be allowed by 'special act;' and that, if such special act is granted, the pension should commence from the date of its passage, at such rate as the claimant, upon examination, may be found to be entitled to."

Your committee find the facts set forth in the above report substantially correct. There can be no doubt from the evidence on file that his disability originated while in the discharge of his duties as teamster in the Quartermaster's Department; in other words, he was performing actual service for the Government and while so engaged became permanently disabled, and, as is stated by examing surgeons, "he is incapacitated from obtaining his subsistence by manual labor," and "his disease is incurable."

Your committee believe this to be a meritorious case, and in justice the claimant should receive the relief asked for, and therefore recommend the passage of the bill.

Mr. PLATT. I only desire to state the circumstances of the case. This soldier was a teamster serving in the Quartermaster's Department. While so serving he undoubtedly contracted an illness of which he died. We have had several contests in the Senate as to whether by special act we should pension scouts and teamsters and employés of the Quartermaster's Department.

Mr. BLAIR. This is the man himself; he is living.

Mr. PLATT. I am much obliged to the Senator from New Hampshire. I thought it was on account of his widow, but I find I am mis-

taken. It is an application made by the soldier himself, and I should have said that the disability which he now suffers was undoubtedly contracted while he was a teamster in the employ of the Quartermaster's Department. We have pensioned scouts and teamsters for wounds actually received; we have never, so far as I know, pensioned any scout, any teamster, any employé of the Quartermaster's Department on account of illness contracted in the service. This goes one step beyond anything we have ever done, so far as my recollection serves me. If the Senate desires to pass the bill I have no further remarks to make.

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

The PRESIDENT *pro tempore*. The question is, Shall the bill pass?

The bill was rejected.

FEES IN PENSION AND BOUNTY LAND CASES.

The bill (S. 2263) to amend the pension laws and for other purposes was announced as next in order.

MR. INGALLS. How does that come up, Mr. President?

The PRESIDENT *pro tempore*. That was reported this morning and placed on the Calendar.

Mr. INGALLS. Therefore under the order it can not come up at this time.

The PRESIDENT *pro tempore*. It is a pension bill.

Mr. PLATT. All pension bills come up at this time.

Mr. INGALLS. All pension bills?

Mr. PLATT. So I understand.

Mr. INGALLS. The bill has not been read yet.

The PRESIDENT *pro tempore*. It was read this morning in full.

Mr. INGALLS. I should like to hear it read.

The PRESIDENT *pro tempore*. The substitute reported by the Committee on Pensions will be read.

The ACTING SECRETARY. The Committee on Pensions report to strike out all after the enacting clause of the bill and to insert:

That section 1 of the act entitled "An act relating to claim agents and attorneys in pension cases," approved the 20th day of June, in the year of our Lord 1878, be, and the same is hereby, made applicable to bounty-land cases and pension cases in which arrears of pension are or shall be claimed or granted.

SEC. 2. That the fee of $10 prescribed by law shall not be payable to nor demanded or received by any agent or attorney in any pension case, whether for arrears or otherwise or in any bounty-land case, in whole or in part, until such claim shall be allowed. Upon allowance the Commissioner of Pensions shall direct that the same be paid by the proper pension agent in the manner provided for in sections 4768 and 4769 of the Revised Statutes.

SEC. 3. The provisions of section 5485 of the Revised Statutes shall be applicable to any person who shall violate this act.

Mr. INGALLS. That is not a bill which comes within the order that has been adopted by the Senate. It never was contemplated that bills amending the pension laws should have a right of way. It was simply bills for pensioning soldiers; what are called private pension bills. I do not think the widest possible latitude could embrace that bill.

The PRESIDENT *pro tempore*. The order technically refers to "pending pension bills."

Mr. INGALLS. I withdraw my suggestion.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Committee on Pensions.

The amendment was agreed to.

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

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

ORDER OF BUSINESS.

Mr. PLATT. Does the order require us to go to the commencement of the Calendar, or the point last reached?

The PRESIDENT *pro tempore*. To commence at the beginning of the Calendar is the quickest way, because the Senate can not consider certain bills.

Mr. FRYE. It is limited to House bills.

The PRESIDENT *pro tempore*. No; it covers all pension bills, Senate and House. The order reads as follows:

Resolved, That the Senate proceed to the consideration of the pending pension bill; secondly, to House bills reported favorably.

Mr. FRYE. The Chair is right.

The PRESIDENT *pro tempore*. The word "favorably" applies only to the second clause.

Mr. PLATT. I am bound to say that I do not think the Senate so understood the matter when the order was passed. A strict construction of the order now requires us to go back to the commencement of the Calendar and take the bills which have been reported adversely, some of them postponed and reconsidered and placed on the Calendar. There are probably fifty or sixty of them on the Calendar, every one of which, if considered, will of course incur the opposition of the committee or a majority of the committee.

Mr. FRYE. If that is done, the day is gone.

Mr. PLATT. I do not think that was what the Senate supposed they were ordering when they passed the order.

Mr. HARRISON. Will not the Senator from Connecticut ask unanimous consent that the contested cases be passed over?

Mr. JACKSON. I ask unanimous consent that the contested cases go over.

Mr. BLAIR. I object to it in that form. There are quite a number of cases where there are majority reports which have passed the House. I think those cases certainly should be disposed of. I do not think the contested cases should be made use of to waste the remainder of the session. They will not result in benefit to the pensioners or the applicants themselves, and will result only in great injury to the country. As soon as these few cases where there are majority reports in favor of the passage of the pension bills——

The PRESIDENT *pro tempore*. If the majority report is favorable, although there is a minorty report, it is a favorable report.

Mr. BLAIR. What I mean to say is that we should consider, first, the House and then the Senate bills, because such cases going to the House can be disposed of there during the remainder of the session.

Mr. PLATT. Allow me to suggest to the Senator from Tennessee that he ask to confine it to cases reported adversely.

Mr. JACKSON. Yes; that they go over.

Mr. BECK. I took part in endeavoring to reach the Calendar by voting for all the pension cases to have preference; but I supposed when I did that that it was the uncontested pension cases that were to be considered, and then that we should proceed with the House bills that had been reported favorably without amendment; so that something would become law. There are some ten or twelve of them. While I do not want to delay the contested pension cases, I hope we shall be allowed to pass them over temporarily until a few other cases than pension cases that have come from the House and are reported unanimously without amendment may be considered subject to objection.

Mr. BLAIR. I do not think the class of cases I now speak of can consume half an hour. Then the pension matters will all be out of the way.

Mr. BECK. The trouble of enrolling is very great now. There are a few House bills to which there is no objection that the Senator from New Hampshire can stop, if they give rise to debate, by a single objection.

Mr. BLAIR. It is exceedingly unpleasant to object, but in half an hour the pension bills will all be out of the way.

Mr. BECK. I know it is not a very pleasant thing to do. We thought we would go to the unobjected House bills reported favorably after we got through with the unobjected pension cases, so as to dispose of as much business as we could.

The PRESIDENT *pro tempore*. The Chair would suggest that unanimous consent be given to pass over all pension cases reported adversely.

Mr. JACKSON. That is right.

The PRESIDENT *pro tempore*. Evidently the author of the rule desired that all cases reported adversely should be passed over.

Mr. FRYE. There will be no objection to that.

The PRESIDENT *pro tempore*. Is there unanimous consent that all cases reported adversely be passed over?

Mr. BLAIR. I agree to it.

The PRESIDENT *pro tempore*. It is agreed, then, that the Secretary shall begin the call at the commencement of the Calendar and then the Senator from Kentucky will get at the House bills.

Mr. BECK. I am only endeavoring to obtain some action on unobjected cases.

ELECTION OF PRESIDENT PRO TEMPORE.

Mr. ANTHONY. I desire to interpose at this time a privileged resolution relating to the order of business.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The resolution will be received.

The resolution was considered by unanimous consent and agreed to, as follows:

Whereas the President *pro tempore* has signified his purpose to resign the chair at 12 o'clock to-morrow: Therefore,

Resolved, That at that hour the Senate will proceed to the election of a President *pro tempore*.

ANN CORNELIA LANMAN.

Mr. PLATT. The first case I see on the Calendar is the bill (S. 2133) granting an increase of pension to Ann Cornelia Lanman.

Mr. BLAIR. I suggest that these bills be taken up as we find them. We shall get rid of them quickest in that way.

The bill (S. 2133) granting a pension to Ann Cornelia Lanman was considered as in Committee of the Whole. It directs the Secretary of the Interior to place on the pension-roll the name of Ann Cornelia Lanman, and proposes to pay her a pension of $50 a month in lieu of the pension now received by her.

Mr. JACKSON. The majorty and minority reports in that case had better be read.

The Acting Secretary read the following report, submitted by Mr. MITCHELL July 8, 1882:

The Committee on Pensions, to whom was referred the petition of Mrs. Ann Cornelia Lanman, widow of the late Rear-Admiral Joseph Lanman, praying for an increase of pension, having examined the facts in the case, respectfully submit the following report:

Admiral Lanman entered the naval service of the United States as a midshipman January 1, 1825, and passed through all the grades of the service up to rear-admiral. He served during the late war, and distinguished himself at the attack on Fort Fisher under Admiral Porter. Admiral Lanman was officially

recognized for gallant service throughout the war. In 1869 he was promoted to be a rear-admiral, and placed in command of the South Atlantic fleet, where he served three years. On his return from this command he was placed on the retired-list.

On the 20th of February, 1874, he received a telegram from Secretary of Navy Robeson to report at Washington, District of Columbia, as a witness. The order was received by him at 5 o'clock in the afternoon, and he left for Washington the same evening. On that journey he contracted a very severe cold, and when he reached home he was scarcely able to walk. He immediately took to his bed, and grew worse until the 13th of March, 1874, when he died. The physician who attended him in his last sickness swears that he died of pneumonia, contracted during his journey to Washington as above stated.

The evidence shows that Rear-Admiral Lanman left a widow, the present claimant, and two minor children, to wit, Alice Blanche and Rosalie Decatur, aged, respectively, 10 and 12 years.

A pension of $30 a month was granted to Mrs. Lanman by special act of Congress. This was the pension allowed by law at that time in the cases of the widows of admirals, so that the special act gave Mrs. Lanman the full benefit of the law at that time. Now she petitions Congress to increase the pension allowed her to $50 per month, on the ground that her present pension is inadequate to the support of herself and her children.

In connection with this petition for an increase of pension, it is pertinent to inquire into the equity which has governed the committee's action in similar cases.

By the pension law as it existed prior to the act of July 14, 1862, the pensions granted to officers of the Navy, and to their widows and minor children in case of death, were made equal to the half-monthly pay of such officers, such pay as existed in 1835, which forms the basis upon which such pensions were granted. These pensions were payable from the interest of the naval pension fund. By this law rear-admirals, their widows, &c., received a pension of $50 a month.

The act of July 14, 1862, established pensions for the Army and Navy according to rank, making Navy pensions correspond with Army pensions. By this act of July 14, 1862, the pension granted to rear-admirals was reduced to $30 a month. The act of July 14, 1862, was construed as affecting only pensions which should be granted after the passage of said act.

Section 3 of the act of July 25, 1866, provided—

"That the provisions of an act entitled 'An act to grant pensions,' approved July 14, 1862, and of the acts supplementary thereto and amendatory thereof, are hereby so far as applicable extended to the pensioners under previous laws, except Revolutionary pensions."

In applying this act no reduction of the naval pensions previously granted was made.

Section 13 of the act of July 27, 1868, provided—

"That the third section of an act entitled 'An act increasing the pensions of widows and orphans, and for other purposes,' approved July 25, 1866, shall be so construed as to place all pensioners whose right thereto accrued subsequently to the war of the Revolution and prior to the 4th of March, 1861, on the same footing as to rate of pension from and after the passage of said act as those who have been pensioned under acts passed since said 4th day of March, 1861, and the widows of Revolutionary soldiers and sailors now receiving a less sum shall hereafter be paid at the rate of $8 per month."

Under this act, upon the decision of the Secretary of the Interior, naval pensions already granted were reduced to the rates provided in the act of July 14, 1862, such reduction taking effect from the last half-yearly payment made prior to February 10, 1870, the date of the decision.

This decision gave rise to the passage of the act approved June 9, 1880, entitled "An act to restore pensions in certain cases," which provides—

"That section 3 of an act entitled 'An act increasing the pensions of widows and orphans and for other purposes,' approved July 25, 1866, and section 13 of an act entitled 'An act relating to pensions,' approved July 27, 1868, and section 4712 of the Revised Statutes shall not operate to reduce the rate of any pension which had actually been allowed to the commissioned, non-commissioned, or petty officers of the Navy, or their widows or minor children prior to the 25th day of July, 1866; and the Secretary of the Interior is hereby directed to restore all such pensioners as have already been so reduced to the rate originally granted and allowed, to take effect from the date of such reduction."

Under this act such pensioners as had been reduced under the decision rendered by the Secretary of the Interior, February 10, 1870, were restored to their original rate of pension.

All those widows, &c., of rear-admirals who have applied for a pension since the rendering of the decision of the Secretary of the Interior, February 10, 1870, have only been granted a pension of $30 per month, which presents the inconsistency of a portion of rear-admirals' widows receiving $50, while the balance are pensioned at $30 a month, without difference of rank, merit, or long service. Since the restoration of this class of pensions to $50 per month by the act of June 9, 1880, the widows who are allowed but $30 per month at the Pension Office under the act of July 14, 1862, have from time to time applied to Congress for an increase of pension from $30 to $50, and for original pensions of $50 per month, and such increase, or original granting of pensions at $50 per month, has frequently occurred during the present session of Congress. (See Mr. Teller's report, Elizabeth Wirt Goldsborough; Mr. JACKSON'S report, Louisa Bainbridge Hoff; Mr. PLATT'S report, Rebecca Reynolds; Mr. PLATT'S report, Elizabeth H. Spotts.)

Some of these cases are for long and meritorious services, and for original pension; others for an increase from the $30 allowed by the Pension Office to $50. In the report of the case of Admiral Goldsborough, where it is not alleged that he died of any disease contracted in the line of duty, or even in the service, the concluding clause in the Goldsborough case is as follows:

"Such a record of service, in the opinion of the committee, justifies the payment to his widow of the same pension allowed in other cases by special act of Congress to the widows of other officers of the Navy of similar rank. The committee therefore recommend that Senate bill 743 be passed."

That concluding clause is open to but one conclusion, to wit, that Mrs. Goldsborough's pension was a gratuity pension for the long and meritorious services of her husband.

Regarding any objection being raised to the granting of a pension to Rear-Admiral Lanman's widow on the ground that he was on the retired-list, it is proper to say that Admiral Goldsborough was retired in 1874 and died in 1879, and Admiral Hoff was retired in 1869 and died in 1878. Therefore they were both on the retired-list at the time of their death.

Now, the widow of Rear-Admiral Lanman is entitled to a pension to a greater extent than the widow of an admiral whose only claim was long and meritorious services, as her husband died directly from a malady contracted in obeying an order of the Secretary of the Navy, and within a few days after contracting the disease.

The $30 pension granted by special act was acceptable to Mrs. Lanman until others of no greater merit were increased to $50. The inconsistency of her receiving but $30 became apparent, and no reason prevailing why her case should be an exceptional one, she thought it proper to ask Congress by a special act to remove this inconsistency.

Inasmuch as the Forty-sixth Congress thought proper to increase certain cases of the widows of admirals to $50 (see Lelia E. McCauley, page 609 Statutes at Large, 1879–'81, and Ann M. Paulding, 608 Statutes at Large, 1879–'81), and have frequently seen fit in the present Congress to grant the same pension in similar cases, your committee can see no good reason why Mrs. Lanman should not receive a like pension, and therefore report a bill to that effect, and recommend its passage.

Mr. JACKSON. I ask that the views of the minority be incorporated in the RECORD, and I will state briefly the ground of objection to the allowance of this claim.

The views of the minority, submitted by Mr. JACKSON July 2, 1882, were ordered to be printed in the RECORD, as follows:

The undersigned, members of the Committee on Pensions, not concurring in the report of the majority upon the bill (H. R. 4795) granting an increase pension to Mrs. Ann Cornelia Lanman, respectfully submit the following views of the minority:

Rear-Admiral Joseph Lanman, whose career as a naval officer is fully set forth in the majority report, was placed upon the retired-list of the Navy in 1871 or 1872. On the 20th of February, 1874, he received a telegram from the Secretary of the Navy to come to Washington, District of Columbia, as a witness before a naval court-martial. He left for Washington on the same evening he received the notice. On the trip he contracted a severe cold and when he reached home he was quite unwell; immediately took to his bed and grew steadily worse until the 13th March, 1874, when he died. The physician who attended him in his last sickness states that he died of pneumonia contracted during his trip to Washington as above stated. He left a widow (the present applicant for increase of pension) and two minor children, aged respectively 10 and 12 years.

Under the general law Mrs. Lanman was not entitled to a pension, the disease of which her husband died not having originated in the service, and because contracted subsequent to the 27th day of July, 1868. The second section of the act of July 27, 1868 (now contained in section 4694 of the Revised Statutes), denies the right to pension in cases like that of Admiral Lanman, unless the officer was—

"At the time of contracting the disease, borne on the books of some ship or other vessel of the United States, at sea or in harbor, actually in commission, or was at some naval station, or on his way by direction of competent authority to the United States or to some other vessel or naval station or hospital."

Mrs. Lanman accordingly applied to Congress for a pension, and by special act approved March 3, 1879, she was granted a pension of $30 per month in consideration of the long and distinguished service of her husband. She now asks Congress by another special act to increase her pension to $50 per month, resting her application upon the same considerations which induced its former action, together with the further averment in her petition that her present pension is not adequate for the support of herself and minor children. It does not appear what estate Admiral Lanman left, nor what are the present circumstances of his widow and children. It is not shown that they are in want or that the increased pension asked for is necessary for the widow's comfortable support. Nothing of the sort is alleged. But it is said in support of her application that she should be granted the same rate of pension allowed the widows of Rear-Admirals Goldsborough and Hoff at the present session of Congress. In the case of Rear-Admiral Hoff it clearly appeared that he died of disease contracted in the service and in the line of duty.

In the Goldsborough case the report does not show the facts and circumstances connected with his death. In neither of these cases was there a second application to Congress upon the same state of facts on which special relief had been granted. And in the cases referred to there were special considerations, such as the necessitous circumstances of the applicants. But whether these cases can or can not be distinguished from the present by any meritorious or special considerations, we think it would be establishing a mischievous precedent to pass the bill in question. Its effect will be to invite repeated applications and appeals for special acts, and Congress will find itself embarrassed in the effort to produce strict and exact equality in every case. If the widows of all rear-admirals are to be allowed a pension of $30 per month without reference to their pecuniary circumstances or necessities, then Congress should so declare by general law. Special legislation in the matter of pensions is steadily increasing, and at a rate which, if precedents are to be followed and control its action, will soon be exceedingly embarrassing to Congress. It should be assumed that when Congress, with all the facts before it now presented, fixed Mrs. Lanman's pension at $30 per month, it intended that as its final action in the mattter.

For these and other reasons that will readily suggest themselves, we think the bill should not be passed but be indefinitely postponed by the Senate.

HOWELL E. JACKSON.
JAS. H. SLATER.

Mr. JACKSON. Mrs. Lanman was not entitled to a pension by the general law. In the second section of the act of July 27, 1868, now incorporated in the Revised Statutes as section 4694, there is a provision that unless the officer was at the time of contracting the disease "borne on the books of some ship or other vessel of the United States, at sea or in harbor, actually in commission, or was at some naval station, or on his way, by direction of competent authority, to the United States, or to some other vessel or naval station, or hospital," he should not be entitled to a pension when on the retired-list.

Mrs. Lanman's case came within that provision of the law. She accordingly applied to Congress in 1879 for a special act placing her name upon the pension-roll. By a special act passed the 3d of March, 1879, she was granted a pension of $30 a month in consideration of the long and distinguished services of her husband. She now comes to Congress and asks for another special act raising her pension to $50 a month, based upon the same considerations exactly.

When Congress acted upon her application in 1879 and by a special act gave her a pension that she was not entitled to under the general law, it expressed its opinion and conclusion as to the merits of her case. She is here now asking for $50 a month upon the same state of facts exactly. It is stated in the report of the majority that the pension granted her by that special act was acceptable to her, and her only ground of making the application now is that others have been raised to $50.

This shows the danger and the mistake of these special bills increasing pensions, and in cases that are not strictly meritorious or needy. There is nothing in this case to show her need. I am opposed to the granting of pensions on these repeated special applications. I hope the Senate will disagree to the report of the majority.

The bill was reported to the Senate without amendment.

Mr. BLAIR. I did not make this report. I wish to remind the Senate that it is a majority report, however. We waived the consideration of the cases which are reported adversely. This woman is the widow of a rear-admiral. She is one of that class, forty or fifty, it may be perhaps nearly sixty, who are widows of officers of high rank who

are now being pensioned at the rate of $50 a month. She asks nothing but what we are doing for all other widows of officers of the same rank of her condition and of her necessities.

Mr. PLUMB. That illustrates, as the Senator from Tennessee well says, exactly what we are coming to. We took up the case of another widow, perhaps of an officer of similar rank, the other day, and having taken that up on one pretext we now come upon a case without the same pretext, and we are asked to put up this one.

Mr. JACKSON. Will the Senator from Kansas allow me to call his attention to the fact that in the case of Admiral Goldsborough, cited by the report of the majority, his widow was pensioned at the rate of $30 per month, the highest rate allowed by law. She got the increase from the fact of her husband having incurred disability in the service.

Mr. PLUMB. Now as before I protest against this as unjust and injurious in its discrimination.

The PRESIDING OFFICER. The question is on ordering the bill to a third reading. Shall the bill be read a third time? [Putting the question.] The noes appear to have it.

Mr. PLATT. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. GROOME. I desire to say before the roll is called, by way of explanation of my vote, that it is a gratuity pension which this lady is now receiving. Having appealed to Congress when the general law clearly did not entitle her to a pension, and having received a very large measure of relief, I do not think she ought to show a want of appreciation of the liberality with which she has already been treated by again appealing to Congress for additional relief. I think Congress should not encourage others to do the same thing by passing this bill.

Mr. PLATT. I do not see how any distinction can be made in this case and this lady discriminated against. I think there has been no case in which the widow of a rear-admiral has asked Congress to give her a pension at the rate of $50 that it has not been done. I do not think this is exactly a case to stop upon. It is a case which was reported favorably a long time ago. The case which the Senator from Kansas refers to was reported very recently, but was first reached under the order of the Senate and was taken up and passed.

It would be a very unjust discrimination against this lady, whose case was reported favorably a long while ago, not to extend the same relief to her which was extended in the case of the widow of Rear-Admiral Beaumont. A rear-admiral, if I mistake not, ranks with a major-general. It seems to me we can do no less, in view of the previous action of Congress, than to pension the widows of rear-admirals at $50 or to pass a law providing that henceforth they shall only be pensioned at $30 and that those who receive $50 shall be reduced to $30. But until Congress is ready to do that, I do not see how we can make a discrimination.

Mr. GROOME. The Senator from Connecticut states that a rear-admiral ranks with a major-general. Such is the fact, but it is also a fact, of which I remind the Senator from Connecticut, that there are numerous widows of major-generals who are only receiving $30 a month under the general law, and whose pensions have never been increased by special legislation. I am aware that there are other cases of major-generals who were killed in battle whose widows are receiving $50 a month in consequence of that fact; but as a general rule the widows of major-generals who died otherwise than in battle are only receiving to-day $30 a month. That rate of pension this lady is receiving, although under the general law she is not pensionable. Having once appealed to the liberality of Congress, and having received from it the measure of liberality which that tribunal, in view of all the circumstances upon which her application was based, saw fit to adopt, I feel that she comes here with a very bad grace when she asks Congress to review its action and increase the liberal allowance already made to her. I hope the bill will not pass.

Mr. PLATT. Of course I can not say that the Senator is absolutely mistaken when he says that there are widows of major-generals in the Army receiving $30 a month, but I did not suppose there were any such cases. If there are it is, I presume, because they have not made an application to Congress for an increase of pension. I know it has been done in every case where the increase has been asked.

Mr. GROOME. I will say to the Senator from Connecticut that I recollect very well a year or two ago, while I was upon the Committee on Pensions, a claim was made before that committee that the widow of every major-general was receiving $50 a month. Information was asked of the Pension Department, and it was ascertained that the claim was not correct, and that very few widows of major-generals were receiving that allowance unless their husbands had been killed in battle.

The PRESIDING OFFICER. The question is, Shall the bill be read a third time? upon which the yeas and nays have been ordered.

The Principal Legislative Clerk called the roll.

Mr. RANSOM. I am paired with the Senator from Illinois [Mr. LOGAN]. I do not know how he would vote.

The result was announced—yeas 19, nays 22; as follows:

YEAS—19.

Anthony,	Edmunds,	Ingalls,	Mahone,
Blair,	Frye,	Jones of Florida,	Miller of N. Y.,
Call,	Harrison,	Jones of Nevada,	Platt,
Conger,	Hawley,	McDill,	Sherman.
Dawes,	Hill,	McMillan,	

NAYS—22.

Barrow,	Davis of W. Va.,	Jackson,	Rollins,
Beck,	Fair,	Jonas,	Slater,
Brown,	Garland,	McPherson,	Vance,
Camden,	George,	Maxey,	Van Wyck.
Cameron of Wis.,	Groome,	Morgan,	
Coke,	Harris,	Plumb,	

ABSENT—35.

Aldrich,	Gorman,	Logan,	Sawyer,
Allison,	Grover,	Miller of Cal.,	Sewell,
Bayard,	Hale,	Mitchell,	Tabor,
Butler,	Hampton,	Morrill,	Vest,
Cameron of Pa.,	Hoar,	Pendleton,	Voorhees,
Cockrell,	Johnston,	Pugh,	Walker,
Davis of Ill.,	Kellogg,	Ransom,	Williams,
Farley,	Lamar,	Saulsbury,	Windom.
Ferry,	Lapham,	Saunders,	

So the bill was rejected.

DANIEL G. GEORGE.

The PRESIDING OFFICER. The next pension bill on the Calendar favorably reported will be announced.

The ACTING SECRETARY. A bill (H. R. 1011) granting an increase of pension to Daniel G. George.

Mr. BLAIR. I wish to call that bill up at another time, and will reserve the right to do so. I am not ready to discuss it now; let it be passed over without prejudice.

The PRESIDING OFFICER. The bill will be passed over if there be no objection.

PATRICK DRONEY.

Mr. DAWES. The next case on the Calendar is the bill (H. R. 718) granting a pension to Patrick Droney. I wish to ask unanimous consent that it may be considered. I was absent in the committee-room of appropriations when the order was passed this morning in reference to adverse reports. That is a question which was decided the other day on the passage of a bill like it in another case. I ask unanimous consent to take it up.

The PRESIDING OFFICER. The Senator from Massachusetts asks unanimous consent to proceed at this time to the consideration of the pension bill mentioned by him adversely reported.

Mr. JACKSON. I object.

The PRESIDING OFFICER. There is objection.

Mr. DAWES. I will state to the Senate that I only ask it because I was absent in the committee-room of the Committee on Appropriations; that is the only reason why I ask it. I do not want to have the rule set aside for me; I only ask it on that ground.

Mr. JACKSON. I will state to the Senator from Massachusetts that the Senate a few moments ago determined not to take up any of these adverse reports.

Mr. DAWES. I know they did.

Mr. JACKSON. I object to it. We want to get on to other cases.

The PRESIDING OFFICER. There is objection. The Secretary will report the first House bill favorably reported.

SUSAN SHEARER.

Mr. PLATT. If there is no objection, I should like to have House bill 3322, for the relief of Susan Shearer, indefinitely postponed. The report is adverse to it, but it appears on the Calendar as having been favorably reported. It is order of business No. 1193. There was an adverse report in the House and in the Senate also, and it may as well be disposed of. I move that the bill be indefinitely postponed.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The Chair hears no objection, and the bill will be indefinitely postponed.

JOHN R. SMITH.

Mr. BLAIR. In the last print of the Calendar there is a disarrangement of cases. It will be found that cases 35 and 36 are in the index, and I call attention to No. 1221, a bill for the relief of John R. Smith. There is an adverse report, but I had before the action of the committee drawn a favorable report when the case was referred to me, but it was disapproved by the committee, and my report has in some way got among the papers, and it appears to be printed as the report of the committee. It is so on the files of the Senate. It is a mistake, and I ask that the document be withdrawn from the files.

The PRESIDING OFFICER. If there be no objection that order will be entered.

Mr. BECK. I do not know what it is. I object to everything but the regular order.

The PRESIDING OFFICER. The Senator from New Hampshire [Mr. BLAIR] asks for the withdrawal of a favorable report not adopted by the committee. The Chair hears no objection, and the order is entered.

Mr. BLAIR. The Senator from Indiana [Mr. VOORHEES] is interested in the case, and I will say to him that my own opinion is favorable and so I drew the report; but the committee were adverse. My opinion has got among the papers and appears to be printed as a favorable report by the committee and has been so distributed. I only ask that entries showing how the mistake occurred be made, and I suppose the report as such ought to be withdrawn.

Mr. VOORHEES. There can be no objection to that; but I thought the case was being brought up for action, and I want to be heard on it.

The PRESIDING OFFICER. The correction desired by the Senator from New Hampshire [Mr. BLAIR] will be made.

LAURA C. P. HASKINS.

Mr. MCMILLAN. I desire to call attention to order of business No. 1026, being the bill (S. 771) granting a pension to Laura C. P. Haskins. There is an adverse report, and the bill was postponed indefinitely and subsequently reconsidered. I ask now that the case may be passed for the session, as I may be absent in the Committee on Commerce for some time.

Mr. PLATT. That is the order of the Senate.

The PRESIDING OFFICER. Those pension bills reported adversely are not being considered.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7049) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1884, and for other purposes, and had receded from its disagreement to the amendments of the Senate numbered 2 and 3 to the said bill further insisted upon by the Senate.

ALABAMA MINERAL LANDS.

Mr. BECK. The first bill I can find on the Calendar reported favorably from the House is order of business 1022.

The PRESIDING OFFICER. The Secretary will read the first House bill favorably reported.

The ACTING SECRETARY. "A bill (H. R. 4757) to exclude the public lands in Alabama from the operation of the laws relating to mineral lands."

Mr. EDMUNDS. Is that the first House bill beginning where we left off on the Calendar.

The PRESIDING OFFICER. The Secretary reports to the Chair that it was under consideration at the last time the Senate was proceeding with the Calendar.

Mr. EDMUNDS. That makes it right, then.

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

Mr. INGALLS. Is there any report in that case, Mr. President?

The PRESIDING OFFICER. There is no printed report.

Mr. INGALLS. I should like to hear any communication from the General Land Office.

Mr. MORGAN. There is a printed report.

Mr. INGALLS. I should like to hear it read.

The PRESIDING OFFICER. The report will be read if there is one. The Chair is informed that there is a report on the Senate bill similar to this, but no written or printed report upon this particular bill.

Mr. INGALLS. Let us hear the report on the Senate bill.

The PRESIDING OFFICER. The Secretary will read the report on the Senate bill.

Mr. HOAR. Was the report favorable or adverse?

Mr. MORGAN. It is a unanimous favorable report of the committee.

The Acting Secretary read the following report, submitted by Mr. MORGAN April 20, 1882:

The Committee on Public Lands, to whom was referred Senate bill 140, have had the same under consideration and report the same back with a substitute therefor, entitled "A bill to exclude the public lands in Alabama from the operation of the laws relating to mineral lands," and recommend its passage.

The General Land Office, acting on the report of F. Winter, a geologist and special agent, made in March, 1879, designated a section of country in Alabama, of coal lands, which covered an area of over 260 miles square, and known as the "Warrior coal-field," and the Coosa and Cahaba coal-fields, and the public lands in this entire region were thereafter held for his disposal under the act of March 3, 1873.

According to Mr. Winter's estimate the entire area (of which a considerable part had passed into private ownership) amounted to 1,537,280 acres of coal lands, and 224,000 acres of iron lands; nearly all of which was taken up before the date of the act of May, 1872, regulating the disposal of mineral lands. Mr. Winter's reports state that not more than one-third of the coal-land area would probably be of any value for mining purposes.

Upon these reports of Mr. Winter the Secretary of the Interior made the following order:

DEPARTMENT OF THE INTERIOR,
Washington, August 2, 1879.

SIR: I have received your letter of June 10, 1879, inclosing the reports and exhibits of Special Agent Winters, who was detailed in pursuance of instructions contained in my letter of September 11, 1878, to investigate the coal and iron lands of the State of Alabama.

From these reports and exhibits it appears that there is a large quantity of coal and iron lands in said State, some of which, in the opinion of Mr. Winters, are very valuable, and some of them of little or no value. The statute, however, fixes the value of coal, as well as other mineral lands, and without further legislation, I do not think that we are authorized to dispose of any of said lands at prices other than those established by law. Some of the lands are now considered valuable because of the means of transportation and other advantages. Others are not now considered valuable for the want of means of transportation, and because also of the expense of operating the mines. These difficulties in relation to the latter class of lands mentioned may be overcome in the future, but whether this be so or not, it can not change your duty nor mine.

So far as the lands are mineral they should be withheld from sale and disposal, no matter what their value at present may appear to be, until further legislation is had upon the subject. The lands not mineral in said district should be offered for sale and disposal in accordance with existing law.

I herewith return the papers transmitted in order that you may take such action in the premises as you may deem necessary.

Very respectfully,

C. SCHURZ, *Secretary.*

The COMMISSIONER OF THE GENERAL LAND OFFICE.

The necessity of legislation is clearly indicated in this order, to relieve this large area of country from the incubus of a law, to more than two-thirds of which it could not have been intended to apply.

If a third of this area may have any value as a mining region, it is clear that two-thirds of it is only fit for agricultural purposes.

All the public lands in this area were offered for entry at 12½ cents per acre, under the graduation acts of Congress, and only a small part of it was taken up. It was then known as a country in which there were valuable beds of coal and iron, but little was known, or is yet known, as to the localities in which mining could be done with profit.

No land has been taken up in Alabama under the act of March 3, 1873; nor has any land been disposed of under that law in any other States of the Union, except in Oregon, where 2,154 acres have been entered, and 185 acres in California.

The estimated area of coal lands in the land States is about 2,000,000 acres. So that this law is practically a failure as a means of disposing of coal lands. It has only retarded settlement and defeated commercial and manufacturing industry in the regions set apart as "coal lands."

The General Land Office, in order to prevent these evils, as far as possible, has permitted the entry of lands, under the homestead laws, within the "coal-land" limits, where persons would make oath that the lands claimed under the homestead laws were non-mineral in character. This practice has led to much abuse, and is a fruitful source of litigation and disquietude as to the validity of titles, even after patents have issued.

The bill reported herewith, as to its provisions, has the approval of the Department of the Interior, as will be seen from the letter of the Commissioner of the General Land Office, appended to this report.

Of the 1,683,280 acres in the areas that are included in the coal-land limits, in all the States and Territories, as already defined by the orders of the Interior Department, Alabama furnishes 1,573,280 acres, leaving only 146,000 acres as yet actually classified as "coal-lands" in all the other States and Territories.

In Michigan, Wisconsin, Minnesota, Missouri, and Kansas, Congress has repealed the acts of March 3, 1873, and May 10, 1872, as to coal and other mineral lands, leaving Alabama as the only land State that has any considerable area of coal and iron lands east of the Rocky Mountains under the restrictions of these laws.

Grants to railroad companies in Alabama, made prior to 1860, have given them a large quantity of coal and iron lands, which they sell at prices that prevent any sale of the public domain at the prices fixed by law for such lands. This gives to those railroad companies the practical monopoly of the coal lands in the State, which is an injury to the commerce of the State and a decided obstruction to its growth and prosperity, and the only relief seems to be that which is proposed in this bill.

DEPARTMENT OF THE INTERIOR, *Washington, February* 28, 1882.

SIR: I have the honor to transmit herewith copy of report on House bill 19, "to exclude the State of Alabama from the provisions of the act of Congress entitled 'An act to promote the development of the mining resources of the United States,' approved May 10, 1872," by the Commissioner of the General Land Office, to whom you referred it for an expression of his opinion.

Very respectfully,

S. J. KIRKWOOD, *Secretary.*

Hon. JOHN VAN VOORHIS,
Chairman Committee on Mines and Mining, House of Representatives.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., February 18, 1882.

SIR: I have received from Hon. JOHN VAN VOORHIS, chairman of House Committee on Mines and Mining, his letter of 8th instant, inclosing House bill No. 19, "A bill to exclude the State of Alabama from the provisions of the act of Congress entitled 'An act to promote the development of the mining resources of the United States,' approved May 10, 1872," and asking whether in my opinion it ought to pass, and whether it is necessary to incorporate a proviso similar to one indorsed in pencil on said bill.

I have the honor, subject to your approval, to submit the following:

The lands in Alabama have been in market for many years, but until a comparatively recent date the lands were not probably considered of special value, because of their mineral character.

The main information officially brought to this office of the mineral character of these lands was derived from an examination made in the field by a special agent and geologist from this office in the years 1878 and 1879.

His examination extended over portions of the Montgomery and Huntsville land district.

He reported a considerable list of land as containing iron and coal, some as valuable and others as of little value. No entries of coal or iron have as yet been made in said State, although all the lands reported by him were withheld from disposition except under the laws applicable to the sale of coal and mineral lands.

It is probable that the coal and iron deposits are of considerable extent, as it is a matter of general notoriety that extensive iron-works and mining have during the last few years been established there. Probably such deposits are not more extensive than in Missouri, in which State, as well as in Kansas, by act of May 5, 1876, all lands were made subject to disposal as agricultural lands.

The policy of so disposing of the public lands that large areas will be owned by single individuals or corporations may well be doubted, or at least merits careful consideration. It is also to be borne in mind that a too restrictive policy is a substantial inducement to fraud, and at the best may postpone but briefly the acquisition of large titles by individuals who command the necessary capital and enterprise.

This result would be more likely to occur in a State like Alabama, where there is doubtless so much land which contains coal and iron, but the amount and value of the deposits in which are so uncertain.

The policy of the proposed law is one which it is the peculiar province of Congress to determine, and concerning which I prefer to make no recommendation.

If, however, it should be deemed advisable to place Alabama on the same footing as Missouri and Kansas in the respect indicated, I would recommend the inclosed draft of a bill as a substitute.

The proviso for a public sale of the lands supposed to be valuable for their mineral deposits I would think wise, because it will enable the Government to realize the largest possible price for the lands.

Said substitute, letter, and bill are herewith inclosed.

Very respectfully,

N. C. MCFARLAND, *Commissioner.*

Hon. S. J. KIRKWOOD,
Secretary of the Interior.

COMMITTEE ON COMMERCE.

Mr. MCMILLAN. I ask leave of the Senate that the Committee on Commerce be permitted to sit during the sessions of the Senate.

Mr. EDMUNDS. That can not be done. We shall lose you entirely. Is that motion in order pending a bill?

The PRESIDING OFFICER. Not strictly while a bill is being considered; but if there be no objection the Chair will entertain the motion, and unless there be objection the order will be made. The Chair hears no objection, and the order is made.

ALABAMA MINERAL LANDS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 4757) to exclude the public lands in Alabama from the operation of the laws relating to mineral lands.

Mr. MORGAN. I ask now that the Secretary read a letter from the Secretary of the Interior, Mr. Teller, which I send to the desk.

The PRESIDING OFFICER. The letter will be read.

The Acting Secretary read as follows:

DEPARTMENT OF THE INTERIOR, *Washington, July* 10, 1882.

SIR: I have received your letter of the 7th instant, and the inclosed copy of Senate bill 140, "to regulate the disposal of coal lands in the State of Alabama," with the report of the Senate committee thereon. The report contains a letter from my immediate predecessor, transmitting a letter from the Commissioner of the General Land Office, who submitted draft of bill on the subject, which you state is embodied in Senate bill 140.

The bill meets my entire approval, and will, I hope, become a law.

Very respectfully,

H. M. TELLER, *Secretary.*

Hon. JOHN T. MORGAN, *U. S. Senate.*

Mr. MORGAN. I now ask the Secretary to read a joint resolution of the Legislature of Alabama, which I send to the desk.

The PRESIDING OFFICER. The resolution will be read.

The Acting Secretary read as follows:

[S. 131.]

Enrolled joint resolution of the senate and house of representatives of the General Assembly of Alabama.

Resolved by the senate (the house of representatives concurring), That the Senators from Alabama in the Congress of the United States are hereby requested to vote for, and procure, if possible, the passage of the act now pending in the Senate, providing for the disposal of mineral lands in Alabama.

GEO. P. HARRISON, JR.,
President of the Senate.
WILBER F. FOSTER,
Speaker of the House of Representatives.

Approved December 12, 1882.

E. A. O'NEAL, *Governor.*

I, Ellis Phelan, secretary of state, hereby certify that the foregoing is a true copy of the original joint resolution, in relation to mineral lands in Alabama, as the same is on file in my office.

Witness my hand and the great seal of the State, at Montgomery, Alabama, this 15th December, 1882.

[SEAL.] ELLIS PHELAN, *Secretary of State.*

Mr. MORGAN. I regret that I have any statement to make at all; but I do it more in justice to my colleague and myself than for the purpose of giving the Senate more full information, because the information in this report is about as full as it can be made, I believe, on this subject. Coal lands in Alabama have been known to exist there for a great many years, as far back as the territorial settlement of the country. Under the pre-emption laws and laws for the sale of public lands, and especially under the graduation act, these lands were brought into market, and many of them passed into private ownership, some as low as 12½ cents an acre. They were taken up by persons who emigrated to a rather poor country, on what is termed the sand mountain of Alabama. They were taken up for farming purposes. Little farmers came from Georgia, South Carolina, North Carolina, and poorer countries to settle there. They had no expectation that the minerals that were in this land would ever be of any value, though they were used in blacksmiths' shops and were known to exist. The country having become occupied in that way railroad companies pushed their enterprises along under land grants from the Government of the United States around the borders of this coal-field, the Memphis and Charleston road running on the north, the Mobile and Ohio road on the west, the Alabama and Great Southern road on the south, and the South and North Alabama road (now the Louisville and Nashville) on the east. Each of these was a land-grant road. The railroads took up large bodies of this coal land, having grants of alternate sections for fifteen miles wide on either side. I believe only one of these railroads was in operation and had been constructed before the war. That was the Memphis and Charleston road. I am not quite sure as to the Mobile and Ohio road; but that road has not taken any of the coal land, because it has just fringed along the coal measures, and has scarcely lapped over the border of the coal measure at all. The other two roads—the Alabama and Chattanooga and the North and South Alabama Railroads—have been built since. So this coal region has been circumvallated by these railway lines that have the outer boundary of the entire coal system there, and have a monopoly of the coal lands in that region of country. This fact prevents, of course, the development of that country, and has done so all the time.

These railway companies have not desired that the coal lands in the interior of this seam should come into competition with them, and so far no railway enterprises have been pushed into the interior of this region any more than seven or eight miles at the outside. The result is that Congress by making these grants to the railway companies has thrown the virtual control of the whole of this coal area into the power of these companies. The legislation of Congress, if nothing else, has made it impossible that the interior of it should be taken up in competition with companies that have received their land grants for nothing.

This matter of entering up the land by small settlers went on until the act of 1873 was passed, which provided that the coal lands of the United States undisposed of lying within fifteen miles of any completed railroad should not thereafter be sold at less than $20 an acre, and the coal land lying outside of the fifteen-mile limit of the railways should not be sold at less than $10 an acre, and providing a system of pre-emptions for corporations or companies or copartnerships and for individuals, by which they might settle up the lands and take them at those prices, gaining a pre-emption of certain parcels.

The taking up of this land in forty, eighty, and one hundred and twenty acres, and the like, under the different acts of Congress has broken the coal-field up, so that there is no very considerable body of lands to be found in any one place in juxtaposition. The result is that not one foot of that land has ever been taken up under this act of 1873. More than that, very little of the lands of the United States in all of our broad domain that have been segregated from the public domain as coal lands have been taken up at all.

The act of 1873 has become an incubus upon the disposal of these lands, the products of which are so absolutely essential for the progress and development of our civilization.

I am not here for the purpose, however, of asking that that law shall be repealed. I am only asking that Alabama shall have like privileges which Congress has granted to the States of Kansas, Missouri, Nebraska, Michigan, and other States, without hesitancy, relieving those States from the burdens of this law. All of the coal lands in these different States and all mineral lands of every description, including the finest of iron ore, have been, by act of Congress, relieved from the shackles of the act of 1873, and the people have been allowed to go on to take up the lands; to invite capital from other countries to go in there, start manufacturing industries, and to turn out coal and other minerals for the benefit of commerce at large.

There is no reason, I think, that can be stated why the State of Alabama should be kept beneath this law when the other States have been released from it. I know of no facts operating in behalf of the other States that Alabama may not equally claim the benefit of. Indeed, sir, the matter has gone so far down there, capital having settled itself around this margin in various places, that it has become more a matter of interest to people in other States who wish to go there and take up the lands and engage in these industries than it has to the people who immediately occupy that country; very much more so.

The only objection that I have heard urged at all to the passage of this bill has come from what I conceive to be an interested source. It is that certain frauds have been perpetrated there in the taking up of the public lands; that men have availed themselves of the homestead system and the pre-emption system for the purpose of taking up these lands by fraud and perjury and in contravention of the statute. Suppose I should admit that that has been done, and yet in making that admission I think I should go far beyond the facts. Suppose I should make that admission, yet we should find that not so much fraud has been perpetrated in that section of Alabama as the reports made to this session of Congress show have been perpetrated in almost every land district in the United States, especially in those places where public lands are valuable. I have before me now a report sent to us by the Secretary of the Interior, in which he goes into a detailed statement of the frauds perpetrated on the land system, and in comparing this statement with what is alleged to have taken place in Alabama I find that we become almost *tabula rasa* by comparison.

Now, sir, I wish to state to the Senate—and I feel called upon to do it because a person has sent a letter here impeaching my motives in this case and those of my colleague and those of Mr. FORNEY, in the House of Representatives from that State—I wish to state that nothing could induce me to put any cover whatever upon or over any fraud that has been or can be perpetrated against the Government of the United States. I have not lived this long to get my consent even to be inattentive to a question of this kind, whether it concerns the people of my own State or the people of other States.

I will further remark that the allegations which are made in this very report in respect to the frauds which have been committed in that State do not relate to men of my own party. They relate to individuals who are distinguished men and who I take great pleasure in saying are very honorable and high-toned men, who do not belong to the political party to which I belong; and if I could have any malevolence at all in connection with this subject it would be in propagating charges that are brought by other persons for the purpose of casting odium upon them, their motives, and their conduct.

The courts of the country stand open, fully equipped with all necessary statutes and regulations, for the punishment of any fraud that may have occurred. For more than two years a person directly interested in getting up litigation, out of which he is to make profits as attorney, has had the full opportunity of prosecuting these cases before the grand juries of the Federal courts in Alabama; he has brought witnesses from great distances; the Government of the United States, almost without stint, has supplied money to carry on that operation; and the result is,

according to the report of George Turner, who signs himself as special counsel for the United States, that the indictments found at Huntsville were, for conspiracy seven, for perjury five; at Montgomery, for conspiracy two, for perjury six. That is the result of two years of active and diligent search into this matter.

Mr. President, the Government of the United States is represented in that State by men who are reasonably well qualified to discharge the public duties that come before judicial tribunals, and these gentlemen have also been at work and they have had my hearty, earnest, faithful co-operation. If it can be shown that any man has been guilty in Alabama of a violation of these laws, I say in the name of justice and right let him be punished for it.

At the last Congress the Senate passed a bill upon this subject in the exact language of the statute passed in reference to Kansas, which was simply a bill that hereafter the public lands in Alabama should be disposed of as agricultural lands any law to the contrary notwithstanding.

Mr. EDMUNDS. That was not the language of the Kansas bill, I think.

Mr. MORGAN. That is about it. That is the substance of it, I think.

Mr. EDMUNDS. The phrase "agricultural" does not occur in the Kansas act, I think.

Mr. MORGAN. Yes; that occurs—"agricultural lands." I think so, at least.

Mr. EDMUNDS. Yes; I see by examining that the Senator is right. It does say so.

Mr. MORGAN. At this Congress I introduced that bill again. It went to the Committee on Public Lands, and received a very thorough consideration. In the mean time the same bill had been introduced in the House, referred to the Committee on Public Lands, and the Public Lands Committee sent that bill to the Interior Department.

Mr. EDMUNDS. Please do not state what took place in the House.

Mr. MORGAN. I am trying to state what took place outside of the House.

Mr. EDMUNDS. Oh, no.

Mr. MORGAN. I am not trying to influence the action of the Senate. I am trying to get at a statement of fact to show how the bill came to be in the state it is now.

Mr. EDMUNDS. But I beg the Senator not to allude to proceedings in the House of Representatives. I know we have been in the habit of doing it, but it is a very bad practice.

Mr. MORGAN. I am not referring to anything that took place in the House of Representatives except to a bill introduced there, and that the Public Lands Committee sent that bill to the Interior Department. Is there any harm in that?

Mr. EDMUNDS. It is contrary to parliamentary practice and ought not to be done.

Mr. MORGAN. I was not aware of it. I confess that there are some sensibilities on that subject which are so nice that they are entirely beyond me. I was stating nothing certainly with a view of influencing the action of the Senate except this: I wanted to show that the bill in its present form was a bill prepared at the Interior Department, not prepared by me—it was prepared by the Commissioner of the General Land Office; there is no harm in that statement—and that bill was prepared in full view of the fact that this investigation was going on in Alabama and that these indictments were pending there, and with a view that these indictments and the persons charged should have no mode of escape by the bill.

Mr. HAWLEY. May I ask a question for information?

Mr. MORGAN. Yes, sir.

Mr. HAWLEY. In that letter of Mr. McFarland, the Commissioner of the General Land Office, dated February 18, 1882, he says:

> If, however, it should be deemed advisable to place Alabama on the same footing as Missouri and Kansas in the respect indicated, I would recommend the inclosed draft of a bill as a substitute.

Mr. MORGAN. That is this bill.

Mr. HAWLEY. That is what you speak of as being afterward substituted?

Mr. MORGAN. Yes, sir.

Mr. EDMUNDS. Mr. McFarland, the Commissioner, does not recommend it.

Mr. MORGAN. Mr. McFarland expresses no opinion on the policy; Mr. Kirkwood expressed no distinct opinion on the policy; but Mr. Teller followed with a very decided affirmative recommendation of the policy of the measure, and Mr. Teller has given the subject a most thorough and intelligent consideration.

When the Commissioner of the General Land Office under the direction of the Secretary of the Interior prepared a brief bill that the House has passed and sent here, I thought that all had been done that could be done—all that was necessary to be done to protect the Government. I can afford to state as a lawyer that there is not the slightest doubt, at least in my own mind, that the passage of this bill can not have the effect to relieve any person in the world from any crime that he has committed or to cover any crime that he may commit against the public land laws.

I have been long enough upon the Committee on Public Lands to know one fact. I have heard it stated very frequently by the Secretary of the Interior, by the Commissioner, and by other officers of the General Land Office, that our land system is assailed with fraud and contrivances every day and every hour. There is no doubt about that. It has been a matter that seems to be beyond the reach of human power absolutely to extirpate these frauds.

Suppose that five cases of perjury or seven of conspiracy, or suppose that fifty have occurred in this large area of country, can that be a reason why the Government of the United States should decline to allow the people who are acting honestly and faithfully in that State and elsewhere to have the benefit of this land? We see by experience that they will not get it. They will not take it. Never has one acre of land been sold in that way under the law of the United States rating it at from $10 to $20 an acre since the law was passed in 1873; and that being so, what is this statute but a mere embargo on the sale of the land, a regular lock-up of the resources of that great country against enterprise from all sections of the Union? Gentlemen from Pennsylvania and from other Northern States have gone down there and they have invested their money in various places. They desire to enlarge their possessions. This bill provides that this land shall be put up to public sale in 40-acre tracts according to the regulations of the law and the Department.

Mr. EDMUNDS. With the consent of my friend from Alabama I move that the Senate proceed to the consideration of executive business for a few minutes.

Mr. MORGAN. That will not displace this bill?

Mr. EDMUNDS. Not at all.

The PRESIDING OFFICER. The Senator from Vermont moves that the Senate proceed to the consideration of executive business.

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. 1410) to amend the pension laws by increasing the pensions of soldiers and sailors who have lost an arm or a leg in the service.

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. 7115) to authorize the construction of a bridge across the Thames River near, New London, in the State of Connecticut, and declare it a post-route; and

A bill (H. R. 7682) to authorize the construction of a bridge across the Missouri River, at some accessible point within ten miles below and five miles above the city of Kansas City, Missouri.

EXECUTIVE SESSION.

The Senate proceeded to the consideration of executive business. After 3 hours and 12 minutes spent in executive business the doors were reopened.

ALABAMA MINERAL LANDS.

The PRESIDING OFFICER (Mr. GARLAND in the chair). The bill (H. R. 4757) to exclude the public lands in Alabama from the operation of the laws relating to mineral lands is before the Senate as in Committee of the Whole.

Mr. ALLISON. Mr. President——

Mr. MORGAN. I am entitled to the floor.

The PRESIDING OFFICER. The Senator from Alabama had the floor on the pending bill when the Senate went into executive session. Does the Senator from Alabama yield to the Senator from Iowa?

Mr. MORGAN. If the Senator from Iowa can not do his business at any other time than this I shall yield the floor to him with the universal understanding that by doing so I do not yield the precedence of the bill which is now before the Senate. I want to say to the Senate that the Senator from Vermont came to me and asked me to yield the floor in order that he might move for an executive session. I did so understanding that the bill was not to be interrupted.

Mr. EDMUNDS. It is not. It stands just as it did. My friend is on the floor and he is entitled to go on.

The PRESIDING OFFICER. That is the state of the case.

Mr. PLUMB. Let me make a suggestion to the Senator from Alabama.

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Kansas?

Mr. PLUMB. The Senator knows that the time of the Senate is precious, and he knows that if his bill, in addition to whatever opposition it may encounter, encounters the feeling that it is obstructing the legislation of this body, it will undoubtedly come to an untimely end. I therefore beg to ask him if he is not willing to have a vote on this bill, which I think the Senate understand now as well as it will after three or four hours' debate.

Mr. MORGAN. I am willing to have a vote.

Mr. EDMUNDS. There will have to be something said about other aspects of the case.

Mr. MORGAN. If we can have a vote on the bill I am entirely willing to yield the floor.

Mr. EDMUNDS. There can not be a vote without discussion.

Mr. VAN WYCK. I may want to say a word on this bill, but I should prefer not to do it just now.

Mr. BLAIR. I appeal to the Senator from Alabama to allow a moment during which the resolution which provides for the printing of the regular annual report for the year 1881 of the Commissioner of Education may be taken from the table and passed. It is necessary it should go to the House, or the printing of the report for that year will entirely fail. It will not lead to debate, and it should pass now. I have been trying for several days to get the floor to call it up.

Mr. MORGAN. I would yield to the Senator from New Hampshire if I felt that I could do so in justice to myself personally; and I wish to say to him that I have been censured in Alabama very heavily because I have not asked the Senate to consider this bill.

Mr. BLAIR. Will the Senator then allow me to state that under the order of the Senate the pension bills would have consumed the entire residue of the session, but being appealed to by the honorable Senator from Kentucky I consented to the postponement, which is the destruction of the bills for this session of some twenty-five or thirty contested pension cases, in many of which I feel a very deep personal interest, and where I thought great injustice was being done by delay. I did it in the interest of the public service, and it was in consequence of that that the Senator is on the floor at this moment. I have been trying for a long time to get the opportunity simply of having this ordinary resolution passed providing for the printing of this annual report. I think under the circumstances the Senate and the Senator ought to grant this unanimous consent which I desire.

Mr. MORGAN. Any consent of that kind is death to this bill. It will displace the bill, and it will require unanimous consent to get it back.

Mr. BLAIR. I do not wish to take the Senator from the floor. I simply ask his indulgence to let this resolution be passed. It will not take five minutes, and I agree that there shall be no discussion.

Mr. MORGAN. If the Senate of the United States want to vote down this bill that I have been advocating to-day, let them do it. That will exonerate me to my own constituents. I have never asked a Senator in the middle of an argument on a case that was taken up by the Senate in regular order to yield the floor that I might pass a bill.

Now, I have stated to the Senator from New Hampshire that I have strong personal reasons why I can not do this, that I should be censured very greatly if I should permit an opportunity to have a vote on this bill pass. I would rather lose the bill than not do what my constituents and my own Legislature require of me in this respect.

Mr. BLAIR. I have stated this case to the Senator and to the Senate. As soon as he yields the floor I will once again, if I can get the floor, ask unanimous consent for action on the resolution.

Mr. VAN WYCK. I desire to say a few words after the Senator from Alabama concludes.

Mr. MORGAN. I wish the opportunity of saying a very few words on this bill. I yielded to the Senator from Vermont to go into executive session because I thought my duty to the country required it.

Now, I wish to say only a very few words further. When this bill was first introduced by me into this body, a bill copied from the statutes in reference to Kansas and Missouri, it provided:

That the coal lands of the United States within the State of Alabama shall be hereafter subject to disposal as agricultural lands, any law to the contrary notwithstanding.

That was my preference. I desired that bill much before the one that I am now advocating. I have described to the Senate that the Interior Department were not satisfied with the bill. They said that these lands had become more valuable in consequence of improvements at Birmingham and in that vicinity and in consequence of the fact of railway communication having been opened all around the margin of these coal-fields. Consequently they said that the fair way to dispose of these lands was for the Government to get the most money out of them, and to do that at public sale, and thereupon they included all mineral lands—coal lands, and all—and proposed to expose them to public sale, by the following provision:

That within the State of Alabama all public lands, whether mineral or otherwise, shall be subject to disposal only as agricultural lands: *Provided, however*, That all lands which have heretofore been reported to the General Land Office as containing coal and iron shall first be offered at public sale: *And provided further*, That any *bona fide* entry under the provisions of the homestead law of lands within said State heretofore made may be patented without reference to an act approved May 10, 1872, entitled "An act to promote the development of the mining resources of the United States," in cases where the persons making application for such patents have in all other respects complied with the homestead law relating thereto.

That is the bill of the Land Office. That is the method which they think is best for the disposal of these lands, open competition in open market where all persons who desire to purchase may come, and where the sales are to be conducted precisely as they have been in every other case of public-land sales in the United States.

It is said that that may lead to combinations, to a monopoly. I do not see how it is possible that it can do so; but if it does do so there is no other way you can dispose of the public lands by which you will prevent it. If you leave them alone and at the present price of $10 or $20 an acre according to the distance from a railway, we find that agents of the Government are reporting that frauds occur, the value of the lands tempting persons to make transfers. The department can not allow that to go on. It involves the whole country in litigation and in strife. A country that ought now to be the habitation of peaceful and prosperous industries is one that is covered all over with strife and litigation.

Therefore, the department has selected this as the best method of disposing of these lands. I have yielded my concurrence to that. The House has done so by voting this bill and sending it here. It is the best thing that can be done now. It is the only thing that can be wisely done at any time. Let the capital come from where it may, let men come from where they may, and attend the land sales and buy these lands.

Now, I wish to say that neither my political nor my personal friends, as it turns out in the South or elsewere, are men of large capital; on the contrary, the people who support me and who support my colleague are most of them people of very moderate means. We have no powers of combination among us, because we have not got the money. If combinations come into that area from any direction at all, they will come from abroad and not from Alabama. I would gladly prevent them. The only chance to sell the lands is in forty acres at a time, or in the subdivisions required by law, and let those go there and buy them who desire to do so, and who will pay the Government the most money. That is fair and that is right.

These lands, as I have stated, have been considerably entered upon, largely entered upon by men who have gone there for homesteading and other purposes long before the act of 1873 was passed. These men have their patents. The field is broken up in this way, and it is impossible that combinations should exist to any great extent for the reason that these intervening forty, eighty, and one hundred and twenty-acre tracts of land will prevent them from taking place. This is the only thing I know of that we can do for that section of country to bring these lands into market, and to prevent that which occurs every day now.

The railroad companies that have the monopoly of the coal lands within the limits we have granted to them for nothing have now got the demand for coal to such an exorbitant amount as that they are not supplying much more than half that the furnaces there need. They raise the prices at will and pleasure. When you keep land at $20 an acre within the fifteen-mile limit, it makes every acre of coal land that the railroad companies have got from the United States Government worth $20; it brings prices up and there is no chance to compete with them otherwise than to pay them their prices for their coal lands. The result of our own legislation is that by it we have put the monopoly of these coal lands into the hands of the railroad companies.

I have remarked to the Senate that I am not here advocating any friend at all, neither a personal friend nor a political friend, in respect to this bill. My Legislature have taken the thing into consideration. They have canvassed it; they have passed resolutions requesting my colleague and myself to vote for it. I have petitions and letters in great number from men who know the sentiment and wishes of the people of that country, and they all say "pass the bill." Opposed to it there are but two or three men and they are officers of the United States Government who are now making a living out of the strifes that exist in that country.

That is the case, Mr. President, and I regret very much that I have been compelled to occupy so much time.

Mr. ALLISON. I ask unanimous consent to lay this bill aside informally that I may ask for the passage of a joint resolution which passed the House several weeks ago relating to compensation of employés of the House. The Senate Committee on Appropriations reported the resolution with amendments. I ask to withdraw the amendments of the committee and have the resolution passed as it came from the House.

Mr. MORGAN. Will the Senator allow me to inquire of the Chair whether if that is yielded to it will displace the bill?

The PRESIDING OFFICER. Not if it is done by unanimous consent.

Mr. ALLISON. I asked unanimous consent.

Mr. EDMUNDS. I should like to hear this matter explained.

The PRESIDING OFFICER. The resolution will be read, subject to objection.

DEFICIENCIES IN HOUSE SALARIES.

Mr. ALLISON. Some time ago the House of Representatives passed a joint resolution for a deficiency in reference to their employés. We added to it an amendment providing for a deficiency for our employés.

Mr. EDMUNDS. Has the Senate voted in the amendment?

Mr. ALLISON. No, the Senate has taken no action. The Committee on Appropriations proposed an amendment. The Committee on Appropriations now intend to put this amendment on the regular deficiency bill and it is said to be important that this House resolution should pass. I ask that it may be passed without amendment.

Mr. EDMUNDS. Does the Senator ask unanimous consent to take it from the Calendar out of its order, being a House resolution?

Mr. ALLISON. I do.

Mr. EDMUNDS. I have no objection.

By unanimous consent, the Senate, as in Committee of the Whole,

proceeded to consider the joint resolution (H. Res. 324) to provide for the deficiencies in the appropriations for salaries of officers, clerks, messengers, and others in the service of the House of Representatives for the fiscal year ending June 30, 1883.

The amendment reported by the Committee on Appropriations was, to add to the joint resolution the following clause:

That the following sums, or so much thereof as may be necessary, be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to pay necessary expenses of the Senate for the fiscal year ending June 30, 1883, namely: For salaries of officers, clerks, messengers, and others, $1,377.29; for clerks to committees, and pages, $9,523; for furniture and repairs of furniture, $1,200; for miscellaneous items, $4,000.

The PRESIDING OFFICER. The question is on the amendment reported by the Committee on Appropriations.

The amendment was rejected.

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

SUNDRY CIVIL APPROPRIATION BILL.

Mr. BECK. The Senator from Iowa [Mr. ALLISON] is not aware perhaps that the sundry civil bill is here, with a message asking for a committee of conference.

Mr. ALLISON. Then I ask that the bill be laid before the Senate, and that the Senate agree to the conference asked by the House.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives non-concurring in the amendments of the Senate to the bill (H. R. 7595) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1884, and for other purposes, and asking a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. ALLISON. I move that the Senate insist on its amendments, and agree to the conference asked by the House.

The motion was agreed to.

By unanimous consent the Presiding Officer was authorized to appoint the conferees on the part of the Senate, and Mr. ALLISON, Mr. HALE, and Mr. BECK, were appointed.

REPORT OF THE COMMISSIONER OF EDUCATION.

The PRESIDING OFFICER. The Senator from Alabama [Mr. MORGAN] is entitled to the floor.

Mr. BLAIR. I ask unanimous consent to take from the table the resolution relative to printing the annual report of the Commisioner of Education, that it may be disposed of at this time.

The PRESIDING OFFICER. If there be no objection the pending measure will be informally laid aside and the resolution referred to by the Senator from New Hampshire will be read for information.

The Acting Secretary read the resolution, as follows:

Be it resolved by the Senate (the House of Representatives concurring), That the report of the Commissioner of Education for 1881 be printed, and 4,000 additional copies for the use of the Senate, 8,000 copies for the use of the House of Representatives, and 13,000 copies for distribution by the commissioner.

Mr. BLAIR. This resolution passed the Senate with an amendment reducing the number of copies originally called for, which was 20,000, to 13,000. That was done after a very close vote in the Senate, and the resolution thus amended went to the House. Immediately after the resolution had gone to the House the honorable chairman of the Committee on Printing, the Senator from Rhode Island [Mr. ANTHONY], came to me and said that on further consideration he had no opposition to the full number, and should I call up the resolution again he would make no objection to its passing for the full 20,000, which the interests of the bureau and of the country require. I entered a motion to reconsider at the time, and I now ask that the vote whereby the resolution was amended to diminish the number from 20,000 to 13,000 be reconsidered, and the resolution put on its passage.

The PRESIDING OFFICER. The question is on the motion to reconsider.

The motion was agreed to.

The PRESIDING OFFICER. The resolution is before the Senate. The question is on the resolution as introduced.

The resolution as agreed to is as follows:

Be it resolved by the Senate of the United States (the House of Representatives concurring), That of the report of the Commissioner of Education for 1881 there be printed 4,000 copies for the use of the Senate; 8,000 copies for the use of the House of Representatives; and 20,000 copies for distribution by the Commissioner.

ARMY APPROPRIATION BILL.

Mr. LOGAN. I present the conference report on the Army appropriation bill.

The Acting Secretary read the report, 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. 7077) "making appropriations for the support of the Army for the fiscal year ending June 30, 1884, 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 3, 7, 9, 18, 27, 30, 31, and 36.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 6, 8, 10, 12, 13, 19, 21, 22, 23, 24, 26, 28, 29, 32, 33, 34, 35, and 38; and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the sum proposed, insert "$1,750;" and the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In lieu of the number proposed by said amendment insert "thirty;" and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: After the word "line" in said amendment, insert the following:

"And no more than thirty aids-de-camp shall be paid as such in addition to their regular pay in the line."

And the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the number proposed by said amendment insert "seventy-five;" and the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$11,900,000;" and the Senate 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: In lieu of the matter proposed to be stricken out by said amendment, insert the following:

"*Provided*, That vacancies that may hereafter occur in the Pay Corps of the Army in the grades of lieutenant-colonel and major by reason of death, resignation, dismissal, or retirement, shall not be filled by original appointment until the Pay Corps shall by such vacancies be reduced to forty paymasters, and the number of the Pay Corps shall then be established at forty and no more; and hereafter vacancies occurring in the Quartermaster's and Commissary's Departments of the Army may, in the discretion of the President, be filled from civil life."

And the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In lieu of the number stated in said amendment insert "seventy-five;" 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: In lieu of the number of rations as fixed by said amendment insert "10,125,000 rations;" and the Senate agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$2,940,000;" and the Senate agree to the same.

Amendment numbered 25: That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$100,000;" and the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: Strike out the word "employés," where it occurs in said amendment, and in lieu thereof insert the word "clerks;" and the Senate agree to the same.

JOHN A. LOGAN,
P. B. PLUMB,
M. W. RANSOM,
Managers on the part of the Senate.
BENJ. BUTTERWORTH,
J. C. BURROWS,
E. JNO. ELLIS,
Managers on the part of the House.

The PRESIDING OFFICER (Mr. HARRIS in the chair). Will the Senate at this time consider the report of the committee of conference? The Chair hears no objection.

Mr. HARRISON. I should like to ask the Senator from Illinois briefly to explain to us what has been done with some of the principal points of difference, for instance the one as to the Signal Corps. What was done with that?

Mr. LOGAN. There was nothing done with that; it is left in.

Mr. HARRISON. We get no information from the report, because we can not identify the amendments by numbers.

Mr. LOGAN. The amendments as to sums were mostly reductions by the Senate on account of a recalculation of rations. Then in reference to contract surgeons the House fixed the number at fifty, the Senate agreed to eighty, the House insisted on fifty, and the conferees have fixed it at seventy-five. In reference to the Pay Corps, it is left just as the Senate committee and the Senate arranged it. The House insisted on their provision, but now have agreed to the amendment that the Senate proposed.

Mr. HARRISON. How about the matters of general legislation?

Mr. LOGAN. The House recede as to the railroad matter. That is all stricken out. The bill is left pretty much as the Senate agreed to it, with the exceptions I have stated.

Mr. EDMUNDS. There is no provision in it in respect to readjusting the rates of railroad companies?

Mr. LOGAN. None whatever. That was disagreed to by the Senate, and the conferees of the House have receded.

The report was concurred in.

ALABAMA MINERAL LANDS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 4757) to exclude the public lands in Alabama from the operation of the laws relating to mineral lands.

Mr. VAN WYCK addressed the Senate. [See Appendix.]

Mr. LOGAN. I do not want to enter into this discussion at all, but this is so remarkable a proceeding, without any precedent whatever, that I must ask the Senator a question. Are these the original papers of the Attorney-General's office?

Mr. VAN WYCK. These are the papers which were sent from the Department.

Mr. LOGAN. That is not the question. I merely want to ask a question or two.

Mr. VAN WYCK. I will tell you as nearly as I can. The resolu-

tion required the Department to send copies of vouchers. It was a call on the Secretary of the Treasury, and the resolution required him to send vouchers, items, and how much he paid, and the reason why he paid them, under what authority of law the men were employed and paid; and he sends these papers as a reply to the resolution.

Mr. LOGAN. The Secretary of the Treasury?

Mr. VAN WYCK. Yes, sir.

Mr. LOGAN. The resolution called for these papers?

Mr. VAN WYCK. Copies of vouchers and items.

Mr. LOGAN. The resolution was introduced by the Senator.

Mr. VAN WYCK. Yes. I will read it to the Senator.

Mr. LOGAN. No; the Senator need not read it. These papers have not been referred to any committee?

Mr. VAN WYCK. They have not been referred to any committee.

Mr. LOGAN. They come to the possession of the Senator himself. Is that the idea?

Mr. VAN WYCK. They have come to the possession of the Senate. They are in the possession of the Senate.

Mr. LOGAN. I mean in the possession of the Senate. The Senator does not move to refer them to a committee to investigate the matter?

Mr. VAN WYCK. I intend to do so.

Mr. LOGAN. But he takes the opportunity of making a general attack upon the Attorney-General's Office, without reference to or any examination by a committee, without any report, without regard to anything whatever, except to get this harangue before the country, this attack on the Attorney-General. Is that it?

Mr. VAN WYCK. I will tell you what it is.

Mr. LOGAN. I want to know.

Mr. VAN WYCK. I will explain it.

Mr. LOGAN. I want to know, because this is, I will not say so undignified, but it is so far from the course that I have ever known pursued in the Senate of the United States. Without having anything to say, for I do not propose to enter into this discussion either to attack or defend any one, I must say that for a speech of this kind to be made without any investigation whatever, while this trial is going on here for the prosecution of men for robbing the Government of the United States—if a man outdoors had made the speech, the whole country would have understood that he was the attorney for the defendants.

Mr. VAN WYCK. I will explain it to my friend. I said before he appeared in the Senate this afternoon that on two occasions at the last session I felt it my duty to demand the same information that I have been seeking at this time, and I waited until an expiring day of the session to obtain the information. Matters had been stated as to the manner of conducting the Department of Justice in the payment of special assistants, and I felt it my duty to know the truth of these charges. If it were so that $100 was being paid every day to three or four attorneys I desired to know it, and when I called upon the Treasury Department and they sent their vouchers indorsed by the Attorney-General, it needs no report from any committee. Here are the facts under his own sign manual, and when they show that $150 was paid a day to two or more attorneys it became my duty to make this "harangue," as the Senator chooses to term it, which I proposed to do and have done.

The Senator says that if this harangue was made outside, persons would suppose that it was made by some one as an attorney for the defendant. Is it possible? Is that the way gentlemen would seek or that the Attorney-General would seek to meet the charges? If the statements I have read are true, and they are, because he signed them, if these charges which he admits the truth of affect his management of that department, then he must submit to the consequences. He must subject himself to any arraignment, whatever that arraignment may be. And must we sit by and see the Treasury plundered, as plundered it is, no matter whether by the conspiracy of star-route men or in any other mode, and not raise our voice, forsooth, until the whole thing is done?

I said in that connection that the payment of such a per diem was a temptation, an inducement, to protract the trial of a cause. I said further that in any country where justice was decently administered it could not possibly be that an ordinary criminal prosecution could protract itself as long as this one has done. I speak in no connection with that matter. The matter was brought out by the energy of a former Postmaster-General, and not by the money taken out by these fees of lawyers at $150 a day. That is my position, and I am ready and prepared to stand by it. I desire this matter of taking these extravagant charges from the Treasury to stop.

Look at it a moment. Do you suppose that the Attorney-General in his own private business would employ an attorney at $150 a day and then pay all his expenses? I say that any public officer who will not administer his trust with the same fidelity, with the same honesty, and the same diligence that he would his own private matters is subject to the charges that may follow from pursuing such a course. That is all there is in this matter.

I have not had time to have the papers in response to the resolution referred to a committee so as to have a report made on them. The only opportunity there was was to make just this explanation which has been made. I took occasion when the Senator from Illinois was not here to say that it was our boast that we had punished our own thieves, that we had stopped our own plunder, stopped our own peculation. This matter had ended, and then when it became known that these outrageous charges, these wasteful expenditures had been made, it would have been a good reason to arraign the Republican party, and men with an inquiring turn of mind would come with a microscope in their hands and try to ascertain the cause of Republican defeat.

I desire to call attention to this matter; and as the Senator from Pennsylvania and the Senator from Illinois made some question, I desire that my position shall be understood. What effect is this to have? The Senator from Illinois says that it would be supposed I was an attorney for the defendant; I should like to know what effect this will have? Will gentleman tell me, will any lawyer, will any judge, will any man of common comprehension tell me how this will affect the matter? Suffer this to go on, how will it affect the administration of justice in this city? I ask that these things shall stop. When the Attorney-General is willing to pay one lawyer for less than one year's service as much as he himself is getting for his whole term of service, does that affect the administration of justice? Can it be any worse by any possible means than it is already in this city under the influences which surround it?

Mr. President, if the Senate will excuse me for trespassing thus far on its attention, I ask that the letters of transmittal from the Treasury Department, together with the vouchers numbered 12 here, may be printed and referred to the Judiciary Committee.

Mr. EDMUNDS. Have they not already been printed?

Mr. VAN WYCK. No, sir.

The PRESIDING OFFICER. If there is no objection, the order to print will be made.

Mr. EDMUNDS. How came they here if they have not already been presented to the Senate?

Mr. VAN WYCK. They were presented to the Senate but not printed?

Mr. EDMUNDS. All right.

The PRESIDING OFFICER. If there be no objection, the order to print and refer as suggested by the Senator from Nebraska will be entered.

Mr. HAWLEY. Mr. President, the casual spectator and auditor will be surprised to hear that the bill before the Senate is Senate bill No. 140, report No. 454, to regulate the disposal of coal lands in the State of Alabama. I desire to occupy the time of the Senate but a very few minutes. There are about forty hours left of this session and very great interests are at stake. I consider it a crime to spend time upon matters not before us.

The bill provides "that within the State of Alabama all public lands, whether mineral or otherwise, shall be subject to disposal only as agricultural lands." Those three lines of themselves show the very great changes made by this bill in the land policy of the United States.

Provided, however—

Says the bill—

That all lands which have heretofore been reported to the General Land Office as containing coal and iron shall first be offered at public sale.

Those lands containing coal and iron in Alabama are of vast extent and enormous value. One comparatively small tract of them has lately been sold for a million dollars. It is evident, then, that the bill is concerned with great interests and with very serious changes in our land policy.

My residence in the East and my interests and connections have not made me very familiar with the land laws of the country, but certain papers were laid in my hands when this bill was first brought up which it seemed to me to be my duty to bring in a general way to the attention of the Senate. I have no feeling or interest whatever in this matter except as a Senator.

I have in my hands a copy of a report made to the General Land Office by one J. H. Perdue, who was a special agent. He noticed the introduction of this particular bill, or perhaps the original one for which this is a substitute, aiming at the same general purpose. The Senator from Alabama, whose motives I never thought of doubting, will excuse me if I read some of the expressions in this almost private letter, an official letter, however. Last May he wrote to Mr. Kirkwood, then Secretary of the Interior, as follows:

This is a fraud attempted to be practiced upon Congress, and for this reason: The lands classed mineral in the first place can never be made agricultural lands, because they are poor and mountainous and too broken and rough for such purposes, and if not so, there is not one out of one hundred acres of said mineral lands that have not at this time some kind of a claim upon it, either a homestead entry or a declaratory statement made fraudulently by and for the use and benefit of the great land sharks in this country. So you may see that the people will not be benefited by such a law, but a few capitalists who are already loaded down with wealth will secure the benefit, and I hope, sir, that you will use all the honorable means in your power to prevent the passage thereof.

If these lands could be put upon the market and give every one an equal chance to enter them, I for one would not object, but this would not be the case as you must know from the reports I have made to the honorable Commissioner of the General Land Office.

I have forwarded to-day to the Commissioner of the General Land Office the affidavit of R. C. Bradley, clerk of the circuit court of Jefferson County, Alabama, which will show that Peters & Co. have paid the fees in about one hundred and thirty-five cases with the agreement that they were to furnish all money to pay fees and to pay for the land at $1.25 per acre, and that they (Peters & Co.) were to have the mineral right to the same. Many of the tracts of land mentioned in the affidavit of the said Bradley have been commuted to cash entries and the mineral right conveyed to the said Peters & Co., and to others as shown by the

records in the office of the probate judge of Jefferson County. This is only one firm or corporation that I mention out of many. There are other corporations here that have done quite as large a business in this swindle as Peters & Co. I have twenty-three township plats covering nearly the entire county of Jefferson which show six hundred and twenty-four homestead entries made upon lands classed coal by the geologist. Besides this there are a great many entries of the same kind made upon iron-ore lands. I have investigated about one hundred of these entries and find that in every case they are fraudulent. I consider Jefferson County about a fair average of the mineral lands and of the fraudulent entries. I am fully satisfied that Shelby, Saint Clair, Walker, Tuscaloosa, and Bibb, and probably many other counties, have the same amount of fraudulent entries. The entries in Jefferson County alone will cover about 80,000 acres of coal land worth at the Government price one million and a half dollars, all of which has been wrongfully entered. In addition to this there are other valuable coal lands that are not so classed. For some unaccountable reason they have been overlooked by the geologist. The lands I speak of are in township 17 south, range 3 west, in Jefferson County, and not included in the list I have given before. In this township there is the largest coaling business in Alabama, known as the Pratt mines. From these mines which are situated near the line between sections 19 and 30 and on section 18 are two slopes or shafts sunk from which the coal is being taken out at the rate of 1,000 tons per day. This property has been recently sold, so I am informed, for the sum of $1,000,000; and notwithstanding these mines have been worked for the last three or four years the geologist now reports three hundred and twenty acres of land in this township as coal land, to wit: three forties in section 4; four forties in section 6, and one forty in section 8.

Here is another communication from the same agent:

I will state that the swindle in this section in the way of mineral lands is the greatest that has ever been perpetrated in the United States. Whisky rings and star-routes are small matters compared to this swindle. It will take time, energy, and expense to uncover what has already been done by the large capitalists and corporations in this section, but when accomplished will restore to the Government millions of dollars' worth of mineral land, such as can not be found in any other part of the United States.

He says in another report:

I will state for your information that I have no doubt but what there have been great frauds committed in every county in this State where there are coal or iron lands located, and there is both coal and iron land in every county named in your letter; and, upon investigation, if it is found that there have been fraudulent entries made in each one of these counties in proportion to those made in Saint Clair, Shelby, and Jefferson, the only counties that I have made investigations, it will be found that the fraud is one of great magnitude and of huge proportions, more gigantic than any ever perpetrated in any civilized country or recorded in history.

That is pretty strong, perhaps extravagant language. I do not mean to say that this bill is intended to cover up or assist those at all, but it proposes to throw open to unlimited public sale this whole tract of immensely valuable land. There are comparatively no restrictions in the bill itself. The lands are to be thrown open to private entry, and whether there be anything in the statute that regulates the details of sale I do not know. This changes the statute so, and then they are to be thrown open to public sale, and they shall be subject to disposal only as agricultural lands. How long they are to be thrown open to public sale and under what terms exactly I am sure I can not tell.

At present in Alabama agricultural lands can be obtained under homestead laws and by private purchase to any extent in lots of one hundred and sixty acres or less. Other or mineral lands in Alabama can be obtained under the coal and iron acts in lots of one hundred and sixty acres with the usual limitations. Coal lots of one hundred and sixty acres can be obtained by individuals, and corporations can obtain coal lands in lots of six hundred and forty acres, a whole section. The iron lands can be obtained at from $2 to $5 an acre, and coal lands at $10 to $20 an acre, according to their vicinity to railroads, &c.

There is apparently no difficulty in corporations obtaining whatever mineral lands they may need. There is no limitation more than prevails anywhere upon any person desiring to obtain lands for agricultural purposes.

I have paid more or less attention to the course of the Government in regard to its public lands for twenty-five years, and I have always supposed its generous, wise, careful policy was a matter of great national pride. Therefore my inquiry would naturally be, why in the world this extraordinary and sudden change, and why this throwing over these vast possessions to a sort of public sale that would seem to me to be only a great scramble. The inevitable result will be, I submit to the Senator from Alabama—he understands this and can perhaps explain—it seems to me the inevitable result will be that these inestimable treasures will fall directly into the hands of great wealthy corporations and speculators. Some of these will undoubtedly immediately build furnaces there and other improvements and bring in industrious people from abroad, and in that way the State will be benefited.

I hope those lands will be opened; I would gladly vote for anything that would facilitate their fair, impartial purchase; but it ought not to be a sudden opening to those great firms of wealthy people who are able to make the first grab and swoop up enormous profits. Perhaps by and by somebody will make a speech that will sound like that extraordinary harangue we heard this afternoon, in regard to the errors of the Senator from Alabama and others voting for this bill.

I can not find that the Interior Department is anxious to have this bill passed. I have an indistinct recollection that the Senator from Alabama referred to some letter from some Secretary of the Interior approving it, but certainly the following letter of Mr. Kirkwood, of a year ago, indicated no opinion whatever on his part:

DEPARTMENT OF THE INTERIOR,
Washington, February 28, 1882.

SIR: I have the honor to transmit herewith copy of report on House bill 19, "To exclude the State of Alabama from the provisions of the act of Congress, entitled 'An act to promote the development of the mining resources of the United States,' approved May 10, 1872," by the Commissioner of the General Land Office, to whom you referred it for an expression of his opinion.

Very respectfully,

S. J. KIRKWOOD, *Secretary.*

Hon. JOHN VAN VOORHIS,
Chairman Committee on Mines and Mining,
House of Representatives.

The report is by the Commissioner of the General Land Office, to which Mr. Kirkwood referred the bill for an expression of his opinion. Mr. Kirkwood expressed no opinion whatever. Now, I read an extract or two from the report of Commissioner McFarland:

The lands in Alabama have been in market for many years, but until a comparatively recent date the lands were not probably considered of special value, because of their mineral character.

The main information officially brought to this office of the mineral character of these lands was derived from an examination made in the field by a special agent and geologist from this office in the years 1878 and 1879.

Mr. McFarland therein refers to a valuable, but hasty and exceedingly imperfect, survey made by one Mr. Winter, a geologist of more or less qualifications. His work was rapidly done and very imperfectly. He did not designate all the coal lands by any means. Probably all that he did designate were really valuable coal lands, but he certainly omitted a large quantity.

Mr. McFarland continues to say:

It is probable that the coal and iron deposits are of considerable extent, as it is a matter of general notoriety that extensive iron-works and mining have during the last few years been established there. Probably such deposits are not more extensive than in Missouri, in which State, as well as in Kansas, by act of May 5, 1876, all lands were made subject to disposal as agricultural lands.

They surely are of greater extent and more value. I do not know, however, that the circumstances connected with that change in Missouri and Kansas were analogous to these circumstances. I do not know whether wealthy corporations were able under those changes to possess themselves suddenly of illimitable wealth. I proceed with the letter.

The policy—

I invite attention to this:

The policy of so disposing of the public lands that large areas will be owned by single individuals or corporations may well be doubted, or at least merits careful consideration. It is also to be borne in mind that a too restrictive policy—

That is a very safe expression, Mr. President, a wise, safe, conservative expression—

is a substantial inducement to fraud, and at the best may postpone but briefly the acquisition of large titles by individuals who command the necessary capital and enterprise.

This result will be more likely to occur in a State like Alabama, where there is doubtless so much land which contains coal and iron, but the amount and value of the deposits in which are so uncertain.

Observe that the Commissioner of the Land Office thinks that this enormous sweep in the hands of wealthy corporations would be much more likely to occur in that State:

The policy of the proposed law is one which it is the peculiar province of Congress to determine, and concerning which I prefer to make no recommendation.

If, however, it should be deemed advisable to place Alabama on the same footing as Missouri and Kansas in the respect indicated, I would recommend the inclosed draft of a bill as a substitute.

Neither in the bare letter of transmission from Secretary Kirkwood nor in the comparatively brief statement by Mr. McFarland is there an intimation that either approve of the purpose of this bill. There is an intimation in Mr. McFarland's letter that he has very great doubts on the subject; but he expressly throws upon the legislative branch of the Government all responsibility for it.

That is all I care to say. It seems probable that the Senate will vote for the bill. I have cleared myself. I have shown that I had, what were to me, strong reasons for inviting a closer attention to this grave measure, and I leave it to the Senator from Alabama, in whom I have great confidence, to say whether these lands are to be so put on the market as to give a fair opportunity to people to purchase them and to bring to the Government that price which these lands ought to bring, and whether he is at the same time preserving the rights of the agriculturists who have gone upon the lands and reserved their rights—that is not a good expression in this case—whether he has had sufficient regard to those nominal farmers who have gone upon these mineral lands and located homestead entries when the sole purpose was to evade the law and get possession of mineral lands. They have done that to a vast extent. It is a gross, acknowledged, daring fraud by which wealthy men are seeking to get possession of mineral lands. Many who apply for homesteads there know that they do not intend or hope to farm them but wish to get the land in behalf of these wealthy men, to whom they turn over the title. Undoubtedly the matter needs regulation. Perhaps the Senator from Alabama has taken the wisest measure; I do not know; but it is a matter requiring great consideration and there are untold millions of dollars at stake. The bill seems to me very dangerous and I shall vote against it.

Mr. EDMUNDS rose.

Mr. MORGAN. Does the Senator from Vermont wish to speak to the bill?

Mr. EDMUNDS. Not now. I wish to move that the Senate take a recess until a quarter past 8, in order that we may get a little rest. On

account of the conference committee reports we shall have to stay late to-night. This will leave this bill on the *tapis*, just where it is.

Mr. MORGAN. I am not aware that any one wants to discuss it further.

Mr. EDMUNDS. We want to discuss it, but there is hardly anybody here. Everybody has gone to dinner except half a dozen who stay here; and I move that this half dozen take a recess until a quarter past 8.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Vermont, that the Senate take a recess until 8 o'clock and 15 minutes. [Putting the question.] The noes seem to have it.

Several SENATORS. Let us take a division.

Mr. EDMUNDS. If we have a division we shall have to send for everybody.

Mr. HAWLEY. Let the question be stated again.

The PRESIDING OFFICER. The Senator from Vermont moves that the Senate take a recess till 15 minutes past 8 o'clock this evening. Those in favor of the motion will say "ay;" the contrary "no." [Putting the question.] The ayes seem to have it.

Mr. ROLLINS. I ask for a division. ["No!" "No!"]

The PRESIDING OFFICER. Does the Senator from New Hampshire demand a division?

Mr. ROLLINS. He does.

The question being put there were on a division—ayes 15, noes 2.

The PRESIDING OFFICER. The ayes have it, and the recess will be taken.

Mr. ROLLINS. I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays are demanded. Is there a second to the demand? The Chair does not see a sufficient number seconding the call. The ayes have it.

The Senate accordingly (at 7 o'clock and 15 minutes p. m.) took a recess until 8 o'clock and 15 minutes p. m., at which hour it reassembled.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a letter from the Secretary of the Navy, transmitting a report of the court of inquiry relating to the loss of the steamer Jeannette; which was referred to the Committee on Naval Affairs.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the following bill and a joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 7611) to adjust the salaries of postmasters; and

Joint resolution (H. Res. 338) in relation to the claim made by Dr. John B. Read against the United States for the alleged use of projectiles claimed as the invention of said Read, and by him alleged to have been used pursuant to a contract or arrangement made between him and the War Department, and for which no compensation has been made.

The message also announced that the House had concurred in the amendments of the Senate to the bill (H. R. 2156) for the relief of certain owners of the steamer Jackson.

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

A bill (S. 171) in relation to certain fees allowed registers and receivers;

A bill (S. 729) for the relief of Charles H. Tompkins, of the United States Army; and

A bill (S. 964) for the relief of Joseph C. Irwin.

INTERNAL-REVENUE AND TARIFF DUTIES.

Mr. MORRILL. I desire to give notice that I shall call up the report of the conference committee on the revenue bill probably at about 9 o'clock, when the other members of the committee have arrived. I desire also to give notice to Senators that they will find on their desks a copy of the report in print.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. ALLISON. I ask leave now to make a report from the committee of conference on the legislative, executive, and judicial appropriation bill, and I ask for its immediate consideration.

The PRESIDENT *pro tempore*. Will the Senate proceed to the consideration of the conference report? The Chair hearing no objection, the report will be considered. It will be 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. 7482) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1881, 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 22, 23, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 44, 45, 46, 57, 58, 59, 72, 73, 87, 88, 94, 96, 97, 98, 101, 102, 104, 106, 107, 109, 119, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 145, 146, 150, and 152.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, 21, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 60, 61, 62, 63, 64, 65, 66, 67, 70, 71, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 99, 103, 108, 110, 112, 113, 116, 118, 120, 121, 123, 124, 125, 141, 142, 143, and 144, and agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with amendments as follows: At the end of the amended paragraph insert the following:

"For clerk to Committee on Military Affairs for balance of current fiscal year, at the rate of $2,000 per annum, $666.67;" and in lieu of the sum stated in lines 10, 11, and 12, on page 7 of the bill, insert the sum of "$354,694.87."

And the Senate agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: Strike out "twelve" and insert "ten;" and the Senate agree to the same.

Amendment numbered 25: That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: In lieu of the sum proposed insert the sum of "$112,350;" and the Senate agree to the same.

Amendment numbered 42: That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment as follows: Strike out the word "sixty" and insert the word "fifty-five;" and the Senate agree to the same.

Amendment numbered 43: That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$183,610;" and the Senate agree to the same.

Amendment numbered 68: That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by said amendment, insert "one clerk of class 2, who shall be a stenographer;" and the Senate agree to the same.

Amendment numbered 69: That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$54,100;" and the Senate agree to the same.

Amendment numbered 89: That the House recede from its disagreement to the amendment of the Senate numbered 89, and agree to the same with an amendment as follows: In lieu of the number proposed insert "thirty-three;" and the Senate agree to the same.

Amendment numbered 90: That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment as follows: In lieu of the number proposed insert "forty-six;" and the Senate agree to the same.

Amendment numbered 91: That the House recede from its disagreement to the amendment of the Senate numbered 91, and agree to the same with an amendment as follows: In lieu of the number proposed insert "fifty-seven;" and the Senate agree to the same.

Amendment numbered 92: That the House recede from its disagreement to the amendment of the Senate numbered 92, and agree to the same with an amendment as follows: In lieu of the number proposed insert "fifty-eight;" and the Senate agree to the same.

Amendment numbered 93: That the House recede from its disagreement to the amendment of the Senate numbered 93, and agree to the same with an amendment as follows: In lieu of the number proposed insert "forty-seven;" and the Senate agree to the same.

Mr. EDMUNDS. Allow me to ask the Senator whether that is not possibly a mistake? The House bill had twenty-seven and the Senate put in thirty, and now it is proposed to make it forty-seven. What is that for?

Mr. ALLISON. That is one of a whole series of amendments relative to the General Land Office. The Senate inserted a provision known in the bill as amendment numbered 96, providing a lump sum of $50,000, the Senator will remember, which was to be used by the Secretary of the Interior in bringing up the accumulated work of the General Land Office. The Senate also added a considerable number of clerks. Now, amendment 96, being the amendment appropriating a lump sum, was disagreed to by the committee of conference, and the Senate recede from that amendment, but recede with the understanding that twenty clerks should be added at line 1792, being on amendment numbered 93.

Mr. EDMUNDS. That is to say you add twenty clerks and pay for them in the regular force.

Mr. ALLISON. In the regular force.

Mr. EDMUNDS. And added in the regular force they will be subject to the civil-service law?

Mr. ALLISON. They will be in every sense subject to the civil-service law which is now in force.

Mr. EDMUNDS. I think I understand that. Let the reading proceed.

Mr. ALLISON. I will say upon this point that the total increase in the General Land Office is thirty clerks proposed by the committee of conference.

Mr. EDMUNDS. What struck my attention in amendment No. 93 was that the House had provided for twenty-seven clerks and we had increased it three, making it thirty clerks, and then (the House disagreeing to thirty, having proposed twenty-seven) the conference committee made it forty-seven, which is rather an extraordinary thing for a conference committee to do, to go entirely above and beyond all the points of disagreement and to run it up; but I understand from the explanation of my friend from Iowa that it is to take the place of the discretionary force that the Secretary in one class was authorized to employ.

Mr. ALLISON. I will say to the Senator from Vermont that this whole question of clerical force in the Land Office was treated as one single question, and we made the adjustment as well as possible.

Mr. EDMUNDS. I do not mean to complain of it, but on the face of it it would appear as I stated. Let the reading proceed.

The Acting Secretary resumed the reading of the report, as follows:

Amendment numbered 95: That the House recede from its disagreement to the amendment of the Senate numbered 95, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$117,650;" and the Senate agree to the same.

Amendment numbered 100: That the House recede from its disagreement to

the amendment of the Senate numbered 100, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$88,620;" and the Senate agree to the same.

Amendment numbered 105: That the House recede from its disagreement to the amendment of the Senate numbered 105, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$537,230;" and the Senate agree to the same.

Mr. EDMUNDS. Will the Senator explain that? The text of the bill does not explain it on the face of it.

Mr. ALLISON. That amendment is a mere change of the totals to correspond with the changes made by amendments 103 and 104. The House recede from 103 and the Senate recede from 104.

Mr. EDMUNDS. It is one of the footings, one of the "in alls."

Mr. ALLISON. One of the footings.

Mr. EDMUNDS. Go ahead.

The Acting Secretary resumed the reading of the report, as follows:

Amendment numbered 111: That the House recede from its disagreement to amendment of the Senate numbered 111, and agree to the same with an amendment as follows: Before the word "dollars" insert the words "five hundred;" and the Senate agree to the same.

Amendment numbered 114: That the House recede from its disagreement to the amendment of the Senate numbered 114, and agree to the same with amendments as follows: In lieu of the matter proposed to be inserted by said amendment insert the following: "Chief of salary and allowance division and chief of appointment division, at $2,000 each; one;" and on page 70 of the bill, in line 25, strike out the word "clerks" where it first occurs in said line, and insert the word "clerk;" and the Senate agree to the same.

Mr. EDMUNDS. Will the Senator explain that?

Mr. ALLISON. We raised one of the clerks of class 4 in the paragraph above and then struck out the word "two" and inserted "one" here.

Mr. EDMUNDS. Merely a change of the number of clerks in that class?

Mr. ALLISON. Simply a transposition in the number of clerks.

Mr. EDMUNDS. Go ahead.

The Acting Secretary resumed the reading, as follows:

Amendment numbered 115: That the House recede from its disagreement to the amendment of the Senate numbered 115, and agree to the same with an amendment as follows: In lieu of the number proposed by said amendment insert "sixteen;" and the Senate agree to the same.

Amendment numbered 117: That the House recede from its disagreement to the amendment of the Senate numbered 117, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$100,069;" and the Senate agree to the same.

Amendment numbered 122: That the House recede from its disagreement to the amendment of the Senate numbered 122, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$230,380;" and the Senate agree to the same.

Mr. EDMUNDS. That is a footing, I believe.

Mr. ALLISON. That is a footing.

The Acting Secretary resumed the reading, as follows:

Amendment numbered 126: That the House recede from its disagreement to the amendment of the Senate numbered 125, and agree to the same with amendments as follows: In lieu of the number proposed insert "four;" and on page 72 of the bill, in line 24, strike out the word "seven" and insert "eight;" and the Senate agree to the same.

Amendment numbered 127: That the House recede from its disagreement to the amendment of the Senate numbered 127, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$67,120;" and the Senate agree to the same.

Amendment numbered 147: That the House recede from its disagreement to the amendment of the Senate numbered 147, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$9,840;" and the Senate agree to the same.

Amendment numbered 148: That the House recede from its disagreement to the amendment of the Senate numbered 148, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "$3,280;" and the Senate agree to the same.

Amendment numbered 149: That the House recede from its disagreement to the amendment of the Senate numbered 149, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert:

"SEC. 2. That the Secretaries, respectively, of the Departments of State, of the Treasury, War, Navy, and of the Interior, and the Attorney-General, are authorized to make requisitions upon the Postmaster-General for the necessary amount of official postage-stamps for the use of their Departments, not exceeding the amount stated in the estimates submitted to Congress; and upon presentation of proper vouchers therefor at the Treasury the amount thereof shall be credited to the appropriation for the service of the Post-Office Department for the same fiscal year. And it shall be the duty of the respective Departments to inclose to Senators, Representatives, and Delegates in Congress, in all official communications requiring answers, or to be forwarded to others, penalty envelopes addressed as far as practicable, for forwarding or answering such official correspondence."

And the Senate agree to the same.

Amendment numbered 151: That the House recede from its disagreement to the amendment of the Senate numbered 151, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out insert the following:

"SEC. 4. That hereafter it shall be the duty of the heads of the several Executive Departments, in the interest of the public service, to require of all clerks and other employés of whatever grade or class, in their respective Departments, not less than seven hours of labor each day, except Sundays and days declared public holidays by law or Executive order: *Provided*, That the heads of the Departments may by special order, stating the reason, further extend or limit the hours of service of any clerk or employé in their Departments, respectively, but in case of an extension it shall be without additional compensation; and all absence from the Departments on the part of said clerks or employés in excess of such leave of absence as may be granted by the heads thereof, which shall not exceed thirty days in any one year, except in case of sickness, shall be without pay."

And the Senate agree to the same.

Mr. EDMUNDS. That was one of the legislative sections that the Senate struck out and here it reappears again in a little different form, probably better if it were a proper law for the public interest, but still clear, decisive, and exclusive legislation. It has nothing to do with an appropriation at all. I should be glad to ask the chairman of this conference committee upon what ground it was that the Senate conferees, following the will of the Senate in resisting legislation upon appropriation bills, agreed to this proposition.

Mr. HOAR. Should not the report be read as an entirety? It is one question, and I think the reading ought to be finished before there is any debate.

The PRESIDENT *pro tempore*. The Secretary will conclude the reading of the whole report.

Mr. EDMUNDS. Very well; let him read it through and we can take a rest by going over it section by section.

The PRESIDENT *pro tempore*. It has all been read except the signatures.

The Acting Secretary read the signatures as follows:

W. B. ALLISON,
H. L. DAWES,
F. M. COCKRELL,
Managers on the part of the Senate.

J. G. CANNON,
FRANK HISCOCK,
Managers on the part of the House.

Mr. ALLISON. I would say that the conferees on the part of the Senate agreed to this last provision in a modified form as being the best arrangement that was practicable in order to secure the passage of this bill. The arrangement was considered a reasonable one and the provision a reasonable one regulating the hours of labor and the method of performing the duties required of the persons who are appropriated for in this bill.

Mr. EDMUNDS. It presents the old question. The Senate, I think, by a nearly unanimous vote, and I do not know but entirely so on this particular provision, determined, and on the score that it would not legislate on appropriation bills, struck this out. The conferees of the Senate, without asking the advice of the Senate, have agreed to put it in again in substance the same, but different and I dare say better in form, but in practice and substance exactly the same thing.

Now, then, if we are to be told that the House of Representatives will not agree to appropriate money to carry on this Government unless our conferees will agree to change existing laws relating to the duties of public officers and employés, I should like to know that, and I beg to ask my honorable friend if the House conferees set up any such pretension, because this happens to be one of the cases where we have a right to know what the pretensions of the other independent and equal branch of this Government are?

Mr. ALLISON. Mr. President, I do not say that the House conferees set up any pretension with reference to this matter. We are now taking the advice of the Senate; the Senate conferees make this report for the purpose of ascertaining the judgment of the Senate; we did not assume to do anything without the assent of the Senate. If the Senate does not like the provision as presented by the conferees, it has an easy method, and that is to vote it down. We exercised the best judgment we could looking toward an agreement. Now, if the Senate believe that it is not right to put the provision which we after deliberation and consideration finally agreed to put in this bill, there is an easy method to get rid of it by rejecting the conference report. We are taking the advice of the Senate now with reference to the new provision which the six gentlemen who comprised the committee of conference present to the Senate and to the House.

Mr. EDMUNDS. If my friend from Iowa had been an Italian a few hundred years ago and his name had been Machiavelli, I should have understood his observations.

Here we are: the Senate having decided—no matter whether by a great or a small majority—that it would not put this regulation upon this bill, we find that it is here without the House conferees having insisted, as they could not, that their House would not pass the appropriation bill unless we agreed to this thing, for if they had asserted that pretension it would destroy entirely the independence and equality of the two Houses. Our conferees in the face of our vote, without the House conferees asserting any such pretension, have concluded that they would reverse the action of the Senate and provide for the same thing in substance but in a better form.

I do not expect at this stage of the session to make a point that will amount to anything in practical effect upon this bill, and I do not wish to do so; but I do say that it appears to me that it would have been better, in view of the judgment of the Senate, that the conferees of the Senate should have insisted upon the negative of the Senate on this proposition, and then we should have been able to ascertain whether the House of Representatives asserts the pretension that it will not pass bills to carry out existing laws unless we will agree to legislation upon those bills that we do not like either in substance or because it is on those bills.

My friend says with an adroitness that is characteristic of people who live beyond the Mississippi River, that the conference is really asking the advice of the Senate. They have gone and traded away their client's case and come back to him and ask him whether he thinks he can get

a new trial! I only put in a protest. I do not expect to stop this bill in this stage of the session, but I do say in all candor that I think my friend from Iowa and his confrères are not right about this business.

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

The report was concurred in.

ORDER IN THE GALLERIES.

The PRESIDENT *pro tempore*. The Chair wishes to say a word to the galleries. Complaint is made that there is not sufficient order in the galleries; that there is too much talking and too much moving about. The Chair appeals to gentlemen and ladies occupying the galleries to preserve order. There is a great deal of important business to be done. When persons in the galleries move about or talk it interferes with the proper consideration of that business. The Chair hopes that the evening will pass away without his being compelled to make any further appeal to the galleries.

ALABAMA MINERAL LANDS.

The Senate, as in the Committee of the Whole, resumed the consideration of the bill (H. R. 4757) to exclude the public lands in Alabama from the operation of the laws relating to mineral lands.

Mr. EDMUNDS. I am very sorry, Mr. President, to feel obliged to say a few words about this matter when other matters of much wider public importance are waiting for consideration; but as my friend from Alabama feels it to be his duty to insist upon the disposition of this bill, of course it is right that we should consider it, unless the Senate wishes to do something else.

The first clause of this bill is like the clause about the States of Missouri and Kansas, but only the first three lines of it. The act of 1876 respecting mineral lands in those States, Missouri and Kansas, stops where the fifth line of this bill is. All the rest is additional and different legislation. Now if my friend from Alabama had desired to put the mineral lands in the State of Alabama upon an equal footing with the other States (as the old phrase is about admissions and so on) that would have been the thing to do; and the question on that would have been whether the situation of public affairs in respect of these lands in the State of Alabama is the same as in the two States named. I am very much afraid that that situation is different. The States of Missouri and Kansas have had their lands all taken up so far as it regards covering the whole surface of those States in various parts where there are minerals, by interspersed and separated entries, so that there are no great bodies of mineral land in those States that lie together, as I believe.

Mr. MORGAN. It is the same case in Alabama precisely.

Mr. EDMUNDS. My friend from Alabama says that it is the same case in Alabama. I was under the impression that the southern part of the State of Alabama was not a very large mineral section, but that its hilly and mountain country, if it might be called a mountain country, was the one in which the chief mineral resources lay.

Mr. MORGAN. I refer to the mineral country, the country covered by this bill, what are called the mineral or coal lands.

Mr. EDMUNDS. They lie in one particular section of the State chiefly, do they not?

Mr. MORGAN. Yes; but settlers are interspersed all through that section.

Mr. EDMUNDS. That is true; but this mineral region, this very heart of an enormous mineral deposit, undoubtedly lies close together. In that, to be sure, under existing law extensive operators and others have gotten possession, rightly I hope and rightly very likely in fact, in a large degree, of a very large part of the lands; and the only obstacle now is, as it appears, that whoever gets any more of these lands as mineral lands is to pay in certain cases $20 an acre and in other cases $10 an acre, depending on their distance from a railroad.

What is the difficulty, then, with the present law, stopping right there? Why should we put up all these lands and open them out as agricultural lands when they are now the property of the United States and are not agricultural lands? I can see the force of it in Missouri and particularly in Kansas, nearly every foot of which land is capable of cultivation whether a hundred feet or a thousand feet below the beautiful undulating surface there lies a coal mine or an iron mine;, the corn will grow and the flocks will feed upon those places as agricultural lands; but in the State of Alabama, as we are told and as I believe, it it quite different. So the situation of the two cases is not at all alike, stopping on this first proposition, if this bill had been a bill merely to put these Alabama lands on the same footing that we put the lands in Missouri and Kansas.

Now, as I said before, what is the difficulty, stopping right there, in the disposition of these lands now? What public interest is imperiled by it? What interest of the noble State of Alabama is imperiled by it? If these be mineral lands—and if they are not they are open to pre-emption and homestead as agricultural lands now—every acre of them, instead of being worth $20, which is the minimum, and I do not know but the maximum of what anybody is obliged to pay, would be worth, many of those acres, a thousand or ten thousand dollars an acre; and they are the property of the United States. If any coal company or iron company or speculator—and I do not use the term "speculator" in the sense of reproach at all; every man has a right to be a speculator, to invest his money in real estate on the chance or probability of its rising—wishes to get these lands, let him pay his $20; but he buys it section by section separate, and everybody has an equal chance.

Now, this first clause proposes to turn all these, contrary to the fact, into agricultural lands for the purposes of the law, although in fact and in truth they are nothing but mineral lands and they are not in general suitable for agriculture at all. Why should we do that? Upon what ground is it that we should do it? Who is kept out now? Nobody except the man who is not willing to pay $20 an acre for a section of land that has a coal mine or an iron mine under it in a mountainous country not suitable for the general agricultural pursuits of a climate like that of Alabama. But this bill does not stop there. It provides next:

That all lands which have heretofore been reported to the General Land Office as containing coal and iron shall first be offered at public sale.

All that have not been heretofore reported are turned in without any public sale; but we have been so often told to-day and on other occasions of fraudulent homestead and pre-emption and timber-culture, and all the other sorts of entries which can be made, soldiers' and bounty entries, and so on, without being offered for public sale. It is only those that the local land offices have reported. Upon what grounds do they report them? Upon the amount of information, if they are honest, that they happen to have at that moment of time, and it may turn out the next day on a geological survey or a scientific observation by some competent person that three-fourths of all the lands in this region are mineral lands but have not been reported as such. The mine that is discovered in one section is found, as in most cases it does, to run for miles and miles, sometimes hundreds of miles through other sections, and none of the other sections but No. 1 in the case, I suppose, have been heretofore reported as mineral land. There is a curious phrase in this bill. "Then they shall be first offered at public sale." How? All the lands which have heretofore been reported shall be offered at public sale. In sections and half-sections and quarter-sections? Not at all; but they are all to be offered at public sale without any limitations as to whether they are to be offered in a lump, by counties, by the hundred sections, by ten sections, or by one section, and there is no reference to the general land laws of the United States as to how they are to be offered; but it leaves a wide margin on the construction of this phrase in this bill to some Commissioner of the General Land Office who will come in after the present one—of course he would not do any such thing, but some future Commissioner may—who will assume to say that the best way for the interests of the United States is to offer fifty sections at a time at public auction in order to get the greatest sum for the United States. What is the result of that? The result is that if I happen to be possessed of a capital of even $100,000, as I wish I were, or of $50,000, on which I can raise thirty or forty thousand dollars in cash, I can attend at a sale of that kind and just outbid and drive off every purchaser who wishes to purchase one section or two sections, because he has not money enough to go the whole figure. Is that right? Of course everybody will agree that it is not right. If these lands are to be offered at public auction, they should be offered according to divisions and subdivisions, sections and half-sections and quarter-sections, one at a time, in order that the farmer of Alabama, if it be really an agricultural piece of land, or anybody in Alabama, if he be what is called a speculator, or any other citizen who has his little $100 or $200 or $500 or $1,000 may have a chance to compete for that particular quarter or half or whole section with the means that he has, and not be swamped by a great combination.

This bill is very sleazy, I must say with great respect, on that point. It was stated that it was prepared at the General Land Office. I have no doubt from what has been stated by my friend from Alabama that it was, because we all know that he would be the last man in the world who would either misrepresent or conceal any truth about this matter. The Commissioner of the General Land Office has not time with all his affairs to prepare every bill himself, and as things go in these Departments, and must of necessity, I agree, the probability is—and that is all I know about it—that some one clerk made a draft of this bill. Whether he did it with the eye of some attorney of an iron or a coal corporation looking over his shoulder at the same time I do not know; such things have happened a great many times, and I suppose they will happen a great many times more; but here it is, and the fact that it is said that it comes from the General Land Office does not to my mind create any weight in its favor under the circumstances that we know to exist.

In the next place, as my friend from Connecticut [Mr. HAWLEY] stated a little while ago so well, when you look at the report of the Commissioner of the General Land Office on this subject he does not recommend the inauguration of this policy at all. He says, "If you are going to do it"—signing one of the official letters that is laid before him of the hundred that he signs a day—"this may be a good way to do it," and that is all. The result of that performance therefore is that it will be possible for some Commissioner of the General Land Office, some Secretary of the Interior, in a moment of inadvertence to be misled into signing an order to sell these lands in large lumps that nobody could bid for except the strong combination of capital, and all the small bidders would be "frozen out," as the phrase is.

My friend I know can turn to the general land laws about sales, &c., and find specific regulations that they shall be offered quarter-section by quarter-section, section by section, and so on, so that everybody, the small as well as the great, the poor as well as the rich, may have a fair chance; but this bill for some reason or other has forgotten to provide that the public sale shall be under the provisions and regulations relating to the public sales of other agricultural lands. There is nothing of that kind in it.

Then we come to the last part of the bill, which on the face says what to the unsophisticated mind of an honest man like my friend from Alabama would seem to be a very handsome and proper security for *bona fide* entries, "that any *bona fide* entry under the provisions of the homestead law of lands within said State heretofore made may be patented without reference to" the act of 1872 providing for the mining lands of the United States in cases where persons making application have complied with the laws in relation thereto.

We find, from what the Senator from Connecticut [Mr. HAWLEY] has read about the state of things down there now, that a vast number of entries have been made by contrivance which are now under dispute. The bill provides that all these entries shall be held valid if the Secretary of the Interior, not the courts of justice, thinks they are *bona fide*. If the Commissioner of the General Land Office, to whom the Secretary of the Interior would refer such a question, or the clerk in the General Land Office to whom the Commissioner refers such questions, charged with that particular branch of the business, says that all this mass of disputed entries are *bona fide*, then all these homesteads, &c., shall be considered as settled. What then? All a great coal or iron combination there, or a speculating combination or a railroad combination, has to do to get these lands is to have their employés, the men who dig in the mines, the men who run the trains, the men who keep up the road-bed, go out within these fifteen or twenty miles along the line of the railroad and establish their homestead cabins, which in that climate could be done by a good woodsman, as from experience I happen to know, in about an hour, and each one sets up his establishment as his homestead for the benefit of the corporation or whoever it may be who has employed him to do this thing at $2 a day or less. Here is the opportunity to consolidate and perfect all those entries.

I do hope (because I do not wish to spend the time of the Senate in going into this at length) that my friend from Alabama will consent to let this matter be postponed until the December session—this one summer will not do any harm—until we can more completely and thoroughly find out the true inwardness of this subject, because there is a great deal to be said, and a great deal of objection and complaint against the proposition, which I know perfectly well he is urging with perfect good faith, but which I fear if carried out will prove injurious to his State and its interests, as well as to those of the United States.

NAVAL APPROPRIATION BILL.

Mr. HALE. I present a privileged report, a conference report on the naval appropriation bill.

The PRESIDENT *pro tempore*. Will the Senate proceed to the consideration of the conference report?

The motion was agreed to.

The PRESIDENT *pro tempore*. The report will be 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. 7314) "making appropriations for the naval service for the fiscal year ending June 30, 1884, 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, 3, 20, 30, 35, 42, and 68.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 4, 5, 6, 8, 9, 10, 11, 13, 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, 25, 29, 31, 33, 34, 36, 37, 38, 39, 40, 41, 43, 45, 47, 48, 49, 50, 51, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 69, 70, 71, 73, and 75, and agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by said amendment insert the following:

"Hereafter only one-half of the vacancies in the various grades in the staff corps of the Navy shall be filled by promotion until such grades shall be reduced to the numbers fixed for the several grades of the staff corps of the Navy by the act of August 5, 1882, making appropriations for the naval service for the fiscal year ending June 30, 1883, and for other purposes."

And the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: Restore the matter proposed to be stricken out by said amendment, and at the end of the amended paragraph insert the following:

"*And provided further*, That nothing herein contained shall be so construed as to give any additional pay to any such officer during the time of his service in the volunteer army or navy."

And the Senate agree to the same.

Amendments numbered 26, 27, and 28: That the House recede from its disagreement to the amendments of the Senate numbered 26, 27, and 28, and agree to the same with amendments as follows: In lieu of the amended paragraph insert the following:

"For the purchase and manufacture, after full investigation and test, in the United States, under the direction of the Secretary of the Navy, of torpedoes adapted to naval warfare, or of the right to manufacture the same, and for the fixtures and machinery necessary for operating the same, $100,000: *Provided*, That no part of said money shall be expended for the purchase or manufacture of any torpedo or of the right to manufacture the same until the same shall have been approved by the Secretary of the Navy after a favorable report to be made to him by a board of naval officers to be created by him to examine and test said torpedoes and inventions."

And the Senate agree to the same.

Amendment numbered 32: That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment as follows: On page 12 of the bill, in line 12, after the word "dollars," insert the words "of which sum $64,000 shall be immediately available;" and the Senate agree to the same.

Amendment numbered 44: That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment as follows: At the end of the amended paragraph insert the following:

"But nothing herein contained shall prevent the repair or building of boilers for wooden ships, the hulls of which can be fully repaired for 20 per cent. of the estimated cost of a new ship of the same size and material."

And the Senate agree to the same.

Amendment numbered 46: That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: After the word "dollars" insert the following:

"The execution of no contract shall be entered upon for the completion of the engines and machinery of either of these vessels until the terms thereof shall be approved by said board, who shall approve all contracts which may be to the best advantage of the Government, and fair and reasonable according to the lowest market price for similar work."

And the Senate agree to the same.

Amendment numbered 52: That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment as follows: On page 18, strike out all after the word "report," in line 9, down to and including the word "under," in line 10 of the bill; and in lieu thereof insert the following:

"And in the event that such vessels or any of them shall be built by contract, such building shall be under."

And the Senate agree to the same.

Amendment numbered 72: That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with amendments as follows: On page 26, in line 12, before the word "ranges," insert the word "and;" and in the same line strike out the words "and so forth;" and the Senate agree to the same.

Amendment numbered 74: That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment as follows: On page 27, in line 22 of the bill, after the word "and," insert the word "he;" and the Senate agree to the same.

EUGENE HALE,
JOHN A. LOGAN,
H. E. DAVIS,
Managers on the part of the Senate.

GEO. M. ROBESON,
J. H. KETCHAM,
Managers on the part of the House.

Mr. McPHERSON. I should like to have again read that clause of the report referring to the repair of wooden ships. I did not correctly understand the Secretary.

The ACTING SECRETARY. At the end of the amended paragraph insert:

But nothing herein contained shall prevent the repair or building of boilers for wooden ships, the hulls of which can be fully repaired for 20 per cent. of the estimated cost of a new ship of the same size and material.

Mr. McPHERSON. May I now inquire of the Senator having the bill in charge whether there is anything in the bill that disturbs the status of navy officers as left by the bill as it passed the Senate?

Mr. HALE. The report of the conference committee is a substantial agreement with the provisions of the bill as amended by the Senate. To what particular point does the Senator direct his inquiry.

Mr. McPHERSON. I speak of all those points that referred to changing the status of naval officers. I believe that they were all struck out of the bill by a vote of the Senate. I desire to know whether any of them have been restored by the conference report.

Mr. HALE. Not one of them. All of those are left as the Senate amendments provided. The only change that is made is the provision, which is not a change so far as rank or pay goes, providing that hereafter masters in the Navy shall constitute a class of sub-lieutenants, with no change as to pay, and that midshipmen after certain service shall be reckoned and ranked as ensigns, with no additional pay. That is all.

Mr. INGALLS. The Senate differed with the House as to the amount that was to be appropriated for the completion and equipment of the Miantonomoh and its companions. The House, I believe, appropriated $450,000, and the Senate $1,000,000. May I ask the Senator to state how that amendment was left by the conferees?

Mr. HALE. The report of the conference leaves the sum and its application to the different ships, the ironclads, precisely as the Senate left it.

Mr. INGALLS. I inquired as to the amount.

Mr. HALE. The amount is the same as the Senate left it.

Mr. INGALLS. One million dollars?

Mr. HALE. One million dollars. No names of the ironclads are inserted, but it is left applicable to all. I think the only issue between the Senator and myself in that regard would be one of pronunciation as to the names.

Mr. BAYARD. I understand the Senator from Maine to say that the amendment of the Senate appropriating $1,000,000 to put the engines in the four unfinished monitors has been retained by the conference?

Mr. HALE. In the bill as reported by the conference committee we provide $1,000,000 for all the ironclads, not naming either, for the boilers and machinery, as inserted by the Senate amendments.

Mr. BAYARD. That had reference to the unfinished monitors we discussed the other day?

Mr. HALE. Certainly.

Mr. BAYARD. The amount to be appropriated to each is not specified?

Mr. HALE. By no means.

Mr. BAYARD. But $1,000,000 is the amount for them all, the four?

Mr. HALE. Yes.

Mr. BAYARD. There are but four, I believe, in an unfinished condition.

Mr. HALE. Let us have a vote, Mr. President.

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

The report was concurred in.

CONDITION OF SIOUX INDIANS.

The PRESIDENT *pro tempore* appointed Mr. DAWES, Mr. LOGAN, Mr. CAMERON of Wisconsin, Mr. MORGAN, and Mr. VEST the committee to inquire into the condition of the Sioux Indians on their reservation, authorized to be appointed by resolution of the 2d instant.

INTERNAL REVENUE AND TARIFF DUTIES.

Mr. MORRILL. I present the conference report on the revenue bill.

The PRESIDENT *pro tempore*. Will the Senate proceed to the consideration of the conference report on the revenue bill?

The motion was agreed to.

Mr. MORRILL. Mr. President, I am not about to make a speech, but as brief a statement as I can to explain each and every, or nearly every, important amendment that has been made by the conference committee.

I will say that in relation to the internal-revenue part of the bill it provides for the repeal of taxes on banks and bankers, whether State or national, except on the circulation of national banks. That remains as heretofore. The stamp tax on bank checks, drafts, and on matches, perfumery, and patent medicines, is also to be abolished. The tax on dealers in tobacco is largely reduced, and no change has been made in the provision that purchasers may sell tobacco at retail to an amount not exceeding $100 annually. The rates on tobacco it is proposed to reduce from 16 cents to 8 cents per pound, or one-half, and the same or one-half of the present tax on cigars and cigarettes. A change has been made providing that the act so far as tobacco is concerned shall go into effect on the 1st of May instead of July 1.

When we reach the amendments touching the tariff bill I may say that in Schedule A, on chemicals, there has been no essential change whatever. Upon earthen-ware the conferees on the part of the Senate accepted the proposition presented by the members of the House, and these are slightly raised.

Mr. BAYARD. Will the Senator state the amount of the advance on common earthen-ware?

Mr. MORRILL. The Senator has the bill before him. It is raised to 55 per cent. It stood in the bill when it left the Senate at 50 per cent., and it is raised 5 per cent more. We have also changed the classification so as to allow painted and gilded ware to pay the same rate of duty as China-ware. On green-glass bottles the rate has been changed from 30 per cent. ad valorem to 1 cent per pound. There was one class of window-glass that was not included at all in the Senate bill, or polished cylinder and crown glass and common window-glass, and that has been inserted precisely as the law stands now.

On Schedule C, metals, iron-ore has been placed at 75 cents per ton, pig-iron at three-tenths of 1 cent per pound, steel railway-bars at $17 per ton. Bar-iron in the first class is made to be a little less than the rate proposed by the Senate, and the second class 1 cent a pound instead of $20 per ton. Charcoal-iron was changed, instead of $3 per ton additional to the rates on other iron, to a specific rate of 1 cent per pound. Iron or steel T-rails are placed at nine-tenths of 1 cent per pound, and such rails when punched at eight-tenths, as they are now in the bill. Round iron in coils less than seven-sixteenths of an inch in diameter are to be 1.2 instead of 1.1 cents per pound. Armor plate-iron was struck out entirely, believing that none of it would be used except by the United States, and if used by the United States it would likely be imported free for the use of the Government. Sheet-iron thinner than No. 20 wire gauge is increased one-tenth of 1 cent per pound. Iron and steel plates galvanized is reduced from 1 cent per pound to three-fourths of a cent per pound. On polished sheet-iron the House conferees insisted upon 3 cents per pound, while the bill as it passed the Senate fixed it at 2 cents, and a compromise was finally made at 2½ cents a pound. Iron and steel cotton-ties are left precisely as fixed by the Senate.

In Schedule I, on cotton goods, no essential change was made, except that a proviso was added to the class of goods less than two hundred threads to the square inch, placing a similar proviso upon those below that rate, as already provided upon those above that rate.

In Schedule J, the list of jute goods, flax, and so on, jute butts was taken from the free-list and placed upon the dutiable list at $5 per ton. No other material change was made in that schedule.

In Schedule K, on wool and woolens, no change whatever was made except a provision is inserted that for ladies' cloaks, dolmans, and other outside garments of ladies that are often expensively trimmed with silk fringe, gimps, silk velvet, and so on, it is proposed that they shall be subject when imported to a higher duty than that which has been placed on cloth.

In Schedule L, silk and silk goods, no change has been made.

In Schedule M, books, papers, &c., the only material change made is on printed books, and on these the present duty is retained of 25 per cent. I think if the Senate committee had not consented to that we should hardly have been able to make a conference report.

In Schedule N no changes are made of any importance except that 2 cents per one hundred pounds have been added to the rates on salt. The proviso remains as to meats cured with imported salt. Gold watches are to remain subject to the present duty of 25 per cent.

In the free-list no change of importance beyond what I have already noticed has been made.

I omitted to say that on iron and steel railway fish-plates the duties were reduced from 1½ to 1¼ cents. On steel valued at 4 cents a pound or less 45 per cent. is placed, and valued above that rate the duties are made considerably below the amount of duties by the existing tariff. Steel wheels for railway purposes and parts thereof partly manufactured were separated, and instead of the whole being at 2¼ cents the finished article was placed at 2½ cents and the partly finished article was placed at 2 cents a pound. Articles not enumerated composed of iron, steel, copper, gold, silver, or other metals, were placed at 45 per cent. instead of 35 per cent. ad valorem.

In Schedule D, wood and wooden-ware, no changes were made in the bill as it passed the Senate.

In Schedule E, sugar, the only change made was in relation to sugars between 13 and 16 Dutch standard, which have been placed at 2.75 instead of 2.50. This was done for the reason that this class, in value and saccharine strength, was found to be at a much lower proportionate rate than the lowest or cheapest grades of sugar, and even a much higher rate was asked for by the House conferees than ¼ of a cent per pound.

In Schedule F, tobacco, no change was made.

Schedule G, provisions, is unchanged, except merely verbal amendments.

In Schedule H, liquors, there has been no change, except an addition of 20 per cent. duty, or something like that, on ginger ale, whether in bottles or casks.

As the time is very short for the consideration of this report I do not deem it proper for me to occupy longer the time of the Senate, as time is becoming precious. Every Senator will find the report upon his desk, and can see for himself exactly what has been done. I have endeavored to state it accurately so far as I know.

Mr. BROWN. Will the chairman of the committee permit me to ask him a question? Has the conference committee made any estimate as to the entire amount of the reduction of revenue that would result from the passage of the bill as modified by the conferees?

Mr. MORRILL. I may say that since the conclusion of the report there has been no time for any accurate calculation, but a rough estimate has been made that it is about $75,000,000. Of course on some of these articles where the duties have been reduced, as on woolen goods, there will be very likely an increase of importations, which may swell our revenue to some extent, but if there should be no greater importations than there were last year the reductions would probably exceed $75,000,000.

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

Mr. BECK. I call for the yeas and nays. I want a little further time to look at it. I have had no chance to look at it. Let us have the yeas and nays.

The yeas and nays were ordered.

The PRESIDENT *pro tempore*. If no Senator rises to address the Senate the roll will be called.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. 7482) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1884, and for other purposes.

ENROLLED BILLS SIGNED.

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

A bill (S. 719) for the relief of the representatives of Sterling T. Austin, deceased;

A bill (S. 826) for the relief of Powers & Newman and D. & B. Powers;

A bill (S. 1829) to amend an act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts.

A bill (H. R. 1410) to amend the pension laws by increasing the pensions of soldiers and sailors who have lost an arm or a leg in the service, and for other purposes;

A bill (H. R. 1443) granting a pension to Edgar B. Lamphier;

A bill (H. R. 1860) granting a pension to Daniel M. Morley;

A bill (H. R. 2156) for the relief of certain owners of the steamer Jackson;

A bill (H. R. 3743) granting a pension to Miss Amanda Stokes;

A bill (H. R. 5103) granting a pension to Margery Nightengale;

A bill (H. R. 5558) granting a pension to Mrs. Susan Bayard;
A bill (H. R. 6923) granting a pension to Mrs. Helen M. Thayer;
A bill (H. R. 7049) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1884, and for other purposes;
A bill (H. R. 7623) relative to the Southern exposition to be held in the city of Louisville, State of Kentucky, in the year 1883;
A bill (H. R. 7597) to admit free of duty articles intended for the national mining and industrial exposition to be held at Denver, in the State of Colorado, during the year 1883;
Joint resolution (H. Res. 324) to provide for the deficiencies in the appropriations for salaries of officers, clerks, messengers, and others in the service of the House of Representatives for the fiscal year ending June 30, 1883; and
Joint resolution (H. Res. 359) to print 5,000 copies of the report of the board in behalf of the United States Executive Departments at the international exhibition of 1876.

INTERNAL-REVENUE AND TARIFF DUTIES.

The Senate resumed the consideration of the the conference report on the bill (H. R. 5538) to reduce internal-revenue taxation.

Mr. BECK. Mr. President, if this important report is to pass by default in this way I wish to say a few words in opposition to it if I can. For the first time during this session I am suffering with such a cold that I can hardly speak above my breath. Indeed this morning I could not. But as the yeas and nays have been called for, if nobody desires to oppose it, while I am not able to do myself or the subject justice, I will do the best I can to furnish what I consider good reasons why it ought not to be concurred in.

With the slight examination I have been able to make of it, the report provides for large increases in taxation wherever they have attempted to touch it, in every paragraph, in every schedule, except one or two very unimportant ones, on the bill as it passed the Senate, and in many instances above what was even proposed by the most ultra protectionists in the House of Representatives.

I knew from the first that we would at last have a worse bill imposed upon the country than either the House or the Senate desired. I knew it would go by hook or crook, and it has gone by both, to a conference committee that would impose upon us just such class legislation as they pleased, in defiance of the will of both Houses, and make a tariff to suit themselves and their friends and force it upon the American people.

I will take up one item to illustrate what I mean. I select it from the few items I have been able to examine in the last few minutes. Iron ore, the base of all the iron industries, was reported by the Tariff Commission at 50 cents per ton, in these words:

> The commission recommends a specific rate of 50 cents per ton, instead of the present rate of 20 per cent. ad valorem. The reasons that have led to this conclusion are that there has been great difficulty in ascertaining the exact value of ores, particulary those exported from Spain and the Mediterranean.
> The importation of iron ores in large quantities commenced in the last half of the year 1879. The ad valorem rate of 20 per cent. during the past three years has on the average equaled a specific rate of 54 cents per ton.

They then proceeded to state the difficulty they had in getting the exact ad valorem, which was about 54 cents a ton. They assumed that 50 cents specific afforded better protection than that. I have read their professions to the Senate several times during this debate, and I thought I would not take time now to do so; but my voice may improve after a little, and I will venture to read again a portion of the report. The commission say:

> Excessive duties generally, or exceptionally high duties in particular cases, discredit our whole national economic system and furnish plausible arguments for its complete subversion. They serve to increase uncertainty on the part of industrial enterprise, whether it shall enlarge or contract its operations, and take from commerce, as well as production, the sense of stability required for extended undertakings. It would seem that the rates of duties under the existing tariff—fixed, for the most part, during the war under the evident necessity at that time of stimulating to its utmost extent all domestic production—might be adapted, through reduction, to the present condition of peace requiring no such extraordinary stimulus. And in the mechanical and manufacturing industries, especially those which have been long established, it would seem that the improvements in machinery and processes made within the last twenty years, and the high scale of productiveness which has become a characteristic of their establishments, would permit our manufacturers to compete with their foreign rivals under a substantial reduction of existing duties.
> Entertaining these views, the commission has sought to present a scheme of tariff duties in which substantial reduction should be the distinguishing feature. The average reduction in rates, including that from the enlargement of the free-list and the abolition of the duties on charges and commissions, at which the commission has aimed is not less on the average than 20 per cent., and it is the opinion of the commission that the reduction will reach 25 per cent. The reduction, slight in some cases, in others not attempted, is in many cases from 40 to 50 per cent.

I need not read more. As I said, I will speak of iron ore first, because it illustrates more prominently and plainly than anything else what I desire to prove as to the outrageous character of this report. When the Senate of the United States—I will begin with our own action—had this question under discussion, many of the most intelligent men of the country, notably Hon. ABRAM S. HEWITT, laid facts before the country and before Congress to show that it was indispensable to the great iron industries of this country, as imported iron ore had many qualities that iron ore found in this country does not possess, that it should be imported free of duty, as when so imported it is used for the purpose of mixing with our own native ore, the foreign ore being low in phosphorus and there being a great deal of phosphorus in our own. He proved to my satisfaction that it would extend and cheapen the manufacture of our iron products and increase the uses to which our native ores could be applied.

Earnest efforts were made on the part of some Senators, notably the Senator from Virginia [Mr. MAHONE], to increase the duty on ore above 50 cents, which the commission said was the true rate, which the Senate committee said was the true rate, which the Senate as in Committee of the Whole determined was the true rate, and voted down upon the yeas and nays by overwhelming majorities every effort to increase it. The House of Representatives, with Mr. KELLEY at its head, I suppose I may now speak of the action of the House, as their acts are freely discussed, and I suppose their action is under review, said 50 cents per ton was the true rate of taxation on iron ore. There was no disagreement between the House of Representatives and the Senate as to iron ore.

No committee of conference, dealing justly with both Houses and representing the expressed will of both Houses of Congress, could decently assume, when the two Houses had disagreed or had agreed, to change the rate of taxation upon which they had agreed. Yet this conference committee so called, acting, as I think, in defiance of the order of the Senate and in plain violation of their known duty, increased the duty on iron-ore, that both Houses had agreed should not be taxed more than 50 cents a ton to 75 cents a ton, or 50 per cent. increase on the tax agreed on; and what is the effect of that usurpation of unwarranted authority? One case illustrates the whole—577,118 tons of iron-ore were imported last year; by adding 25 cents a ton to the cost of it the conference have added to the tax on that raw material $144,279.50, assuming that the same quantity will be imported.

Why was this done? By what authority? Obeying whose orders? What disagreeing vote did they adjust? The House had voted 50 cents; the Senate had voted 50 cents; they had agreed. The conferees arbitrarily overthrew what both Houses had agreed upon, and added a tax upon the importations of this raw material of $144,279.50, and we are to be told that we must hurry this report through because of the late hour of the session and allow that outrage to be perpetrated without question, and without being even told by the chairman of the committee why it was done; indeed, he carefully concealed the fact, merely saying that there was no material increase of taxation in any of the changes they had made, when there is 50 per cent. increase of duty upon the leading article out of which the iron of this country is made, and that was done by him and his associates in defiance of the deliberate action of the House and of the still more deliberate action of the Senate, all of which was well known to the conferees.

I have the debate upon that subject before me. I turned to it when I saw the outrage sought to be imposed on the country. I may be a little tedious, but I propose to expose this. The motion was made in this body by the Senator from Virginia [Mr. MAHONE], one of the conferees, by the way, placed there at a late hour, to increase the duty upon iron ore to $2 instead of 50 cents a ton. That motion received one vote; that was the vote of the Senator from Virginia, I presume, because when the question was taken as to whether a division was necessary the following occurred:

> Mr. HOAR. May I inform my friend that the Chair has called for the ayes and one "ay" only responded? Is it worth while to have the yeas and nays?

An effort was next made to make the tax a dollar a ton. That was voted down; 85 cents was tried; 75 cents was tried; 60 cents was tried. At a dollar, if I mistake not, the vote was 11 in favor to 37 against it. Then the motion was made to make it 75 cents, and 15 voted in the affirmative and 34 in the negative upon a call of the yeas and nays. Sixty cents was tried, and the Senate persistently refused to increase it above 50 cents, and the House upon a vote refused to increase it above 50 cents a ton. The proposition to increase the tax was tried again on the 16th day of February in the Senate, on the motion of the Senator from Michigan [Mr. CONGER]; he sought to make the duty 85 cents. The propriety of the increase was reargued and every effort was made upon a call of the yeas and nays to tax iron ore higher than 50 cents a ton. It was again voted down by an overwhelming majority.

In view of all these undoubted facts I ask the Senate, and I intend to appeal to the country even from the Senate, what right had that body of men who were sitting in secret council, authorized only to act upon disagreeing votes between the two Houses and to sustain the action of the Senate by all honorable means, to consider the tax on iron ore, on which the House and Senate had agreed, and raise the duty on it 50 per cent. and then come here without even deigning to state the facts and tell us that we must adopt the report they have made, right or wrong—*fas et nefas*—or we are obstructors of public business?

Mr. HARRIS. Do I understand the Senator from Kentucky to state that the conference report proposes to impose a duty on iron ore greater than either the House or Senate has voted to impose on it?

Mr. BECK. I do, and I appeal to the members of the conference committee themselves now on this floor, or any one of them, to deny it or to contradict what I say if they can. They have wrongfully increased this tax 50 per cent. I ask the chairman of the Finance Committee if that is not true? I wait for an answer now. I have the House

bill, I have the report of the House committee, I have the action of the House, I have the double action of the Senate; and I aver that the conference committee has placed a tax on iron ore 50 per cent. higher than either the House or the Senate, and that the House and the Senate had agreed upon the same rate before the bill was sent to the conference committee.

Mr. MORRILL. The House had not acted on this bill but rejected our amendments in gross.

Mr. HARRIS. Did not the House have a bill upon which they acted on the iron schedule?

Mr. BECK. Yes, and voted upon it. Here is their bill fixing the rate at 50 cents per ton. If they had no bill, if they had no schedule to present to our conferees, where was the disagreeing vote between the House and the Senate, if this bill is not to be referred to as the proposition on which the House acted? If there was no bill of the House then where was the disagreement? What could any conferee on the part of the House say to the Senate that the House required, or that our conferees ought to abandon the vote of the Senate on any schedule and give it up unless there was something that the House had done?

I aver, and the silence of the four or the five or whatever the number who agreed to this report gives consent to the truth of my statement, that they have imposed an increased tax of 50 per cent. on all the iron ore that comes into the country beyond what either the House or the Senate had imposed, and when the House and Senate were agreed.

If these admitted facts do not condemn this whole report and stamp it as a thing absolutely unfit for the Senate to indorse I do not think any argument of mine will. There is not a Senate conferee who will venture to rise in his place and either justify it or excuse it. It stands confessed as a plain violation of their known duty.

Passing from that, though one illustrates all, look at the action of the conference committee relative to glass-ware, one of the first important things touched in the report. Let me examine their action in that regard.

This is the language of the present law:

> Earthen, stone, or crockery ware, white, glazed, edged, printed, painted, dipped, or cream-colored, not otherwise provided for, 40 per cent.

That of course relates to earthen, stone, and crockery ware. The plainest character of designs on paper can be painted and pasted on plain crockery, and when placed in the furnace the paper is burnt out and the paint or print remains. That is the whole process; there is no skill or intellect involved; it is done by the plainest, simplest process; the designs are painted by the hundred or thousand on pieces of paper and burnt in; the paper, as I said, burns off and leaves the paint or print. Yet the conference committee without any reason in the world that I can see, have taken that class of cheap goods out of the schedule where the Senate placed them at 50 per cent., which is 25 per cent. increase on the duty under the present law, because it was said we had given importers the benefit of a reduction of taxes, by taking the duty off the packages, which on the cheapest classes of goods amount to, say, 10 per cent. Our conferees have taken these goods from the schedule of 50 per cent. and placed them in the schedule of 60 per cent., an increase of 50 per cent. on the present rate, along with china, porcelain, parian, and bisque ware, and the other decorations that ornament the mantel-pieces of the rich.

Mr. MORRILL. I desire to give the Senator from Kentucky a further fact, so that he can make out the case as bad as he can.

Mr. BECK. What is it.

Mr. MORRILL. It is a little worse than he states it, because, as I have said, the conferees have accepted the House provision.

Mr. BECK. I thought the Senator said a while ago that there was no House provision—when I was speaking in reference to the action of the House in regard to iron ore.

Mr. MORRILL. I mean to say the provision presented by the House conferees. We have inserted that, and this is therefore not a correct print in the bill on the desks of Senators.

Mr. BECK. The earthen, stone, and crockery ware, painted and gilded, is taken out of the 50 per cent. schedule of the Senate by its conferees and placed in the 60 per cent. schedule, or else they have printed it wrong.

Mr. MORRILL. The Senator does not understand me now. I wish to notify him that we have made it even worse than that; that we have placed this other earthen and stone ware at 55 per cent., instead of 50 per cent. as it stands in the print on the table here.

Mr. BECK. I do not know how bad they have made it. I have no doubt they have made it as bad as they could for the people and as good as they could for the men who are here demanding still more excessive bounties. I have never heard the revenues of the Government spoken of as being worthy of consideration by any gentleman on the other side during this whole discussion. I have never heard the rights of the consumers of this country spoken of as being worthy of consideration while extravagant taxes were being imposed. The whole question has been, how much can the iron-men afford to take off; how much will the cotton schedule, how much will the woolen schedule bear reduction, or shall they be increased above present rates? And when Senators examine into the pretended reductions they will prove to be increases in nine cases out of ten, all assertions to the contrary notwithstanding. The swarms of lobbyists who are now here and have been for weeks are all begging for more bounty, more protection, or rather more taxation on the people to enrich themselves. These are the plates [exhibiting] that the conference committee have put up to a 60 per cent. tax after the Senate had peremptorily refused to consider all the propositions urged when we had these matters under consideration.

Yet the chairman tells us that they are making this increase of taxation in the interest of economy, carefully refraining from stating the facts, and frowning upon any attempt to expose their acts as improper and factious opposition. Of that plain crockery-ware, as you will observe by looking over the schedule that we have before us furnished by the Treasury Department, there were goods imported last year to the value of $4,400,000, at 40 per cent. The duty which the people paid on them was $1,775,294. By the provision now proposed on the same amount of importation at 60 per cent. they will have to pay $2,662,941, or an increase of $887,648 over the present high war tariff that everybody says ought to be reduced, and they will have to pay $443,824 by this change of rate on the same importations more than they would have to pay under the bill as it passed the Senate at 50 per cent. That is called a slight modification, a very slight increase, so insignificant that the chairman seemed to think that the report should be concurred in without a word. He did not even think that it was worth while to tell us what he and his co-conferees had done.

Turn to another change in the glass schedule and see what the autocrats of the conference have done. We struggled over the question of taxing bottles time and again, first in Committee of the Whole and next in the Senate; that question was brought up in season and out of season. We settled it at 30 per cent., and provided that bottles in which apollinaris and other natural mineral waters came should be free. No man ventured to make an argument worth calling such against that provision. It was admitted that when a bottle once reaches this country, whether it has apollinaris water in it or anything else, it competes when it reaches here with the domestic manufacture of bottles precisely to the same extent whether it comes free or pays a tax. We all agreed that if the people wanted these waters they had a right to have them.

We thought there were some things the people ought to have without being taxed to death, and that the water of the springs of the world that they might prefer as conducive to their health or their pleasure ought not to be taxed; all agreed that was right. Yet this conference committee, this secret conclave—they were in no proper sense conferees, yet I shall speak of them as such—not only imposed a heavy tax upon all the bottles in which apollinaris and other waters come, as you will see by turning over to the free-list, but they increased the tax upon all the other bottles used in this country from the present tax of 30 per cent. to about 100 per cent., although we had voted the proposition to do so down, as I have stated, every time it was offered, both in committee and in the Senate, until every advocate of the increased tax had given it up. Yet these gentlemen secretly and wrongfully bring it back with the tax of 100 per cent. on these things.

I regard their action as an outrage, in flagrant disregard of the known will of Congress. I read the other day (see page 91 of the RECORD for February 21), as Senators will recollect when I restate it, that we are only importing bottles valued at about $272,000 annually, even at 30 per cent. I showed then that the Representative from Milwaukee and the Representative from Saint Louis argued this question with great ability on the floor of the House. I read from their speeches; I will read from them again to show what an outrage has been perpetrated by the reimposition of this enormous and unnecessary tax. Mr. DEUSTER, from Milwaukee, said that he had talked to Mr. Bodine, the president of the National Glass Manufacturers' Association, and that Mr. Bodine told him that—

> There were manufactured in the United States last year of quart bottles alone, used—*horribile dictu*—for bottling beer, 25,000 gross. I am informed that the quantity of pints is ten times as great, which would be 2,500,000 gross. Besides, there were many other kinds and sizes of green and colored bottles, vials, demijohns, carboys, pickle or preserve jars, and other plain, molded, or pressed green and colored bottles.
>
> The importation of the very small amount, $220,000 worth, of glass-ware, embracing all these articles just enumerated, served to keep prices made by our manufacturers in somewhat reasonable bounds.

Even at 30 per cent. they manufactured all but that small quantity. Impose a duty of 100 per cent., and their prices will no longer be kept within reasonable bounds; it is not intended by the conferees that they shall be. The Senator from Vermont and his friends on the conference committee, in spite of the Senate, propose to give them a monopoly of this business. There will be no more importations of any sort, and the prices will be just whatever their protected pets see fit to ask; that is their favorite mode of reducing revenue, by trebling the burdens of taxation and putting the money of the people into the pockets of their friends instead of into the Treasury of the United States.

The Representative from whom I read put it well when he said:

> That is exactly what these gentlemen of the National Glass Manufacturers' Association object to. They want the field all for themselves, so that their combination can dictate prices *ad libitum*. Of course they profess to have solely the interests of the poor workingman at heart; he is always pushed to the front when the interests of the capitalists require it. But these gentlemen knew that Congress would not consent to have the tariff increased.

True Congress would not, but this Representative had no idea of the

power, no idea of the audacity or mendacity of a conference committee. He said further:

So some sleight-of-hand performance, some hocus-pocus must be resorted to. The world wants to be deceived; *ergo, decipitur*. A change from an ad valorem to a specific duty in this case might accomplish the purpose. "Eureka!" cries the poor, down-trodden glass-king. Now, what will be the result of this change? A specific duty of 1¼ cents amounts to over 100 per cent. ad valorem. I could show it to the satisfaction of every gentleman on this floor had I the time. As I have not, you will have to take my word for it. I can assure you that I have investigated this subject fully, accurately, and dispassionately. This proposed specific whould raise the price of preserve-jars per dozen, costing the consumer now $1.50, to at least $1.75. A dozen of "Protector" preserve-jars weighs about nineteen pounds. The additional duty being 1 cent per pound, these jars would cost the dealer 19 cents more. He of course would charge the consumer at least 25 cents over present prices.

Again he adds:

The bottles which our brewers use weigh 1½ pounds each, or 216 pounds per gross. That makes the duty on the gross $3.24, instead of $1.11, as now, or 2½ cents per bottle instead of .77 cent. Add the $3.24 to the New York value of $3.17 per gross and we obtain $6.41 per gross instead of the present price of $4.28, a difference of $2.13 per gross. A brewer wants for every 6,000 barrels of beer bottled exactly 1,000,000 bottles, or 6,952 gross. Add to the price of the gross by putting to it the new proposed rate of increase of duty of $2.13 per gross, and we increase the expense of bottling for every 6,000 barrels $14,807.86. There are brewers who bottle over 100,000 barrels annually.

The Milwaukee brewer who bottles 100,000 barrels annually consumes almost as many bottles as are imported into the United States in a year. The Senate of the United States refused to increase the tax above 30 per cent. But our would-be masters, disregarding our will, have increased it to a cent a pound, or 100 per cent. upon all that class of bottles in the interest of the bottle-makers, adding to the tax paid by a single brewer who bottles 100,000 barrels of beer annually over $200,000, in order to put the money into the pockets of some of their friends. They have, I repeat, in plain violation of the orders of the Senate, placed the bottles in which apollinaris, vichy, and other natural waters are imported on the taxable list, and whether they will impose a charge on them of 1 cent a pound or whether they will be taxed at 30 per cent. ad valorem will depend upon a careful construction of the conflicting clauses contained in the conference report, which, if Senators will read, they will see were inserted, if not for the purpose, certainly with the effect of deceiving and of requiring the Treasury Department to give the manufacturer here the benefit of the doubt and thus force the officials to decide that they shall pay 100 per cent.; because after the long and apparently successful struggle that we made not to allow the highest duty to be imposed in doubtful cases, the conferees provide—and I believe that was the point at which the Senator from Delaware and myself left the conference, it being the first important change in our tariff amendment, as there was no question in regard to the internal-revenue taxes which both Houses had acted on, and as to which no difference of opinion was developed, I suppose the relief given there is relied on to carry through on the single vote to which we are now confined all the atrocities of the tariff amendments:

If two or more rates of duty should be applicable to any imported article, it shall be classified for duty under the highest of such rates.

They have one rate of 30 per cent. for bottles filled; that is, they shall pay 30 per cent. ad valorem in addition to the duties on the contents. Yet the conference committee insert another amendment in these words:

All glass bottles and decanters, and other like vessels of glass, shall, if filled, pay the same rates of duty, in addition to any duty chargeable on the contents, as if not filled, except as in this act otherwise specially provided for.

That is 1 cent a pound, or 100 per cent. ad valorem on common bottles. One of these conflicting provisions in regard to bottles makes them pay 30 per cent. if filled, and another provision makes them pay the same duty whether filled or not. By the general clause as to the highest rate in doubtful cases they will be required to pay 100 per cent., in my opinion. If that is not a trick I do not know what to call it. I do not intend to charge any Senator with trickery, but the provision they have made that whenever there is a doubt, or it can be construed that there are two or more rates applicable to the article it shall pay the highest, these two conflicting provisions will give the officials a chance to tax it at the highest rate.

Mr. MORRILL. I know the Senator from Kentucky does not wish to misinform the Senate. The glass bottles to which he referred last are of a very different kind from green-glass bottles. These are flint and lime glass bottles which are imported, a very different article.

Mr. BECK. It may be that the last provision as to glass bottles does not cover apollinaris bottles. I do not know how these provisions will be construed. I do not want to make any mistake as to the facts, and I feel that my voice will fail me if I dwell at any length on details. I have looked at some other things in this report during the short time I have had it. I will call attention to them.

I will speak next of pig-iron. The Senate of the United States had a long and earnest discussion as to the propriety of a general reduction of tax in the iron schedule, as all agreed that reasonably cheap pig-iron was indispensable to enable the people to obtain cheap finished products. We agreed upon $6 per ton as being the proper rate to charge on pig-iron, with a like rate on scrap-iron, both steel and cast. It was debated long and ably in all its aspects. I have the debate before me. I had expected to read part of it, but I find that I can not. We agreed upon a duty of $6 a ton. After a while, when we had gone through the bill in Committee of the Whole, the Senator from Ohio threatened to vote against the bill, and to defeat all our efforts at giving the people any relief in internal or tariff taxation unless we increased the tax on pig-iron and upon such articles in the iron schedule as he demanded. I will read from his speech before I close. He read telegrams from Hon. Henry B. Payne, of Cleveland, and others, telling him to vote against the bill, and he said he would obey their orders unless we obeyed his.

I repeat that the Senator from Ohio threatened the Senate with the defeat of the whole bill. After all sorts of efforts, and when he had drawn the party whip over the heads of his followers with an audacity I had never seen equaled in any public assembly, by threats and every other means that a great, bold parliamentary leader can assert over the men who look up to him, he finally succeeded in having $6.50 imposed as the tax upon pig-iron.

That was the last cent he could obtain by promises, flattery, or threats, but his resources were not exhausted. The conference committee met, and under the lead of the Senator from Ohio, I may safely assume, at his dictation, they have imposed a tax upon pig-iron of $6.72 per ton and insist that we must accept it. What is the effect of that? Of scrap and pig iron 763,761 tons were imported last year. Seventy-two cents increase over the $6 that the Senate had agreed upon until the Senator from Ohio drove his party up to an increase would be $549,905. Twenty-two cents per ton—being the difference between this report and $6.50, the highest point to which the Senator could induce the Senate to advance after all the coercion he could impose upon his followers—22 cents per ton on 763,761 tons is $169,027 additional tax that this conference committee has placed upon pig-iron; and we all know that we have to accept that report as a whole or reject it.

What next? Take railway-bars. I want the conferees on the part of the Senate to tell the Senate why they have imposed the tax they have in the report they present for our acceptance. Let me show what they have done. This is another undoubted usurpation of power by the conference committee. Steel railway-bars were put by the Senate at seven-tenths of 1 cent a pound when weighing more than twenty-five pounds to the yard. That is $15.68 per ton. The House voted on that question also; if we are to look to the House, it imposed a tax of $15 per ton on rails. The House voted for a tax of 68 cents a ton lower than the Senate on steel railway-bars, the House bill providing for a duty of $15 and the Senate bill $15.68 a ton. Bear these facts in mind.

What did the conferees do? They have imposed a tax upon steel railway-bars of $17 per ton. The Senate had imposed a tax of $15.68, the House $15. The conferees, purporting to meet for the purpose of reconciling the disagreeing votes between the two Houses, imposed a tax on that article of $17 per ton, or $2 more than the House had imposed upon it and $1.32 more than the Senate had imposed upon it. I again ask any of them to rise now and tell the Senate by what authority they seek to impose a higher tax on this important article than either House imposed. I charge them with a gross violation of their power and a usurpation of authority not granted to them in doing so.

The amount of importation of that class of steel rails during the last year was about 200,000 tons. The report of the conference as to the tax upon that article is an increase of $400,000 on last year's imports over what the House had agreed to impose upon it, and of $264,000 over what the Senate had imposed upon it; and yet under pretense of reconciling the disagreeing votes of the two Houses they imposed an additional tax upon the people of $400,000 more than the House of Representatives had demanded and $264,000 more than the Senate had said ought to be imposed. If that is not an outrage upon the rights of this people, if it is not a violation of the known duty of the committee, while pretending to reconcile the disagreeing or conflicting votes between the two Houses, by placing a tax higher than either House had suggested, then I do not understand what it is, and can hardly characterize it as I ought in parliamentary language.

Mr. HARRIS. I want to ask the Senator from Kentucky if, in respect to the matter that he is now referring to, this conference committee has exceeded the vote of each of the Houses in regard to the tax imposed?

Mr. BECK. It has increased it $2 per ton over what the House had imposed and $1.32 over what the Senate had imposed.

Mr. HARRIS. More than either House proposed.

Mr. BECK. More than either House, to the amount of $400,000 more than the House of Representatives proposed and $264,000 more than the Senate proposed, based upon the importations of last year.

Mr. MAXEY. I should like to ask the Senator from Kentucky a question on the point he is discussing. The Senate fixed the rate of tariff on iron or steel rails at $15.68 a ton and the House fixed it at $15. Now I ask the Senator from Kentucky, in his experience in the House and in the Senate and in conferences, whether there has ever fallen under his knowledge or experience one case where a conference committee have inserted provisions in the bill against the vote of the Senate and the House.

Mr. BECK. I never heard of such an instance, and I do not believe any other Senator ever heard of it before; but there never was a measure like this before; it was conceived in sin and is now brought forth in iniquity; everything that has been done in regard to it has been done without the slightest regard to the interest of the people or the reve-

nues of the country. Of course there is no parallel. I want some Senator to ask some one of these conferees, as none of them venture to answer my questions, why it was and by whose authority he imposed a tax of $2 per ton on all the steel rails for the railroads of this country above what the House had taxed them, and $1.32 a ton above what the Senate had imposed, unless it was to enrich some of the great monopolists of the country whose support and aid they look to as being worth more to them in their political ambitions than the welfare of the great mass of the tax-payers of America.

Mr. MAXEY. The object I had in view in asking the question was this: As the representatives of the people had fixed the tax at $15 a ton and the Senate at $15.68, these conferees, whoever they represent, fixed it higher than the representatives of the people or of the States fixed it. I want that fact placed before the people of the country.

Mr. BECK. Now, Mr. President, to proceed. I assume that I will be charged with trying to talk this bill to death as I have been before. That is not true, I only want to have the facts understood. Again, the Senate agreed upon a duty on bar-iron not less than three-quarters of an inch in diameter, and square iron not more than three-quarters of an inch square of $20 per ton, and upon round iron less than three-quarters of an inch square of $22 per ton the conferees have increased that tax from $20 per ton in the one instance to $22.40 per ton, and in the other from $22 a ton to $24.64 per ton; the original rates were fixed by the Senate with the aid and by the vote of the Senator from Ohio, one of the conferees. We had a right to suppose that he would adhere to his own votes, yet after so voting and advocating the lower rates, saying that his friend from Georgia [Mr. BROWN] was right in imposing these rates, he now turns round in secret conference and imposes upon all the iron rolled, hammered, or otherwise advanced an additional tax of $2.40 a ton upon one class and $2.64 upon the other.

Again, Mr. President, passing on to another clause, light steel rails, of which there is a very large importation, to wit, a class of rails used for street-railways, tramways, narrow-gauge roads, and inclined planes, in short all that class of rails generally used by the smaller and poorer corporations, by the municipal authorities, or by individuals, of which the importation last year was $2,658,997 in value and the revenue $1,414,910, the Senate of the United States imposed a duty of eight-tenths of a cent per pound upon all that class of goods, or $17.92 per ton. I have not had an opportunity of examining what the House did in that regard, if their bill is to be considered. It seems to be worthy of consideration according to the chairman's view whenever the conferees think they find some excuse for their conduct by referring to what the House has done, and claim that the House had no bill when they increase taxes beyond what either House imposed.

Mr. MAXEY. The committee reported that class of bars weighing less than twenty-five pounds to the yard at $21 per ton. On full deliberation and discussion in the Senate it was reduced to $17.92 per ton or eight-tenths of 1 cent per pound. That was reduced by the Senate after a discussion.

Mr. BECK. Under the present law iron bars for inclined planes, as the official statement in my hand shows, the rate is seven-tenths of a cent a pound or 53 per cent. ad valorem. The Tariff Commission proposed seven-tenths of a cent a pound and the Senate imposed a tax of eight-tenths of a cent a pound. This so-called conference committee taxed them above what the Tariff Commission reported, above the present law, above the action of the Senate. They have divided the paragraph into two parts and placed nine-tenths of a cent a pound upon a portion of them, increasing them from $17.92 per ton to $20.16, and upon the balance of them, where they are punched, to 1 cent a pound or $22.40 per ton.

Upon a portion of these goods they make an increase of $2.24 a ton and upon the balance there is an increase of $4.60; and this, though the Senate proposition for taxation upon all this class of articles was higher than the present law and higher than the Tariff Commission report. In this miserable sham conference, after all we have done, on articles that were imported last year to the value of $2,658,977, paying a revenue of $1,414,910, they make an increase of $2.24 a ton on half and of $4.60 upon the other half, without any reason that I can see unless it is to pile up burdens still higher upon every man or corporation that sees fit to build a street railway, a tramway, or anything of the sort. Yet we are asked to set aside the Senate bill and agree to a report full of such monstrosities, which they seek to pass, as though it was an improvement upon what we had done. We are told it makes slight modifications, that there is hardly anything increased, and the yeas and nays were about to be taken as a matter of course, as though it would be an obstruction of public business and would prevent the people from getting the benefit of the invaluable services of this conference if anybody dared to object to it. I suppose I shall be lectured by the distinguished Senators for having the audacity to expose the misdeeds of that august conclave.

That is not all. I have not had a chance to go through the report thoroughly, because we did not have it more than twenty minutes before we were called on to pass upon it at once, time was said to be so precious.

I will pass over a good many of the changes they have made without comment. They have increased the tax on boiler-iron, on line 569, $2.20 a ton. They have increased the tax upon polished, planished, or glanced sheet-iron or sheet-steel $11.20 a ton, although that matter was twice carefully considered; and the Senator from Massachusetts [Mr. HOAR] at last read documents to prove that that class of iron ought to be reduced to 2 cents per pound. It was reduced on his recommendation, and yet the conferees have put it up again, taxing it $11.20 a ton more, and inserting a proviso which I have not time to consider carefully, but it means mischief. Let me read it to the Senate. It is a new proviso inserted by them:

Provided, That plate or sheet or taggers iron, by whatever name designated, other than the polished, planished, or glanced herein provided for, which has been pickled or cleaned by acid, or by any other material or process, and which is cold-rolled, shall pay one-quarter cent per pound more duty than the corresponding gauges of common or black sheet or taggers iron.

We struck that proviso out after deliberate consideration in the Senate, or in committee, because it was shown that all that iron had to be rolled, and the imposition of that additional tax was such a wrong that not one of these gentlemen dared to urge its adoption in the Senate; it was stricken out, as the debate will show, on proof by gentlemen on this floor that the proviso ought not to be retained. Yet when they get themselves in secret conclave, and with nobody to contradict or expose them, and their report has to be voted on as a whole, because a portion, however vicious or corrupt, if you please, can not be stricken out without defeating the whole measure, they make a bill to suit themselves and their friends. Knowing that there are so many things in the bill that so many men are interested in, they trust that the Senate can not afford to defeat their report.

Skipping a good many things, I come now to a matter that attracted my attention the moment my eye rested upon it, because it is a subject that the Senate thoroughly understands. The Senator from Ohio, as the Senate will remember, near the close of the discussion brought before us a new amendment to the iron schedule. He presented it on a Saturday morning. I rose to oppose it and said that I did not quite comprehend the full extent and effect of it, but I thought I could find out if I had time allowed me until Monday morning. There were funeral ceremonies to be held at 5 o'clock that day and it went over. I had examined it before it was called up on Monday, and when it was understood that the proposition of the Senator from Ohio was to increase the duties on all steel not otherwise enumerated from the present rate of 30 per cent. ad valorem to 45 per cent. ad valorem; that it sought to change the duties on all the classes of Bessemer steel however made, whether by the pneumatic, Thomas-Gilchrist, basic, Siemens-Martin, or any other process imposing a tax of 45 per cent. upon a certain grade, changing classifications and adding to the duties on them by indirect methods, the Senate refused to accept his amendments. Upon a full, fair, and free discussion in this body and an explanation of the effect of his propositions we defeated him in his efforts to tax steel 45 per cent. and held it at 30. We defeated the proposed increase to 45 per cent. duty upon Bessemer steel and made it 40. We kept him from raising the duty on crucible steel and changing the classification in the way he proposed, greatly to the disgust of the Senator from Ohio. Yet after that defeat, perhaps smarting under it, wanting to take revenge on the country and on the Senate, he goes into this so-called conference committee and has restored in this report every provision that the Senate had voted down after full debate when he sought to impose them upon us. In the amendments that I have exhibited from this conference report he has placed all the manufactures of steel at the points I have indicated. I say *he;* I speak of the Senator from Ohio, because he is the leader of this movement in courage and audacity and intellect. I know who drove the conference; I see the tracks though he does not sign the report; I know who had iron ore and pig-iron increased. It is a Sherman-Mahone tariff now, as to all the paragraphs in the iron schedule.

Senators will observe that in the report all our action in the Senate as to steel is overthrown and the defeated proposition of the Senator from Ohio is substituted. I never knew a more insolent, not to say insulting, proposition made by one member of a body to the body that has trusted him with power and ordered him to maintain its position. There was no House disagreeing vote to meet or combat the wishes of the Senate, and the rights of the people were simply disregarded and the private wishes and interests of the conferees consulted. Let me read from the report:

All of the above classes of steel not otherwise specially provided for in this act, valued at 4 cents a pound or less, 45 per cent. ad valorem; above 4 cents a pound and not above 7 cents per pound, 2 cents per pound; valued above 7 cents and not above 10 cents per pound, 2½ cents per pound; valued at above 10 cents per pound, 3½ cents per pound.

"Forty-five" is substituted for "40," "4 cents" for "5," "7" for "9"—in short all our work is disregarded. I explained the effects of the proposed amendments on the 20th of February, and can not better show the effect of the report than by reading now what I said then:

Now, the Senator from Ohio proposes upon all steel embraced in this class—"Above 4 cents a pound and not above 7 cents, 2 cents per pound."

Therefore his proposition is to add $22.40 a ton on all that class of steel valued at over 4 and not over 5 cents a pound. That, I expect, embraces a large class of steel used in this country, or why the proposed change in classification? Yet we were told on Friday night that there was to be no increase on the lower grades by the amendment. I have read the lines fixing 1 cent a pound on all these steels made by the Bessemer process as agreed to in Committee of the Whole and in the Senate. The Senator from Ohio has changed the classification. Why, I do not know, except to suit the iron-masters. He has changed it so as to put $22.40 a ton additional upon all that class of Bessemer steel that is

valued not above 5 cents and above 4. Why that was done perhaps he can explain.

What next does he do? The Senate bill in the lines that he last proposes to strike out as to crucible cast-steel ingots and these other matters, makes this provision:

"Crucible cast-steel ingots, cogged ingots, blooms, and slabs, &c., valued at 5 cents per pound or less, 1¼ cents per pound."

The Senator from Ohio promises whenever it is valued at over 4 cents to make that crucible steel pay 2 cents per pound, so that on that class of goods he adds $11.20 per ton; and on all that is valued between 4 and 5 cents a pound by a change of classification, $22.40 per ton on the lower grades of Bessemer steel by striking out the lines he first proposed to strike out; and, now by the lines he last proposes to strike out and the valuation that he puts and the tax he imposes $11.20 a ton on all crucible steel valued between 4 and 5 cents per pound. That is the next step.

What next does he do? The Senate provided that upon all crucible cast-steel valued at 5 cents and not above 9 cents per pound, the tax should be 2 cents per pound; valued at above 9 cents per pound, 2¼ cents per pound. That is the maximum with only two classifications above 5 cents. What does the Senator from Ohio propose? On steel valued at from 4 to 7 cents a pound, 2 cents a pound; from 7 to 11, 2½ cents a pound; and from 11 up, 3¼ cents a pound.

I have shown that he has put $22.40 a ton by the change of classification on the lower grades of Bessemer steel; that he has put $11.20 a ton on the grades of crucible steel valued between 4 and 5 cents, and he now proposes to change the duty on that valued from 4 to 7 cents to 2 cents a pound, the Senate having placed it from 5 to 9 at 2 cents a pound, he proposes from 7 to 11 to fix the rate at 2½ cents a pound. In other words, he increases three-fourths of a cent a pound or $16.80 a ton upon all that grade of steel valued at from 7 and not more than 9 cents a pound, and there is where another large importation is made, as you will see if you look at the tables. Sixteen dollars and eighty cents per ton over the Senate bill is proposed upon all steel with from 7 to 9 cents a pound, and then he makes a classification we have not made at all, because from 9 up we made all at 2¼ cents, and he makes it from 7 to 11, 2½ cents; and from 11 up, 3¼ cents. So that upon all steel of all sorts valued at above 9 cents a pound he adds $16.80 per ton.

How many millions that adds to the taxes of this people I do not know. It is all done for the benefit of a very few establishments in Pittsburgh and elsewhere, whose owners confess that they drew this bill, and who are now seeking to urge Senators to defeat it unless they add to its already onerous taxation all they want.

I showed during that debate what would be the effect of an increase on steel from 30 to 45 per cent. I will again read from my speech of that date:

I have looked over it since Saturday, and I will state how I understand this amendment will leave the bill if adopted. The clause as to "steel not specially enumerated or provided for in this act" is to be delayed for a few minutes, but it is part of the amendment. Steel not otherwise provided for under the existing law now pays 30 per cent. ad valorem. Under that the importations for the year 1882 amounted in value to $5,742,512, and the duty paid was $1,723,352. The Senator from Ohio now proposes to increase this tax to 45 per cent.

Though we defeated all his propositions then, he has them in such a shape now that we can not even get a separate vote on them, though he could not insert them after discussion in the Senate. He can do it in secret, though defeated when Senators representing States and tax-payers could meet him face to face in fair debate.

I stated further in February:

If the same value of imports continue, the duty that he proposes to impose would be $2,584,930, or an increase of duties on the same value of goods of $761,578; and of course all the products of this country, which is perhaps six times as much as the imports, or perhaps ten times as much, will be increased in the same ratio. In other words, 50 per cent. is to be added to the duties now imposed by law, by the amendment of the Senator from Ohio, upon all steel not otherwise provided for in this act which is consumed in this country, whether made at home or abroad.

Substantially the same presentation was made by the Senator from Alabama and the Senator from Texas, and perhaps by other Senators, the Senator from North Carolina, I have no doubt, though I do not recollect that he participated in regard to that item, but he was always ready and able, and I assume he took part in it. I know the Senator from Delaware did; in short, the Senate rejected all the amendments of the Senator from Ohio which he has now put into this conference report. I say it requires an audacity that few men possess to insert into a conference report every defeated amendment after the exposure that was made as to the effect of the increased taxation upon the people, and ask us to accept it or tell the country that we shall be responsible for the defeat of this bill without even venturing a word of explanation or deigning to tell us that a majority of the House conferees even asked to have it done. I hardly think they did.

I shall vote against this report for this among other causes. It is made up against the interest of the people of this country, against the will of both Houses of Congress. I have shown that as to steel rails the taxation imposed is beyond what either House voted; I have shown that as to iron ore that the two Houses had agreed, and yet 50 per cent. more taxation is sought to be imposed and hundreds of thousands of dollars added by this conference committee to the burdens of the people. I propose to vote against it, and my word for it, if this report could be defeated we should tell the House of Representatives, as we truly can, that "we have sent you a better bill in our amendment than this conference report proposes. You had far better vote for the Senate amendments that your leaders would not allow you even a chance to concur with us in, believing that they would frame in secret a worse bill than the Senate had sent; they knew that they would satisfy the pig-iron men and the great manufacturing monopolists of the country better than the action of the Senate would if we reject this conference report as we ought to do because of the outrageous provisions in it," my word for it, the House to-morrow morning will demand a right to vote upon the question of concurring in the amendments originally sent them by the Senate which are now upon their table, and will say to their conferees as I now say to ours, "You have transcended your duty in seeking to impose taxes upon this people beyond what either House had demanded." That House will take up the Senate bill to-morrow morning and in spite of its defects and of the high-protective monopolists, will pass it before high noon to-morrow as an improvement upon this report and a bill infinitely better than this is.

If we force upon the House of Representatives by voting for this conference report a bill that is made worse wherever it has been touched, that is not improved anywhere, and deprive them of the right which they have never yet had of voting upon the amended bill we originally sent them, we are simply joining hands with these monopolists in forcing a worse bill upon the House of Representatives than is now upon their table, that they can vote for in half an hour after we reject this. I intend to be no party to any such coercion upon the House, and submit to no such dictation here as this report attempts.

Why, Mr. President, look for a moment at the sugar schedule. What have they done with it? If I were to take up this report in detail I could scarcely expose one-half of its enormities before Congress expired. The chairman said just now in his blandest way that a slight increase of tax had been imposed on sugar between No. 13 and No. 16; that the refiners wanted more than they had got, but he thought the committee of conference had done reasonably well for them. What do they do? Without touching any other item in the sugar schedule they provide:

All sugar above No. 13 and not above No. 16 Dutch standard, 2.75 cents per pound.

Or $2.75 per one hundred pounds. The Senate had made the duty on that 2.50 cents. The Senate indeed had voted for 2.40 by a vote taken by yeas and nays of nearly 40 to less than 20, according to my recollection. It was first reported before the change at 2.65. The sugar refiners never publicly asked for more than 2.65. They thought 2.50 was too low; they feared the low tariff on foreign sugars would destroy their monopoly. There might be competition from abroad at 2.50 and they begged for 2.65. The Senate voted for 2.40 on a call of the yeas and nays after full debate by an overwhelming majority. Recollect that the sugars between No. 13 and No. 16 Dutch standard are the table sugars of this country, the only sugars in which the mass of consumers have a direct interest. All the other grades go to the refiner. Thirteen to 16 are the sugars people can use in spite of the refiners and without his aid, and that the plain people do use. Two sixty-five one hundredths was all the refiners asked that ever I heard of, and I believe I have now in my pocket a dozen dispatches when they thought I was to be on the conference committee, begging for 2.65. I do not care to read the names of the men, but here they are; Senators can look at them. The conference committee have made it 2.75 cents per pound.

That is simply giving the sugar-refiners the monopoly of the sugar business of the country. If not done on purpose, it was done at the dictation of large sugar-refiners whom I can name. It is the worst outrage in this bill. No man can justify it. You will observe that under the existing law there are hardly any importations of sugar above No. 13. Turn to the schedule again and look at it; but I have looked at that so often that I may as well assume that the Senate understands it. If necessary I will hand the figures to the Reporter.

All the sugar that is imported substantially comes in under No. 13, and this increase from 2½ to 2¾ cents a pound gives to the sugar-refiner an absolute monopoly of the sugar in this country and imposes burdens upon the many who consume sugar all over America of millions upon millions of dollars. This is done exactly in the same spirit that the other high taxes were imposed, to build up great monopolies at the expense both of the revenue and of the consumers of the country.

The refiners desired an increase from 2.50 to 2.65. Of course they would ask for 3; they would ask for anything; but 2.75, an increase of 25 cents on the 100 pounds on that grade of sugar, is nothing more nor less than a proposition in the interest of the absolute monopoly of sugar-refiners. There is not a man on the conference committee who will venture to rise in his place and defend this action in the face of the debates we had, in the face of the votes we took, and he will not dare to say that he either did or would have ventured upon this floor to have proposed to impose a tax on sugar graded from No. 13 to No. 16 at 2.75 cents. The Senator from Vermont himself begged me to make it 2.50, declaring publicly that 2.50 was satisfactory to him after we had voted the tax at 2.40. Many of my friends on this side of the Chamber who had voted for 2.40 with me were quite annoyed when I begged them to yield to the urgent request of the Senator from Vermont, as perhaps we had put it a little too low at 2.40. I remember well that the Senator from Texas was not very much pleased at the change being consented to.

Now, sir, notwithstanding the Senator from Vermont did not venture to ask us to go above 2.50 and no sugar refiner ever pretended that he could decently ask us to go above 2.65, and all the telegrams I received when they thought I was to be a member of the committee said that 2.65 was all they would ask, the Senator from Vermont and his confrères on the committee give them 2.75, making their monopoly absolute, making them masters of the sugar business of America, and putting every sugar consumer absolutely at their mercy; yet the chairman of the conference calls with apparent confidence on the representatives of the people and the States to adopt and sanction that among other outrages. I propose to be as respectful as I can be consistent with truth, but if any milder word than robbery of the people to enrich already

gorged monopolists will express my opinion I do not at this moment recall it. The conferees give the refiners one-fourth of a cent a pound on all the sugar consumed in this country by excluding competition. The combination of refiners, of course, charge the people one-quarter of a cent more than they could under our bill. The sugar consumed annually exceeds 2,000,000,000 pounds, worth over $85,000,000. This robbery or rather sneaking larceny of one-quarter of a cent a pound from the people is a gift, in defiance of our often expressed will, of over $5,000,000. That alone ought to condemn this report and the men who seek to force it upon us if all else was right.

I can not follow the details of this miserable fraud further; my voice is gone and I am suffering; but I made a speech on the 25th of January in this presence. I have never been deceived about this bill. I then said I desired to make a record and place it where the people of this country should see it; that in the next presidential campaign, if you please, when the Senator from Ohio perhaps may be the opposing candidate to the Democratic nominees—I do not think the Senator from Vermont has any aspirations—I wanted to have a record made of what was done, as I knew we should at last have a worse bill imposed upon us than either House desired. I knew they would find some way, by hook or crook, in a secret conference where they would give way to each other in the interest of monopoly, and against the tax-payers of the country, to fix up secretly such a report as they have, and that we should be driven to just where we are now. It is said that the Senator from Ohio has not signed the report. That need not deceive anybody; he would not have it beaten for his right arm, even if he did not get all he wanted. On the 23d day of January I said—I desire to put it again upon record, if the Senator from North Carolina will be kind enough to read it for me.

Mr. VANCE read:

This bill, or rather some bill I fear a good deal worse than the bill which passes the Senate, will in all probability pass both Houses before the 4th of March; if so, the facts now placed upon the permanent records of the country will constitute this justification of those of us who vote against it, not only for our votes, but for any future effort we may make to obtain the relief which the country demands, but which I feel assured this Congress does not propose to give.

* * * * * * *

I have a very faint hope of success in making valuable or important reductions, and if we do I have still less of having them retained in the bill which will become a law. The protectionists are all looking to the all-powerful conference committee for the results they desire. Four men at last will frame the bill, and they will be sure to give the men who rely on legislation to enrich themselves all they can. On all provisions of importance to the monopolists which the Senate has increased or kept in better shape for the protected interests than the House has, the House conferees will concur in the provisions of the Senate amendments, and having done that much to oblige the Senate the Senate conferees will of course reciprocate their kindness by concurring in such increases and adjustments as the House conferees can show that their action has made in the same direction.

Thus the bill will be made more oppressive than either House would make it. I expect, in short, to be called upon to vote, as a whole, without the right to amend, alter, or even protest, for a worse bill than either House passes, and therefore propose to give my reasons for demanding reductions now while we can consider the items in detail. I propose to appeal from Congress to the country, and to make up the record now. Of course one of the three conferees of each House will be a Democrat and in favor of reduction of taxes, but he will not be heeded in the conference and need not even sign the report.

If we fail to vote for any bill, however oppressive and unjust, that the conference committee agree on, we will be denounced as opposing all reduction of taxes; and if it passes in spite of us, no matter how oppressive its provisions may be, and we venture hereafter to seek relief by legislation, we will be loudly denounced by the able and well-paid press of the monopolists as agitators and disturbers of the business of the country. We may as well make up our defense as we go on. We will be told that Congress was pledged by the appointment of the Tariff Commission to accept as a finality the bill passed on its recommendation, and every man and woman in the employ of the protected interests will be threatened with reduction of wages or dismissal from service if they do not join in the hue and cry that will be raised by those who seek to perpetuate their monopolies.

Mr. MAXEY. Suppose we have a conference committee, its majority being gentlemen whose theory is that the tariff should be laid for protection with revenue as an incident, what chance would the tax-payers have?

Mr. BECK. I want the Senator from Texas now to discuss this bill item by item, so that he can show to his people in the permanent records of the country what the facts are.

We may as well look the facts in the face and speak plainly. The ultimate decision is in the hands of the chairman of the Committee on Finance in the Senate and of the Committee on Ways and Means of the House, each with their most reliable supporter he can select from his committee to sustain him, in a secret committee of conference, where those four are omnipotent in regard to all questions of difference between the two Houses. Each of the chairmen regards himself as the father of the protective system, and each can establish about equal claims to its paternity.

The Senator from Delaware may be at the tail end of the Senate committee for form's sake, and Mr. CARLISLE, of Kentucky, may be on the House committee; they will both be powerless. The commission they obtained was selected because each member of it was interested in maintaining the highest protection and the greatest privileges for the monopolists he was chosen to advocate; each had to sustain all the others so as to secure his own, and the friends of each made up the schedules they were interested in, so as to obtain all possible; and when they were flung together into a bill, the combined forces of protected wealth and monopoly rushed to Washington and have night and day besieged Senators and Representatives, urging them under all sorts of pretenses, I was about to say by promises, flattery, and threats, to sustain what the commission had done for them.

Mr. BECK. That prediction did not quite come up to what we have before us now. I knew that they would make the worst bill they could whenever the two Houses had disagreed and gave them a decent chance to intervene; but it never entered into my mind that any set of men would have the audacity, when the House had agreed to tax iron ore at 50 cents a ton, and when the Senate had agreed to tax it at 50 cents a ton, and all the effort that could be made could not move either House, or any committee of either, to advance to a higher figure—I did not think that any body of men would have so little regard for themselves, for the opinions of both Houses, and for the rights of the people as to add 50 per cent. additional tax where the two Houses had absolutely agreed and there was nothing to confer about. That was an amount of subserviency to the great interest they seem to love so well, or fear so much, that I was not prepared for, nor was I prepared to believe that any set of men could be found who, when the House had voted the tax on steel rails at $15 a ton and the Senate at $15.68, would dare to come before either body with a proposition to tax steel rails $17 a ton; nor did I think that even the sugar-refiners had power enough over any body of men when the Senate had deliberately, by a majority of two to one upon a call of the yeas and nays, voted that on sugar from No. 13 to No. 16 the rate of tax should be 2.40, and after we had changed it to 2.50 at the request of the chairman of the committee and of the conference, and no refiner had publicly dared to say that he even wanted more than 2.65, these men would secretly fix it at 2.75 and then have the audacity to tell us that the refiners wanted more. We all know how this report was worked up. The Senator from Ohio developed the whole story. On the 18th day of February, on page 31 of the RECORD, will be found the following. The Senator from Ohio said:

A few words now in regard to what I intend to do. I—

We know what "I" meant; that meant the great advocate of the protectionists—

I am entirely dissatisfied with the metal schedule of this bill. I think it is wrong in principle and detail, not harmonious with itself or with anything else in heaven above or in the earth beneath; it is a compound of incongruities; and therefore I desire by meet and proper amendments to try to correct it if I can, and if not to reserve my right to oppose the whole of it, and if necessary the whole tariff clauses of the bill.

* * * * * * * *

I have received to-day in regard to this schedule earnest appeals by men of all parties, by men who are known in the Senate and all over the country, to vote against this bill from top to bottom, because they say that as it now stands in the Senate it will utterly destroy great industries of this country unless it is amended in important particulars. To show Senators that I am not speaking for myself alone, but for those whom gentlemen on the other side as well as this ought to respect, I will read one telegram signed by J. H. Wade, Henry B. Payne, and Joseph Perkins, two of whom are prominent Democrats. They say:

"We deem it very important to our iron and steel interest that the Senate bill in its present form do not pass."

Here is another from a gentleman well known, though not so well known probably as those I have named:

"The prospect of the passage of the Senate tariff bill strikes our manufacturing community with consternation."

That is signed by Mr. C. B. Beach. One from Mr. Mathers says:

"I hope you will vote against passage of Senate tariff bill. It is better to let both Senate and House bills fail than to have such a tariff."

I might read from many other telegrams received from persons who are well known, especially in the manufacturing districts of Ohio.

To carry out that threat it was so arranged by disreputable combinations that the House could not even have a chance to vote to concur with the Senate bill, but a bogus conference had to be gotten up, a conference tied down by threats from the other House that in the Senate we were acting unconstitutionally and illegally in all we had done, reserving the right so to decide if the House conferees did not get all they demanded, which a majority of our conferees were only too glad to have a chance to yield. Now the Senator from Ohio has got the iron schedule to suit him; the sugar schedule is arranged to suit others to secure their support. Glass-ware ties on another set; cotton and woolen goods, books and grindstones are nicely adjusted to suit others. The whole is made as bad for the people and as good for the monopolists as even Mr. Mathers or Mr. Wade can ask. If the Senator from Ohio can get his conference report through the Senate and force the other House to vote for it, if they will adopt it, that will suit the protectionists and their friends. The whole struggle now is this: the monopolists are determined that the House shall not be allowed to vote on the Senate bill for fear they may pass it. I seek to vote down the conference report, so that the House can have a chance to vote on the Senate bill. If they adopt our bill, that ends it; if they do not, they can send us to-morrow morning untrammeled conferees, and we can in an hour have another report much better than this—certainly one stripped of the flagrant wrongs perpetrated in this. I agree that the reductions in internal revenue are mainly right, and will secure many votes for this vile report which it would not otherwise get. The conferees know that, and hence gamble on the chances of the internal-revenue relief carrying their other propositions.

Mr. MAXEY. If the Senator will permit me, I will state that the instruction to the conferees of the House was, "If pig-iron goes up, the amendment of the Senate will be constitutional; if pig-iron goes down, it will be unconstitutional." That is the true construction of the resolution.

Mr. BECK. I have not a doubt of it; make this bill so bad for the people and so strongly in the interest of the monopolists that the Senator from Ohio and his followers here and Judge KELLEY and his allies at the other end of the Capitol can vote for it, and there will be no constitutional objection as to our right to amend internal revenue with tariff taxation; but make it a decent bill in the interest of the people, one that substantially reduces present burdens, and every monopolist in the House will spring to his feet and denounce the Senate amendment and

the action of the Senate as unconstitutional. That is the game that is being played here now. I hope to make that fact plain to the country. Let me read again from what the Senator from Ohio said:

Sir, I wish if possible to call the attention of the Senate to the importance of making a review of this question. I shall not set a bad example. I simply say that the proposition I offer now is the proposition which has been adopted by the House after two or three weeks' deliberate consideration, after a very wise and careful consideration, and I intend to follow this proposition with other propositions, so as, in substance, to adopt the schedule of the House rather than the schedule of the Senate. Although some of the clauses of the House bill may be not free from objection—

I suppose iron ore was one of them and steel rails another—

and ought probably to be modified and changed, and may be modified and changed, either by the Senate or by a committee of conference—

He knew where the place was to accomplish his purposes—

yet I venture to say that the propositions made by the House in regard to metals are far wiser in every respect than the propositions made by the Senate. By the amendments I intend to offer—and I intend to be in order, too—I wish to present again to the Senate the opportunity of giving to this industry fair and reasonable protection.

I followed in my feeble way in a short speech in reply, which I will read:

Whatever else may be said about the Senator from Ohio and the measures he presents, the boldness of his statements and the courage with which he advocates them are certainly admirable; and the audacity with which he denounces the action of the Senate and the action of the committee of which he is a distinguished member, and in violation of all the rules of the Senate, as he well understands, lauds the action of the House of Representatives as wiser and better than the action of the Senate, and tells us defiantly that he will vote against this bill unless its provisions are at his dictation made to conform to the action of the House, certainly is worthy of admiration, at least for the boldness of the position he assumes. He tells us in substance that, unless this bill is amended to suit him now, or put in the shape he desires in conference (and he is of course to be a conferee and expects to manage it there), he will vote against it. He expects to dragoon his party by boldly asserting that he will not vote for the bill unless they obey him and undo all that has been twice done by this body.

I suppose he will succeed in securing all he demands. I like a bold man; I like a man who displays the audacity displayed by the Senator from Ohio, but I have never heard the lash of the party whip crack quite as loud as has been done by the Senator from Ohio to-night. It is the first time that I have heard in either House a bold avowal that the action of the House of Representatives, which the Senator has no right even to mention, is wiser and better than the action of this body. He demands that the Senate shall surrender its own judgment, reverse its own twice-recorded, deliberate action, and agree to the action of the House so that he can go into conference and settle it on their basis. That is the meaning of what he has told the Senate to-night in language not to be mistaken and in a way that is meant to drive his party into obedience to his demands, averring he would rebel against the action of the Senate and would have his way or else nothing should be done; if he is not obeyed the bill should be defeated. He read telegrams from interested men, assuring him that it ought to be defeated. Let him defeat it.

There will be a body of men here or at the other end of the Capitol after the 4th of March who will have a decent regard to interests outside of the great protected monopolies of this country. If he is determined to defeat this bill unless he is allowed to unite with Mr. KELLEY, whom he lauds on this floor as a wiser man than any in the United States Senate, in foisting upon the country just such a bill as they two, in secret conclave as conferees between the two Houses, may seek to fasten upon us, let him do so and take the responsibility.

Let him go before the country with that avowal and we will meet him there. I am glad he has taken that position. I knew he had been working up to it for a week; the air has been full of rumors that the House schedule had to be adopted by us and that the Senator from Ohio would force the Senate to reverse all its action or no bill should pass. I am glad he has taken it up now; I am glad he has avowed his purpose and I am glad he has done it with the courage he has and with the audacity that he has, for I believe in audacity. He is a stalwart on this question; there is no doubt about that.

Mr. President, I have gone over only a few of the most prominent wrongs in this report. I have no doubt there are others quite as bad as any I have been able to point out. As is well known, the Senator from Delaware [Mr. BAYARD] and myself withdrew from the conference under the order of the Senate that we should do so, when we believed from facts developed that the House conferees were not at liberty to act freely and without embarrassment. I think the Senate agreed with us after the House resolution was read denouncing the action of the Senate as unconstitutional and an invasion of their prerogative. Therefore I was not in this conference and had no means of knowing what they had done until the report was presented, less than half an hour ago.

True I had inquired about several items from a gentleman who was in the conference committee this afternoon, but knew nothing in detail until about twenty minutes before this debate began. I secured it while I was yet busy on the deficiency bill in the Committee on Appropriations. I was of course somewhat familiar with the subject, and knew what they would do if they dared. I made the calculations I have laid before the Senate as rapidly as I could under adverse circumstances, suffering, as I am, with a horrid cold, and therefore being, for the first time in twenty years, perhaps longer, in no condition to speak or work. So I was not in condition to learn all about this matter as well as I could if I were better; but I have presented enough, I think, in this disjointed way to show Senators that the whole scope of the action of the conference committee has been in the direction of unlimited protection, clearly in defiance of the will of the Senate; that it is an effort to prevent the House from having an opportunity of voting upon the amended bill that was sent to them by the Senate. They have never yet had an opportunity to say whether they would agree to it or not. They were deprived of that right by the power of the protectionists over their leaders for fear they would agree with us. And now hundreds of thousands of dollars, millions upon millions have been added to the taxation of the country; all has been given that the monopolists whom the Senator from Ohio represents desired; and when he has got now at his back all the sugar refiners, with the monopoly they have absolutely in their own hands beyond what they dared to ask, there will be such a lobby brought to bear upon the other end of the Capitol if we agree to this report that they will have to adopt it.

I will not detain the Senate longer except to say that there is very little in this tariff bill that approaches any true idea of revenue reform or any real relief to the people. Every maxim that was ever laid down by any of the great men who have studied economic questions looking to the welfare of the country and not to the enrichment by legislation of privileged classes, every principle laid down by impartial thinkers and philosophers has been ignored. I hold in my hand some of the principles laid down by Adam Smith, whose work is still looked to as high authority by men who love liberty and fair dealing. They are these:

I. The subjects of every state ought to contribute to the support of the government as nearly as possible in proportion to their respective abilities; that is, in proportion to the revenue they enjoy under the protection of the state. In the observation or neglect of this maxim consists what is called the equality or inequality of taxation.

II. The tax which each individual is bound to pay ought to be certain and not arbitrary. The time of payment, the manner of payment, the quantity to be paid, ought to be clear and plain to the contributor and every other person.

III. Every tax should be levied at the time or in the manner which is most likely to be convenient to the contributor to pay it.

IV. Every tax ought to be so contrived as to take out and keep out of the pockets of the people as little as possible over and above what it brings into the treasury of the state.

V. The heaviest taxes should be imposed on those commodities the consumption of which is especially prejudicial to the interests of the people.

The principles laid down there are true, yet they are all absolutely subverted by the provisions of this report. The whole struggle seems to have been how to take the most money out of the consumer on the things he needs the most, and put it into the pockets of men who have no right to take his earnings from him. Why should a man who works for his daily bread pay 50 per cent. more for the blanket that covers him or the coarse cloth that he wears than is paid under the specific rates of taxation by Mr. Vanderbilt and Mr. Astor, and the class of men who ought to contribute in proportion to their wealth? It is a cunningly-devised scheme how to reduce revenue by increasing burdens, how to give private men $10 for every dollar put into the Treasury, how to foster monopolies, how to disregard the rights of the mass of the people. The measure these gentlemen advocate so earnestly cares nothing for the people, and gives protection to everything but American labor. Proof was made here, and I have the papers before me to show it, that these monopolists send to Europe, they send to Canada, they send anywhere to import the cheapest labor they can, and drive out the American laborer and his family if they can get foreign labor for 5 cents a day cheaper than the American laborer can afford to work for. He competes with all the paupers of Europe. The capitalist with his machinery alone makes the consumers of this country pay 50 to 75 per cent. more than the goods they get are worth in the markets of the world, in order to enrich himself. Robert J. Walker made a great tariff once that worked well; he laid down these rules and adhered to them:

I. That no more money be collected than is necessary for the wants of the Government when economically administered.

II. That no duty be imposed on any article above the lowest rate which will yield the largest amount of revenue.

III. That below such a rate either a descending scale of discrimination may be made, or for imperative reasons the article may be placed in the free-list.

IV. That the maximum revenue duty be imposed on luxuries.

V. That specific duties be abolished and ad valorem duties substituted in their places where practicable, care being taken to guard against fraudulent invoices and undervaluation and to assess the duty fairly and honestly upon the actual foreign market value.

VI. That the duty be so imposed as to operate as equally as possible throughout every part of the Union and not discriminate either for or against any class or section.

When the Democratic party met in convention in 1876 the plank in its platform that rang the loudest and struck the chords of this country in a way that vibrated from one end of the land to the other was in these words:

Reform is necessary in the sum and mode of Federal taxation to the end that capital may be set free from distrust and labor lightly burdened.

We denounce the present tariff, levied upon 4,000 articles, as a masterpiece of injustice, inequality, and false pretense. It has impoverished many industries to subsidize a few. It prohibits imports that might purchase the products of American labor. It has degraded American commerce from the first to an inferior rank on the high seas. It has cut down the sales of American manufactures at home and abroad and depleted the returns of American agriculture—an industry followed by half our people. It costs the people five times more than it produces to the Treasury, obstructs the processes of production and wastes the fruits of labor. It promotes fraud, fosters smuggling, enriches dishonest officials and bankrupts honest merchants. We demand that all custom-house taxation shall be only for revenue.

Every principle in these rules and declarations has been abandoned under a pretense of making this reform tariff. It is worse in many regards than even the bad system we are now living under. It is an increase, if this conference report is adopted, upon many of the manufactures of steel from 30 to 45 per cent., an increase upon the very raw material of which iron is made, the iron ore, of 50 per cent. above the present rate. Upon many of the schedules, upon many of the cotton goods of the country, it is a large increase, as I proved the other

day. On some things it is a reduction, some of the methods are improved. They were so bad they could not all be made worse. The Tariff Commission improved some of them; but they are infinitely worse by the conference report than they were when the bill left the Senate.

For these reasons it is, Mr. President, that I, if I vote alone, will vote against this conference report, and I will demand, if I can by so doing, that the bill as it passed the Senate after a full discussion shall be submitted to the House of Representatives, and that the iron-masters and that the cotton and woolen kings of the country shall not by their combinations deprive the people's representatives of the right to say whether they will concur with what the Senate did by trying to force upon them in the shape of a conference report a bill that is worse in every regard and more oppressive by millions of dollars than the propositions that went from this body to the House for concurrence.

DEFICIENCY APPROPRIATION BILL.

Mr. HALE. I am directed by the Committee on Appropriations, to whom was referred the bill (H. R. 7637) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1883, and for prior years, and for those certified as due by the accounting officers of the Treasury in accordance with section 4 of the act of June 14, 1878, heretofore paid from permanent appropriations, and for other purposes, to report it back with sundry amendments. I give notice that I shall try to call it up in the morning directly after we meet.

The PRESIDENT *pro tempore*. The bill will be printed with the committee amendments.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. 7314) making appropriations for the naval service for the fiscal year ending June 30, 1884, and for other purposes.

INTERNAL-REVENUE AND TARIFF DUTIES.

The Senate resumed the consideration of the report of the committee of conference on the bill (H. R. 5538) to reduce internal-revenue taxation.

Mr. BAYARD. Mr. President, I have but little to say at this late hour upon the adoption of this report of the committee of conference. As the Senate knows, it must be adopted as a whole; its features, good or bad, must be taken together. It is indeed a "most lame and impotent conclusion" of a winter spent in framing a tariff law, a petty outcome of the Tariff Commission, and an entire session of contemporary debate in both Houses of Congress.

When the bill was voted upon finally in the Senate an arrangement had been made, to which I was a willing party, to have no further debate in order to reach a vote, so that it was impossible to give the reasons for any vote cast on that occasion; and now I would merely say that I voted for the bill as it passed the Senate because I believed it justified in every respect, not only because the bill was in fact an improvement upon the present law, but it was a simplification and it did work a substantial reduction in duties, it did simplify the law; and further than that, I was satisfied the comparison was not to be made simply between the proposed law and the present tariff act, but *a fortiori* between the proposed law and such a scheme as I feared would result from a committee of conference. The Senator from Kentucky [Mr. BECK] prophesied most truly and accurately what would be the final action upon the subject, or rather the attempted action upon the subject of this measure, that after it was removed from open discussion in both Houses it would go to a conference committee from which it would emerge in a shape hardly recognizable by any who had taken part in its consideration; and that has been all borne out in the sequel.

Mr. President, there was an improvement under this bill in the free-list; and although the improvement was slight and in some respects doubtful, still it was an improvement, and as compared with the report now before the Senate it was Hyperion to a satyr. The rules of this body and general parliamentary law forbid me to refer to the action of the other House, but I have a right to refer to the action of the committee of conference from which this report came. I consider that there is no precedent for the action of that committee, and I trust it will not now receive the approval of the Senate.

When before, in the history of American legislation, was it known that a resolution to non-concur in Senate amendments to a House bill was made and a committee of conference asked for without having the bill itself before the House? And when ever before was a conference ordered which came into the committee-room with a halter around its neck and the end of the rope in the hands of the chairman of the House conferees? The conference on the part of the House was fettered from the beginning. It never was "full and free" in either the common or the common parliamentary sense.

The only option to the Senate in that conference committee was either to yield everything to the demands of certain potential protected classes of citizens, or failing the granting of these demands to allow the measure under consideration strangled by force of a House resolution adopted in advance for the purpose of fettering and controlling the action of the conference. The resolution of the 27th of February, 1883, compelled the House conferees to enter that chamber of conference with the edict of the House on their necks, declaring the action of the Senate in ingrafting a tariff amendment upon a bill to reduce internal-revenue taxation in conflict with the Constitution and void. The conferees on the part of the House claimed the right to pocket and suppress that resolution, or to waive it temporarily and to hold it *in terrorem* over the Senate conferees in case they should refuse to enact such a tariff measure as suited the House conferees and the parties at whose dictation they were acting. They were aware of the strong desire on the part of a large majority of this body to effect some tariff reform at this session. They were aware that this body desires to be responsive to the demand of the country for a cessation of agitation, for an end to uncertainty, for some repose, for some stability upon which business can be organized, energy can be expended, and enterprise be made safe for the owners of capital and the labor dependent thereon. They knew that, and they traded upon it by hampering their conferees with a resolution that should turn the action of the Senate into dust and ashes, provided it was not made to conform to the demands of those who had caused that resolution to be passed and who brought it, as I say, like a halter round the neck of the conference.

A conference upon the disagreeing votes of the two Houses! What disagreement has taken place? Wherein had the House disagreed with the Senate? Where was the vote upon which they disagreed? Where is the item upon which they disagreed? Has the House refused to concur in the Senate amendments? Certainly not. No vote has been taken, for none has been permitted. The fact stands before the country that a minority of the House by a subterfuge has prevented the majority of that body from having an opportunity to express their will upon this subject.

Mr. President, the House of Representatives has never voted upon any of the Senate amendments to this bill. The amended bill has never been before the House for agreement or disagreement. The measure that was used by the House conferees in the conference committee as a test of the judgment of the House of Representatives was a House bill that I hold in my hand, that never was acted upon in the House, but was simply the result of their action in Committee of the Whole. It was no conclusive expression of the will of that body, and yet that was adopted as the test of what the House would demand; that is to say in certain cases only, and under such irregularity did that conference proceed and upon it their report has been made. How can you describe such a conference as one upon the disagreeing votes of the two Houses, when one of the Houses had never voted upon any of these measures, and never upon the same bill or rather upon the amendments now objected to by the House conferees.

But, Mr. President, when before in the parliamentary history of the Senate and the House was it ever attempted, or rather where before was the attempt ever permitted to be successful of a committee of conference to amend a proposition upon which the two Houses were not in disagreement? Yet that was done in the present case almost upon the very forehead of this bill. The item of iron ore had been fixed by repeated votes of the Senate at the rate of 50 cents per ton. The House of Representatives, in the bill which I hold in my hand, acting in Committee of the Whole, had fixed the same rate of 50 cents, and yet when the House conferees, professing to represent the will of the House, and the Senate bill equally representing the will of the Senate, came into conference it was discarded; and what had the exact concurrence of the two Houses was amended by the committee of conference by advancing the duty from 50 to 75 cents per ton. At whose instance was this change made? What disagreeing vote was made the basis of such departure from the recorded sentiment of both Houses?

Now, wholly irrespective of the merits of that amendment, it is utterly unwarranted by parliamentary law and usage and never should be accepted by the Senate. *Ex uno disce omnes.* There would be no strengthening of this argument by repeating and multiplying similar illustrations, of which this bill is full.

But, sir, look at what is termed the similitude clause of this bill, which provides that—

> If two or more rates of duty should be applicable to any imported article, it shall be classified for duty under the highest of such rates.

Is there any precedent for this in any tariff law of the United States? It is a new departure. It not only is unprecedented, but dangerous, accompanying this tariff law like an evil principle throughout with all its multifarious schedules and items from first to last, but it is fraught with danger and renders it impossible for any man to say, with all the variety and all the novelty of invention of which this age is full, you can not tell, no man can tell what rate of duty shall be assigned to an article, except that, if there are two rates of duties, under either of which it may possibly be assigned, shall always be placed under the highest, no matter what would be the rational construction of the statute.

Mr. President, what becomes of the whole current and the meaning and principle of the decisions of the judicial branch of this subject? In 1881, at the October term, in the case of Victor *vs.* Arthur, now the President, and then collector of the port of New York, the Supreme Court declared:

> It is also well settled that when Congress has designated an article by its specific name and imposed a duty on it by such name, general terms in a later act,

or other parts of the same act, although sufficiently broad to comprehend such article, are not applicable to it.

But under this new law wherever you can discover a higher duty that by any construction can be declared upon an article, that higher duty shall always be applied according to this new conference law. There are abundant illustrations of this. Turn to page 24 and observe the enormous advance upon earthen-ware, stone and crockery ware; an article not of luxury, an article of necessity in use by the mass of the people, and the poorest of the people, and essential for their comfort and decent living, has been advanced under this report from 50 to 60 per cent. ad valorem, and here you find on the same page two sections of the law imposing two distinct rates of duty upon the same article, and under the rule laid down by the Supreme Court a construction could have been applied that would have given the lower duty to this because it had been specifically described, and not put under the general enumeration; but under this proposed conference law the highest tax must be fixed in every case, and this, I say, is wholly without precedent in any tariff law ever passed by an American Congress.

I call the attention of Senators to this provision, on page 43 of the bill:

Manufactures, articles, or wares not specially enumerated or provided for in this act, composed wholly or in part of iron, steel, copper, lead, nickel, pewter, tin, zinc, gold, silver, platinum, or any other metal, and whether partly or wholly manufactured, 45 per cent. ad valorem.

The Senate fixed the rate at 35 per cent. ad valorem, and it has been advanced to 45 per cent. ad valorem, a difference of nearly 33 per cent., by the committee of conference in disregard of a vote repeated by the Senate after full debate.

Now, cast your eye over the two or three preceding pages and you will see articles composed in part of one metal and in part of another, articles composed partly of wood and partly of metal, all of which, if non-enumerated, would come under that clause; and now what will be the result? An article which might have been taxed 10 or 20 or 25 per cent. must, under this new-fangled and mandatory phrase, have the very highest tax anywhere discoverable in the law imposed upon it.

Mr. President, there was nothing else in this report than this general rule of taxation, which is to run throughout the entire law, which was the invention of the Tariff Commission, which will be found recommended in their report, which was considered by the Committee on Finance and disagreed to by that committee. They refused to place that in the bill reported to the Senate.

The House conferees chose to adopt it, and they have, as usual throughout this bill, forced their demand down the throat of the Senate conferees under compulsion of their House resolution threatening to declare all Senate amendments void and unconstitutional if they were not molded to suit the taste of the House conferees or the interests represented by them.

Now, sir, if there was no other feature in this report than that, I would not vote for it. I say it is sweeping, far-reaching, the effect not calculable, but the result of which, as a general fact, will be enormously to increase duties, because wherever there is a doubt, or wherever there is a construction that would have assigned a lower duty to an article, it is provided by this clause that the very highest duty must be imposed. I say it has wiped out and destroyed the whole force and current of judicial decision upon which the business of the country has rested and which the Supreme Court of the United States has declared to be the settled law of the land.

But beyond that what has been done? Salt, a necessary of life, has been increased 30 per cent.; iron ore has been increased 50 per cent.; steel rails have been increased 15 per cent.; steel in other forms, 10 to 12 per cent.; earthen-ware 20 per cent.; jute butts somewhere from 50 to 75 per cent.—I believe I am right in that statement; certainly jute butts were on the free-list, and $5 per ton has been affixed. It subjects them to a very high ad valorem duty, although I do not know that I can state it accurately. Books in a foreign language, none of which worthy of mention are published in this country, which are needed by the scholars and instructors of the country; which are not an article of manufacture in this country, which were placed by the Senate on the free-list, have been stricken out by this conference and subjected to a duty of 25 per cent. ad valorem. Books in the English language have been advanced from 15 to 25 per cent.

But, sir, I did not intend at this time to run through these schedules and show how in almost every case advance has been made and how serious the advance is, but the clause to which I have referred, which adopts a rule of construction that shall place the very highest possible tax upon every important article, is one utterly unprecedented in tariff legislation, and is fraught with results to which I will never give my consent. It is absurd to speak of reduction in the face of such a sweeping provision of advance.

What was the use of providing that the natural mineral waters of Europe, so conducive to the health of our people, waters which can not be found in the United States, should be admitted free, when you tax at an enormous ad valorem duty the bottles or the jugs which contain them? It was the distinct vote of the Senate that the incident of the grant should follow the principal, and that when you granted the right to import and use these waters free of duty you included necessarily all the incidents which accompany the grant, and that the means of their transportation, the bottles and jugs that contain them, should also come in free of duty; but that has been prevented, so that in affixing a heavy duty to the bottle or the jug you have virtually denied the freedom of the importation of these healthful waters.

Mr. President, I can not comment on all the features of this bill. I have referred to many. At page 38 there is an increase of 30 per cent. upon steel. At line 784, on "steel not specially enumerated or provided for in this act" the Senate fixed the duty of 30 per cent. and it is increased to 45 per cent., an increase of 50 per cent. in the taxation, which is accepted by the Senate conferees, and not mentioned when their action was recited here to the Senate by the chairman.

Mr. President, I will not profess that I am greatly surprised or disappointed in the result of the attempt this winter and at this session to procure a reform and a reduction of tariff taxation. I have not underrated nor do I now underrate the power of the organized manufacturers of this country, entrenched behind the forms of law, to defy the attempts to reform that law. I have regarded the formation of the Tariff Commission, for which I voted, I have regarded the attempt to frame this law for which I voted, as mere preliminary skirmishes in the struggle that is to come hereafter and of the ultimate result of which I have not a shadow of doubt. These favored interests are strong. They have grown strong and rich by the inequity and inequality of legislation. They have by means of privileges withheld from other classes of citizens become intrenched in wealth and power and in strength; but there is one thing stronger even than they, and that is the force of an intelligent and aroused public opinion. That is stronger and in the end will prevail. The day is sure to dawn, although this Congress has postponed it; their triumph is to-day, but the triumph of popular right and interest is as sure to come as the sun itself is to rise.

I regret the agitation that accompanies this change. I would wish it to end as speedily as possible. I hold that stability is essential for honest dealing and prosperity; and for that reason I regret all this delay and agitation and uncertainty upon this vast and important subject. I have done the best I could to lessen it; I have done the best I could to promote in this Chamber and out of this Chamber, privately and publicly, the passage of a law of moderate, conservative, just tariff reform, a reduction of the rates and the simplification of the methods both in collection and calculation; and, sir, I have been defeated and disappointed. The people of this country can not be always misled by a press that studiously suppresses or misrepresents; they can not be prevented from ultimately coming at the truth. It will break through the meshes of any net that may be spread to restrain it and that final perception of the truth is what we must await—I do so confidently. I believe that a reform to be safe must be gradual. I can not say that I regret the delay that has taken place. It has turned the mind of the American people to the consideration of the subject. They are comprehending gradually but justly and fairly the rights and principles involved in this question, and I believe them capable of a proper adjustment of the laws of this country, which shall produce equality of rights under the form of taxation.

It is, I say, much to be regretted that this attempt to pass a moderate measure of relief to the country, a reformation of taxation, such as I held the Senate bill to be, has been defeated. I do not stand here taking petty party advantage from it. I am perfectly aware that in the ranks of both parties there are decided differences of opinion upon the subject. I know men of the Republican party who share the views I hold, and I know gentlemen in the Democratic party who differ from me *toto cœlo* upon the subject of tariff taxation.

There must come an adjustment of this subject, and I am willing to approach it by well-advised, steady, and conservative action. That has been thwarted by the character of the Tariff Commission and the action of the present Congress. The people of this country must know that the powers of legislation have been seized and controlled in favor of private and against public interests, and this report and the result reached so far is the proof of what I now say. The amazing spectacle is now before the American people of the bold, strong hand of private and privileged interests seizing in its grasp the legislative powers of the nation and bending them to their will—the sovereign power of taxation made a mere tributary to private and class interests. I believe this bill and the very questionable methods taken to secure its passage will prove a valuable lesson to the American people, and prove a costly and short-lived triumph to its promoters. Sir, I shall vote against this report, and hope the Senate will not adopt it. I have a well-founded belief that when it is unfettered from the present abnormal rule the House of Representatives will be glad to accept the amendments of the Senate to the bill originally sent to us.

One good result of the defeat of this report of the committee of conference and the refusal to adopt it will be that, for the first time, a majority of the House of Representatives will have an opportunity to record its vote, yea or nay, upon this subject.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (S. 1821) prescribing regulations for the Soldiers' Home located at Washington, in the District of Columbia, and for other purposes.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7077) making appropriations for the support of the Army for the fiscal year ending June 30, 1884, and for other purposes.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (H. R. 7181) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1884, and for other purposes; and it was thereupon signed by the President *pro tempore*.

SOLDIERS' HOME.

Mr. LOGAN. I ask leave to make a report at this time from the conference committee on the bill prescribing regulations for the Soldiers' Home located near Washington city.

The PRESIDING OFFICER (Mr. GORMAN in the chair). The Senate is already considering one conference report; and it requires unanimous consent.

Mr. LOGAN. I hope there will be no objection. It will take but a moment. It has been agreed to in the House.

The PRESIDING OFFICER. The Chair hears no objection, and the report will be read.

The Acting Secretary read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1821) entitled "An act prescribing regulations for the Soldiers' Home, located at Washington, in the District of Columbia, 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 House recede from its amendments numbered 1, 2, 3, 4, 5, 6, 7, and 10.

That the Senate recede from its disagreement to amendment numbered 9.

That the Senate recede from its disagreement to amendment numbered 8, with an amendment as follows:

"SEC. 7. That the governor and all other officers of the home shall be selected by the President of the United States, and the treasurer of the home shall be required to give a bond in the penal sum of $20,000 for the faithful performance of his duty."

That the Senate recede from its disagreement to House amendment numbered 11, with an amendment as follows:

"SEC. 10. That the board of commissioners of the Soldiers' Home shall hereafter consist of the General-in-Chief commanding the Army, the Surgeon-General, the Commissary-General, the Adjutant-General, the Quartermaster-General, the Judge-Advocate-General, and the governor of the home; and the General-in-Chief shall be president of the board, and any four of them shall constitute a quorum for the transaction of business."

That the House recede from its amendment numbered 12, with an amendment as follows:

"SEC. 12. That the sum of $10,000 is hereby appropriated out of any money in the Treasury not otherwise appropriated to be expended by the Secretary of the Treasury in the employment of additional clerical force to be used in adjusting the accounts in the Treasury Department of those funds which under the law belong to the Soldiers' Home."

That the House agree to section 2 with an amendment:

"SEC. 2. That the Inspector-General of the Army shall in person once in each year further inspect the home, its records, accounts, management, discipline, and sanitary condition, and shall report thereon in writing, together with such suggestions as he desires to make."

And agree to the same.

JOHN A. LOGAN,
W. J. SEWELL,
WADE HAMPTON,
Managers on the part of the Senate.
THOMAS J. HENDERSON,
ANSON G. McCOOK,
EDWARD S. BRAGG,
Managers on the part of the House.

The PRESIDING OFFICER. The question is on the adoption of the report.

The report was agreed to.

INTERNAL-REVENUE AND TARIFF DUTIES.

The Senate resumed the consideration of the report of the committee of conference on the bill (H. R. 5538) to reduce internal-revenue taxation.

Mr. VANCE. Mr. President, it is not with the hope of influencing the vote of any Senator on the passage of this conference report that I rise to say a word. I simply desire to assist my brother Senators on this floor in emphasizing the real measure which is now before the country. I desire to express my sympathy with the brethren on the other side of the Chamber in the trying circumstances in which they find themselves and in the difficult rôle which they have undertaken to perform. They have really a trying time of it. They have two masters to serve; and we are told in the sacred writings how difficult that is to do successfully. On one side they have the great capitalists of this country to placate, the chartered monopolies that furnish the sinews of war for campaigns, and to maintain the supremacy of their party. They have them to please. On the other hand they have undertaken to meet a great popular demand of the millions of people who inhabit this country and who are taxed for the benefit of these monopolists. How they are going to act so as to please both passes my comprehension. I do not believe that they can do it. But they set out in the only practicable way, and that is, to avoid the publicity which attends legislation in its ordinary course in this country and to resort to a secret conclave, a Venetian Council of Ten, a kind of political star-chamber, called a conference committee, whose proceedings are hidden, and where the light of publicity could not be poured in upon them.

It was evident to all of those who were versed in our proceedings and have served long in this Chamber that the attainment of a conference committee was the object from the very beginning. The manner in which these bills were started simultaneously in the two Houses, the manner in which the one House stopped its bill and the other House kept on, the manner in which the rules of one House were changed so as to enable this conference to be attained and the conference secured in the manner in which it was—all these things indicated very plainly that there was to be an attempt to meet these trying circumstances in a manner that the public would not have its usual insight into.

I want the country, so far as I can make it known, to understand how this thing has been done. I want the hundreds of thousands and millions of taxed people in this country, who have been trying to bring about a reduction of taxes, to know how this legislation has been conducted. I want them to know that which I know, and which you, Mr. President, know, and which all the Senators in this Chamber know, that at no time in this discussion has there been anything said or anything done looking to the interests of the revenues of this Government. Nor has there been at any time anything done or said, by the dominant party, I mean, of course, looking to the interests of the consumers, looking to the interests of the people who have the taxes to pay, looking to the interests of the poor and of the laboring men. I want that understood. There has been no attempt to reduce taxation, though there has been some attempt to reduce revenue by putting the duties so high that it will yield none. I want the country to know that in the course of our proceedings here for now nearly two months there has been nobody consulted but the capitalists of this country. There has been nothing consulted but the greed and the rapacity of these cormorants, who have fastened themselves upon the American people.

When this bill did get into the committee of conference, I did not have the honor of being a member of that committee and therefore I can not speak of it from personal knowledge, but I understand that the protected capital of this country thronged this city, and the hotels and the corridors and lobbies of the Capitol and besieged the doors of that committee-room, more resembling the scene of an assemblage of tramps and dead-beats around a free-lunch room than anything else that it could be compared to, while dispatches by the hundred came from over the country advising Senators and Representatives—not what would be for the public good, but what they would be satisfied with. I, myself, can bear witness that one clause inserted by the conference committee in the bill is in the precise language of a circular addressed to me—I reckon it came by mistake—by one of the manufacturers in this country. They took precisely his words and gave him just what he asked. They have vastly increased the items in the bill as adjudicated by the solemn sense of the United States Senate. They have, as shown by the Senator from Kentucky, increased those things wherein both Houses of Congress had agreed. They have increased things that nobody on the floor of the Senate had asked to be increased.

What they have done in the way of reducing the duties the Senator from Kentucky showed you, and it would only weary the Senate and weary me to go over the list. He did not nearly exhaust it. I might add a great many items of increase that he omitted, but he showed you wherein the conference committee had increased the burdens of the people and increased the taxation instead of diminishing it. What did they give us for all this increase? They increased the duty, for instance, on salt about 20 per cent. over what the Senate decided it should stand at. They increased it about 20 per cent. over what the Tariff Commission said they would be satisfied with. They restored the present duty in this bill, to wit, 8 cents for salt in bulk and 12 cents for salt in sacks, making the duty on salt as it now stands, ranging from 68 to 80 per cent. On cotton bagging they have increased the duty over and above what the Senate decided it should be about 150 per cent. They have taken jute butts, which was placed on the free-list in order to give the manufacturers of cotton bagging cheap raw material, and they have restored the duty of $5 a ton upon that. The Senate has made the duty on cotton bagging manufactured from the jute butts 20 per cent., and they have raised it now to about 50 per cent., which is 150 per cent. over what the Senate decided on, and is about three times what it should be if the due proportion between the raw material and the manufactured article was maintained. They have raised it on earthen-ware, the common earthen-ware of the poor people of the country, so that the very commonest article will be taxed, if it has a little paint on it, or any kind of ornamentation or Sunday doings, from 20 to 30 per cent. higher than the fine white unpainted china that sits upon the rich man's table. That is what this tariff conference committee has done.

They have raised the duties on women's and children's woolen goods, and they have inserted a new paragraph in the tariff schedule for the express purpose of taking a certain class of goods out of the residuary clause where it came in much cheaper, and they have imposed that duty for the benefit of woolen manufacturers upon all the women and children in this country. They have absolutely gone to the free-list and robbed it of an article used only by the cooks and old women of the

country for raising bread when the flour will not raise of itself, and they have taken the yeast-cakes off the free-list and put them on the dutiable list for the benefit of some struggling industry, not for some starving infant that would like to eat the cakes, but they have raised the duty on yeast for some starving, struggling infant industry. They have raised the duty on iron and steel, and they have raised it upon all goods manufactured of them. They have raised it upon knowledge; they have raised it upon the books and the literature of this country from 15 per cent. to 25 per cent.; 40 per cent. have they added to the price of knowledge in this country for our children.

What have they placed upon the free-list to compensate for all this? Mr. President, listen while I recount, while I tell the wondrous story of how the tariff conference committee in secret conclave have relieved the burdens of taxation upon the American people. They have absolutely put "hop-poles" upon the free-list; 150 per cent. increase on the bagging with which the farmer ties his cotton for market, and 40 per cent. increase upon the earthen-ware dish out of which he eats his dinner, 25 per cent. increase on the salt with which he seasons his food, or keeps his stock alive or salts his meat; and an increase in proportion upon woolen goods that clothes his wife and his child; upon the iron goods with which he pulls the plow and on the plow itself which makes his crop; in return for all that he shall absolutely have the privilege of buying his hop-poles free for the vines to climb on. That is everthing they have done upon the free-list.

Mr. President, what kind of a way is this to meet a grave issue? When the people of a great nation, 50,000,000 in number, say that the Treasury is overflowing with money that there is no need for, and that only breeds jobbery and corruption, and they want to preserve the purity of the country and to lower their taxes at the same time; and when the thunders of 1882 reverberated from Maine to the golden sands of the Pacific in tones that no wise politician would mistake, indicating that the people had determined to have this, and the Congress of the United States meets here and in pretended obedience to that demand undertakes to reform this great schedule of taxes, I say what sort of a poor, pitiable, and contemptible showing is this? And does any man suppose that the people of these United States are going to be deceived by it? Is there anybody in this country who can be deluded into the belief that the Republicans who have control of this Congress would have given us a better bill but for the obstruction thrown in their path by the minority? No, Mr. President, you may have all the conference committees in the world, and you may double-lock the doors, and you may prevent even a bird of the air from carrying the matter; you may cloud the question by all the protection newspapers that you can buy, and all the orators that you can hire, and you may obfusticate by all the means known to the demagogues, you can not fool the people of the United States. They will say to the party in power, "You had the power here; you had an opportunity and a fair chance; you knew our will; you knew our demands; you saw the lightning; you heard the thunders; you knew our will, and you obeyed it not;" and the balance of the instruction will follow.

I suppose perhaps there will be a pretense that there was some Democratic obstruction in that conference committee, when there were just barely enough Democrats there to see proceedings, as they say in court. You have had it all your own way, and as I say, the people will say to you, "You knew my will and you did it not, and he who knoweth my will and doeth it not shall be beaten with many stripes," and if I dared to pharaphrase it I would say "Shall be beaten by many votes and by a large majority."

You had a chance to reduce this great schedule of tax; you had the chance to do it without disturbing business; you had the chance to do it without destroying manufactures. The manufacturers had their own way in the Tariff Commission. The whole thing was gotten up for them, and they controlled it; their own men were upon it, and they tramped up and down the United States for many, many months and drunk many, many bottles of excellent champagne to inspire them for their work. They reported, and it may be considered the report of the manufacturers themselves, and yet they were not satisfied with their own report.

You can not fool the people and satisfy the manufacturers. You can not reduce tariff duties and keep them up at the same time. It is an impossibility. You will have to make your choice. You will have to say "we are in favor of the capitalist and opposed to the people," or you will have to abandon the capitalist and do something to reduce taxes upon the people. Whenever you do that, whenever you make that choice and make it openly, then the great work of this generation will be more than half completed.

Mr. President, this is all I have to say. I wished in this way merely to assist in emphasizing, as I said at the beginning of my remarks, the opposition that I have to this whole matter, and to aid in showing the people the true state of things in regard to this tariff legislation. I voted against the bill as it went from the Senate. Of course I can not vote for the report of the conference committee, which is so much worse than the bill as we sent it to them.

Mr. MORRILL. I merely want to say that the understanding of the Senator from Delaware [Mr. BAYARD] in relation to two or more rates of duty applicable to any imported article that the duty shall be classified under the highest of such rates is merely to prevent a mistake that may be made where an article may appear as equally included under one schedule as another. Had we not ascertained at the last moment that there was a mistake in the bill, it would have occurred in the report; an article like borax was included in the free-list and also in the taxable list. Under the rule adopted it will be taxable and not free.

I will add, as the Senator from North Carolina [Mr. VANCE] stated that we had raised the duty on cotton-bagging from what it was in the bill as it left the Senate, that we did not even touch it. We have not changed it in the least.

The PRESIDENT *pro tempore*. The roll will be called on concurring in the report of the conference committee.

The Principal Legislative Clerk proceeded to call the roll.

Mr. BUTLER (when his name was called). I have been paired with the Senator from Pennsylvania [Mr. CAMERON], but having transferred that pair to my colleague [Mr. HAMPTON], I vote "nay."

Mr. SLATER (when Mr. FERRY's name was called). The Senator from Michigan [Mr. FERRY] is paired with my colleague [Mr. GROVER]. The pair between the Senator from Michigan [Mr. FERRY] and the Senator from Nevada [Mr. FAIR] has been transferred.

Mr. BECK (when Mr. HALE's name was called). I voted "nay." I am paired upon this question and all others with the Senator from Maine [Mr. HALE], who is necessarily absent. I withdraw my vote. He would have voted "yea," I understand from his colleague.

Mr. WILLIAMS (when his name was called). I am generally paired with the Senator from Nebraska [Mr. SAUNDERS], but his colleague [Mr. VAN WYCK] tells me, and I know the fact, that he thinks if the Senator from Nebraska [Mr. SAUNDERS] were here, he would vote "nay." As I should vote nay——

Mr. ROLLINS. The Senator from Nebraska [Mr. SAUNDERS] notified me of his position on the tariff question, and he would vote "yea," if present.

Mr. WILLIAMS. I understand one thing. I do not go to the Senator from New Hampshire for instruction as to how I shall be governed in my pairs, but I go to the colleague of the Senator with whom I am paired.

Mr. ROLLINS. I have the authority from the Senator from Nebraska [Mr. SAUNDERS].

Mr. WILLIAMS. Show it to me and I will not vote.

The PRESIDENT *pro tempore*. Debate is not in order during the roll-call.

Mr. ROLLINS. I think I have a telegram here from the Senator from Nebraska [Mr. SAUNDERS].

Mr. WILLIAMS. You are too officious in regard to pairs here.

The PRESIDENT *pro tempore*. The Senator has a right to vote if he wishes, but debate is not in order.

Mr. WILLIAMS. I vote "nay."

The roll-call was concluded.

Mr. CAMERON, of Pennsylvania. I have been paired with the Senator from South Carolina [Mr. HAMPTON], but as I am told by his colleague [Mr. BUTLER] that if present he would vote probably the same way with myself, I vote "nay."

Mr. BUTLER. I am satisfied that my colleague would vote that way.

The PRESIDENT *pro tempore*. Does the Senator from Kentucky wish to have his vote recorded?

Mr. WILLIAMS. I have already voted "nay," and I do not go to the Senator from New Hampshire in reference to my pair.

Mr. EDMUNDS. Debate is not in order.

The PRESIDENT *pro tempore*. Debate is not in order. The Senator from New Hampshire has been out of order and so has the Senator from Kentucky. The Senator has the right to vote as he pleases.

Mr. WILLIAMS. I have voted.

Mr. VAN WYCK. I desire, in order to relieve the Senator from New Hampshire——

The PRESIDENT *pro tempore*. Debate is not in order.

Mr. VAN WYCK. I desire to say that my colleague [Mr. SAUNDERS] is paired with the Senator from South Carolina [Mr. HAMPTON]. That enables the Senator from Kentucky to vote.

Mr. FRYE. The Senator from Pennsylvania [Mr. CAMERON] announces that he is paired with the Senator from South Carolina.

Mr. BUTLER. The Senator from Pennsylvania voted.

Mr. FRYE. He said he did that on the ground that the Senator from South Carolina, if present, would vote the same way.

Mr. DAVIS, of West Virginia. My colleague [Mr. CAMDEN] is paired with the Senator from Colorado [Mr. TABOR].

Mr. CONGER. I desire to announce that my colleague [Mr. FERRY] is paired, as I understand, with the Senator from Nevada [Mr. FAIR].

The PRESIDENT *pro tempore*. That pair was changed to the Senator from Oregon [Mr. GROVER].

Mr. CONGER. I was not aware of that change.

Mr. MITCHELL. I am paired with the Senator from Virginia [Mr. JOHNSTON].

The result was announced—yeas 32, nays 31; as follows:

YEAS—32.

Aldrich,	Edmunds,	Kellogg,	Morrill,
Allison,	Frye,	Lapham,	Platt,
Anthony,	Harrison,	Logan,	Plumb,
Blair,	Hawley,	McDill,	Rollins,
Cameron of Wis.,	Hill,	McMillan,	Sawyer,
Conger,	Hoar,	McPherson,	Sewell,
Davis of Ill.,	Ingalls,	Mahone,	Sherman,
Dawes,	Jones of Nevada,	Miller of N. Y.,	Windom.

NAYS—31.

Barrow,	Fair,	Jones of Florida,	Slater,
Bayard,	Garland,	Lamar,	Vance,
Brown,	George,	Maxey,	Van Wyck,
Butler,	Gorman,	Morgan,	Vest,
Call,	Groome,	Pendleton,	Voorhees,
Cameron of Pa.,	Harris,	Pugh,	Walker,
Cockrell,	Jackson,	Ransom,	Williams.
Coke,	Jonas,	Saulsbury,	

ABSENT—13.

Beck,	Ferry,	Johnston,	Tabor.
Camden,	Grover,	Miller of Cal.,	
Davis of W. Va.,	Hale,	Mitchell,	
Farley,	Hampton,	Saunders,	

So the report was concurred in.

Mr. ROLLINS. I desire to put myself right upon the record. During the roll-call my authority to pair the Senator from Nebraska [Mr. SAUNDERS] was called in question by the Senator from Kentucky [Mr. WILLIAMS]. I had informed him and the Senate that I had authority in a telegram to act as umpire in such a case. This was denied and I was taken severely to task for presuming to say what I had said on the floor of the Senate. I do not purpose under any circumstances to usurp any authority in this matter, but in order that there might be no mistake about it I some time since telegraphed to the Senator from Nebraska and I have his reply which I will read. I asked him the simple and square question as to whether I had authority to act in such a case. This is his reply:

TREASURY DEPARTMENT,
Washington, D. C., February 14, 1883.

To Hon. E. H. ROLLINS:

Yes; except in the case of free lumber. I had instructed Senator VAN WYCK to attend to that.

A. SAUNDERS.

He instructed his colleague to attend to his pairs as far as free lumber was concerned, but in all other matters he authorized me to act for him.

Mr. WILLIAMS. In explanation of my own conduct in the matter I have to say——

Mr. ROLLINS. Allow me to get through. I trust the Senator from Kentucky will see from this that I have not been officious about the matter.

Mr. EDMUNDS. Mr. President——

Mr. WILLIAMS. I rise to a personal question.

Mr. EDMUNDS. I move that the Senate do now adjourn.

Mr. WILLIAMS. Allow me a moment in response to the Senator from New Hampshire. I have the floor.

Mr. EDMUNDS. I withdraw the motion for a moment.

Mr. WILLIAMS. In response to the Senator from New Hampshire I have to say that that telegram he reads now to make an impression upon the Senate is dated over two weeks ago. The Senator from Nebraska [Mr. SAUNDERS] and I have a general pair, and he and I have voted together in the reduction of the tariff from the beginning, and an examination of the records will show that I have never when I was in the Senate failed to vote. The Senator from Nebraska was here this morning himself, and told me it was perfectly indifferent to him, and I went to his own colleague and transferred my pair on this matter; and I call it officious in the Senator from New Hampshire upon an old telegram dated the 14th of last month to undertake to control my pair on this vote. The telegram is dated before the bill was passed by the Senate; it is dated nearly three weeks ago.

Mr. ROLLINS. That was the——

Mr. WILLIAMS. The Senator now excuses himself for an interference with me in the arrangement I had made with the colleague of the Senator from Nebraska himself. I thought it was officious upon his part, and therefore I resented it, and I do so now.

Mr. ROLLINS. Allow me one word. This simply had reference to the tariff bill which is now under consideration, and it never has been revoked at all.

HOUSE BILLS.

Mr. EDMUNDS. Mr. President, the unfinished business, the bill of my friend from Alabama [Mr. MORGAN], being before the Senate, I move that the Senate do now adjourn.

The PRESIDENT *pro tempore*. Before putting the motion it is desired to have some bills from the House of Representatives printed.

Mr. EDMUNDS. They may be read the first time, but the first time only.

The bill (H. R. 5543) to confirm certain entries of the public lands was read the first time by its title.

Mr. EDMUNDS. I object to the second reading of the bill.

The joint resolution (H. Res. 338) in relation to the claim made by Dr. John B. Read against the United States for the alleged use of projectiles claimed as the invention of said Read, and by him alleged to have been used pursuant to a contract or arrangement between him and the War Department, and for which no compensation has been made, was read the first time by its title.

The bill (H. R. 7611) to adjust the salaries of postmasters was read the first time by its title.

Mr. EDMUNDS. I renew the motion that the Senate do now adjourn.

The motion was agreed to; and (at 12 o'clock and 34 minutes a. m., Saturday, March 3) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *March* 2, 1883.

The House met at 11 o'clock a. m. Prayer by the Rev. H. D. CLARK, of Baltimore.

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

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had passed with amendments the bill (H. R. 7595) making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1884, and for other purposes; in which amendments the concurrence of the House of Representatives was requested.

ORDER OF BUSINESS.

Mr. WILLITS. I move to suspend the rules and take from the Committee of the Whole——

The SPEAKER. That motion would not be in order prior to the execution of the Pound rule. The Chair recognized the gentleman, understanding that he desired to ask unanimous consent.

Mr. WILLITS. I will make the motion then at a later hour in the day.

Mr. CALKINS. I demand the regular order.

CORRECTION.

Mr. NEAL. I wish to state that I was paired with the gentleman from Missouri [Mr. BLAND] on the river and harbor bill on yesterday as shown by the RECORD. Had it not been so I should have voted, as I have always done, against the bill.

Mr. COX, of New York. I wish to say the same thing. I should have voted against the bill had I been present.

ORDER OF BUSINESS.

Mr. CALKINS. Let us have the regular order.

The SPEAKER. The regular order is the proceeding under the Pound rule.

At the time that the hour expired when this rule was last under consideration by the House there was a bill which had been called up by the gentleman from Wisconsin [Mr. POUND] on behalf of the Committee on the Public Lands.

Mr. CALKINS. I desire to give notice that immediately after the expiration of this hour under the Pound rule I shall call up the contested-election cases. I give this notice so that members may be aware of the fact.

CONFIRMATION OF PUBLIC LAND ENTRIES.

The SPEAKER. The bill which had been called up by the Committee on the Public Lands under the Pound rule was the bill (H. R. 5543) to confirm certain entries on the public lands. This bill had been read and was printed in the RECORD.

Mr. ANDERSON. Can it be read again?

The SPEAKER. Only by unanimous consent. This hour can not be taken up in that manner.

Mr. ANDERSON. I would like to know what the bill is.

Mr. POUND. Let the title of the bill be read.

The SPEAKER. The title of the bill has been announced. It has been read and is printed in the RECORD of the proceedings of the 26th of February.

Is there objection to the present consideration of this bill?

There was no objection.

Mr. LACEY. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LACEY. I wish to know in what manner this proceeding will affect the standing of the postmaster's salary bill, which comes over as the unfinished business?

The SPEAKER. It has nothing to do with it.

Mr. HOLMAN. What is the bill to which the gentleman from Wisconsin refers?

The SPEAKER. The gentleman from Wisconsin is entitled to the floor and will explain the bill.

Mr. POUND. It will be remembered, Mr. Speaker, that the bill under consideration (H. R. 5543), a bill to confirm certain entries on the public lands, was called up by the Committee on the Public Lands on the 26th instant, was read, and, with the report, was also printed in the RECORD. At that time, and before the consideration of the bill had begun or before objection had been asked to its consideration, the hour

had expired and it comes up now in this hour as the unfinished business. I desire to say that it is unanimously reported by the Committee on the Public Lands of this House, and that a similar bill has been reported by the committee of the Senate with this exception, that the proviso is omitted in the Senate bill, and I wish to amend this bill as I have already given notice, by striking out the latter proviso. This bill simply confirms the title to certain lands wholly within my Congressional district. The money has been paid and the entries made in strict accordance with the law. I repeat that these lands were duly entered and paid for under instructions of the General Land Office. They are embraced in lands which were reduced from $2.50 to $1.25 an acre under the law of 1880, and they proceeded under instruction of the General Land Office to make these entries for nearly a year, when it was discovered that under some ruling of the Supreme Court they should have been reoffered. The entries are in due form; there are no contestants; there are no adverse claims, and certainly there can be no objection to the confirmation of these titles.

The SPEAKER. The gentleman from Wisconsin moves to strike out the last proviso of the bill. The Clerk will read the proviso proposed to be stricken out.

Mr. HOLMAN. I rise to a question of order. We do not even know the title of the bill.

The SPEAKER. The bill was read in full, and was printed in the RECORD.

The Clerk read the proviso proposed to be stricken out, as follows:

And provided further, That where lands have been entered since the approval of said act, and a greater price paid therefor than said reduced price, such excess shall be refunded to the purchaser or his legal representatives in the same manner as repayments of excess purchase-money are made in other cases under existing law.

Mr. POUND. I would like to say to the gentleman from Indiana [Mr. HOLMAN] the Committee on Public Lands thought it well to make this reimbursement. But this amendment was made so as to make the bill conform to the bill of the Senate which does not provide for the reimbursement.

Mr. HOLMAN. I do not think bills of this character should be passed in this way. The exact effect of this measure is not understood. I suppose the original act reducing the price of land from $2.50 to $1.25 per acre passed on the theory that those railroads would not be built; that the grants had virtually lapsed, and that those lands were a portion of the public domain. I suppose that was the theory on which the original act passed. Now, instead of that being the case these very grants are now held to be operative.

Mr. POUND. Will the gentleman permit me to say these are not included in the railroad lands, but are alternate sections which had been offered for sale, were in the market, and which had been subject to private entry for twenty years. They were reduced in price because the sales after years of selections had been stopped entirely. The reduction of price stimulated purchasers of lands and home-seekers, and these lands were actually bought and paid for by innocent purchasers.

Mr. HOLMAN. This only operates on lands which had been in the market prior to 1861. Now, grants were made to certain railroad corporations away back in 1856, five years before the period named in this bill. If I understand the matter correctly the theory of it is this: By the operation of the land-grant system alternate sections were put on the market at $2.50 per acre, and afterward when this law passed, which is referred to here, it was passed on the theory that those lands were forfeited.

Mr. POUND. I beg leave to correct the gentleman. It was not passed on any such theory.

Mr. HOLMAN. Why should the price of such lands have been fixed at $2.50 an acre?

Mr. POUND. Because they were alternate sections within a railroad land grant and had been culled until no further sales at $2.50 per acre could be made.

Mr. HOLMAN. That is what I say.

Mr. POUND. But they did not belong and never have belonged to a railroad company.

Mr. HOLMAN. Not at all. But that law which reduced the price to $1.25 an acre passed on the theory that the grant was a forfeited grant; that the railroad was not to be built.

Mr. POUND. I again correct the gentleman. The road had been built within this grant. The lands had been opened to private entry until the remainder of the lands could not be sold at $2.50 per acre. Under this reduction, these lands which had been neglected were sold and these entries were made under the instructions of the General Land Office. The Commissioner of the General Land Office recommends the passage of the bill; the Secretary of the Interior recommends it; the Senate recommends it.

Mr. HOLMAN. I know everybody recommends any measure which will give the public lands to speculators. That is the universal policy.

Mr. POUND. Let me say this is not in the interest of speculators, but innocent purchasers and *bona fide* settlers. It is but just, and should pass.

Mr. HOLMAN. Will the gentleman from Wisconsin say this measure did not apply to all the lands prior to 1861—all of them? Take, for instance, such a grant as that to the Saint Croix and Bayfield Railroad; that magnificent grant which is to inure now to the benefit of a corporation recently organized; a grant made away back in 1856. When Congress refused to revive that grant in 1872, the lands were shown to be worth $20 an acre. They had been withheld from settlement under the policy of the Government with regard to these land grants.

Mr. BUCK. As I understand the matter it is this: The lands were granted in alternate sections, and because they were granted in alternate sections to the railroads the Government raised the price to $2.50 per acre on all the lands.

The SPEAKER. The time under the rule for debate on the bill has expired.

Mr. CONVERSE. If I can be allowed two or three minutes I can explain this.

The SPEAKER. But the debate is closed.

Mr. CONVERSE. I will ask unanimous consent.

The SPEAKER. Is there objection to allowing the gentleman from Ohio to make a statement?

Mr. HARRIS, of Massachusetts. I object, unless it is not to come out of the hour.

The SPEAKER. It must come out of the hour.

The amendment of Mr. POUND was agreed to.

The question was taken upon ordering the bill to be engrossed and read a third time; and upon a division there were—ayes 70, noes 7.

Mr. HOLMAN. No quorum has voted.

Tellers were ordered; and Mr. POUND and Mr. HOLMAN were appointed.

The House again divided; and the tellers reported that there were—ayes 120, noes 21.

Mr. HOLMAN. I will not insist upon a further count.

So (no further count being called for) the bill was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

Mr. POUND 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.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill of the House of the following title:

A bill (H. R. 7181) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1884, and for other purposes.

POWERS & NEWMAN.

The Committee on Indian Affairs was called.

Mr. SPAULDING. I am instructed by the Committee on Indian Affairs to call up from the Speaker's table for consideration at this time the bill (S. 826) for the relief of Powers & Newman and D. & B. Powers.

The SPEAKER. The bill will be read.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, directed to pay, out of any money that may hereafter be appropriated for the use and benefit of the Cheyenne and Arapahoe Indians, to Powers & Newman the sum of $900, and to D. & B. Powers the sum of $11,300, which sums shall be in full satisfaction of claims against said Indians for property destroyed.

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

Mr. SPAULDING 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.

PUBLIC BUILDING AT SAN ANTONIO, TEXAS.

The Committees on the Territories, Railways and Canals, Manufactures, and Mines and Mining were called without any response.

The Committee on Public Buildings and Grounds was then called.

Mr. HERBERT. I am directed by the Committee on Public Buildings and Grounds to ask that the Committee of the Whole on the state of the Union be discharged from the further consideration of the bill (H. R. 4465) providing for a public building in San Antonio, Texas, and that it be considered at this time.

The SPEAKER. The bill will be read.

The Clerk read as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase a site for, and cause to be erected thereon, a suitable building, with fire-proof vaults therein, for the accommodation of the United States courts, post-office, and other Government offices, at the city of San Antonio, Texas. The plans, specifications, and full estimates for said building shall be previously made and approved according to law, and shall not exceed for the site and building complete the sum of $100,000: *Provided*, That the site shall leave the building unexposed to danger from fire in adjacent buildings by an open space of not less than forty feet, including streets and alleys; and no money appropriated for this purpose shall be available until a valid title to the site for said building shall be vested in the United States, nor until the State of Texas shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owners thereof, for all

purposes except the administration of the criminal laws of said State and the service of civil process therein.

Mr. HOLMAN. I ask for the reading of the report.

Mr. HERBERT. I can explain the bill.

The SPEAKER. The gentleman has the right to make an explanation for five minutes in place of the reading of the report.

Mr. HERBERT. This bill makes no appropriation at this time. It provides for a public building at San Antonio, Texas, the cost of which is limited to $100,000.

San Antonio is the largest judicial district in the United States. It contains nearly 100,000 square miles, larger in extent than the State of New York and as large as the whole of New England.

A court was established there in the fall of 1879. Within two years and a half there were eighty-three civil cases and four hundred and fourteen criminal cases brought there; and since the court was established there has been brought in all about six hundred cases. From three hundred to five hundred people are necessarily compelled to attend the terms of that court. There are no sufficient accommodations for the court there. The city of San Antonio is next to the largest, if it is not the largest, city in the State of Texas.

Mr. UPSON. It is the largest.

Mr. HERBERT. I am informed by one of the Representatives from that State that it is the largest city in the State. It is growing with wonderful rapidity. If anywhere in the United States there is a necessity for a public building, certainly San Antonio is the point.

Mr. HOLMAN. What is the population?

Mr. HERBERT. It is now about 30,000, and I am informed it is increasing at the rate of at least 5,000 a year.

I hope that under the circumstances there will be no objection to the passage of this bill. The court is now held in the upper story of a building totally unfitted by size of rooms for its accommodation, and there is now no suitable building to be obtained in the city for the purpose. This public building is needed to accommodate not only the court but the post-office and other public offices at San Antonio.

The SPEAKER. Is there objection to the present consideration of this bill? Those who object will rise. [Counting.] There are nine gentlemen rising, and the bill is not before the House.

The Committee on Pacific Railroads and the Committee on Levees and Improvements of the Mississippi River were called without responding.

AGRICULTURAL COLLEGES.

The Committee on Education and Labor was called.

Mr. CARPENTER. I am instructed by the Committee on Education and Labor to call up from the Speaker's table Senate bill No. 1829, to amend an act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts.

The SPEAKER. The bill will be read.

The Clerk read as follows:

Be it enacted, &c., That the fourth section of the act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts, approved July 2, 1862, be, and the same is hereby, amended so as to read as follows:

"SEC. 4. That all moneys derived from the sale of lands aforesaid by the States to which the lands are apportioned, and from the sales of land-scrip hereinbefore provided for, shall be invested in stocks of the United States or of the States, or some other safe stocks. Or the same may be invested by the States having no State stocks in any other manner, after the Legislatures of such States shall have assented thereto and engaged that such funds shall yield not less than 5 per cent. upon the amount so invested, and the principal thereof shall forever remain unimpaired: *Provided*, That the moneys so invested or loaned shall constitute a perpetual fund, the capital of which shall remain forever undiminished (except so far as may be provided in section 5 of this act), and the interest of which shall be inviolably appropriated, by each State which may take and claim the benefit of this act, to the endowment, support, and maintenance of at least one college where the leading object shall be, without excluding other scientific and classical studies, and including military tactics, to teach such branches of learning as are related to agriculture and the mechanic arts, in such manner as the Legislatures of the States may, respectively, prescribe, in order to promote the liberal and practical education of the industrial classes in the several pursuits and professions in life."

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

Mr. CARPENTER 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.

PATENTS.

The Committee on the Militia was called without responding.

The Committee on Patents was called.

Mr. VANCE. I am instructed by the Committee on Patents to call up for consideration at this time the bill (H. R. 7630) to amend section 4887 of the Revised Statutes, in relation to patents.

The SPEAKER. The bill will be read.

The Clerk read as follows:

Be it enacted, &c., That section 4887 of the Revised Statutes shall be, and hereby is, amended so as to read as follows:

"SEC. 4887. No person shall be debarred from receiving a patent for his invention or discovery, nor shall any patent hereafter granted be declared invalid by reason of its having been first patented or caused to be patented in a foreign country, unless the same has been introduced into public use in the United States for more than two years prior to the application; but every patent hereafter granted for an invention which has, prior to the filing of the application for said patent, been patented in a foreign country, shall expire seventeen years from the date of the foreign patent, or, if there be more than one, seventeen years from the date of the earliest foreign patent, and in no case shall it remain in force more than seventeen years; but all applications hereafter made for patents for inventions previously patented in a foreign country, upon the invention of the same person, shall be made within two years from and after the date of such foreign patent, or, if there be more than one, from the date of the earliest foreign patent. No patent granted for an invention which had, prior to the grant of such patent, been first patented in a foreign country, and which has not expired at the date of the passage of this act, shall be declared to be invalid by reason of its not being so limited on its face or in its grant as to expire at the same time with the foreign patent, or, if there be more than one, at the same time with the one having the shortest term; but this act shall in no wise renew, revive, prolong, or extend any patent heretofore granted."

Mr. HOLMAN. I call for the reading of the report under the rule.

The SPEAKER. The report will be read, provided it does not take more than five minutes.

Mr. VANCE. It will not take that long.

The report was read, as follows:

The Committee on Patents, to whom was referred sundry bills to amend section 4887, Revised Statutes, relating to patents, report a substitute for all the bills.

The section provides that all patents first obtained in a foreign country shall be so limited in the United States as to expire at the same time with the foreign patent, or if there be more than one, with the earliest foreign patent. In consequence of this section a patent applied for in the United States, but not granted until it is patented in a foreign country, in some cases only lasts, as in Canada, five years or less. Many patents obtained abroad first, not having yet expired, are declared invalid by reason of not being limited on the face. The bill now reported proposes to allow the patent first obtained abroad to run seventeen years from the date of the foreign patent, or if there be more than one, from the date of the earliest foreign patent. It also seeks to make those patents valid which were first obtained in other countries; but does not extend the life of a patent now in existence nor revive one that has expired, but only affects patents to be issued hereafter. We recommend the passage of the substitute.

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

Mr. MCMILLIN. Before that question is put, I hope the gentleman from North Carolina [Mr. VANCE] will make an explanation of the bill.

The SPEAKER. The gentleman from North Carolina has two minutes remaining of the five, if he desires to make an explanation.

Mr. VANCE. Mr. Speaker, section 4887 of the Revised Statutes provides that patents first obtained in a foreign country for an invention subsequently patented in this country shall expire as to this country at the expiration of the foreign patent. This is the first point sought to be remedied in the bill. In many cases, an inventor, after having made application for a patent in this country, after having filed his papers in due form, applies for a patent in Canada; and the Canadian patent is issued before the United States patent. In some instances four years have elapsed before the American patent has been granted, and thus the American inventor has had in this country but one year's use of his patent. The present bill seeks to remedy this defect in the law by giving the inventor seventeen years from the date of his foreign patent.

The bill also seeks to remedy the defect in regard to patents not limited on their face, which Judge Nixon has recently decided are invalid, because not so limited. The bill does not extend the life of any patent that has already expired. It takes effect in the future. It has no relation to patents heretofore issued. It does not revive or have any effect whatever upon existing patents except in the particular I have described that it corrects the error in regard to patents not limited on their face.

Mr. MCMILLIN. Will the bill have the effect of making the life of any American patent longer than it has been heretofore?

Mr. VANCE. Not at all.

The question being put on taking up the bill, seven members objected.

The SPEAKER. The bill is not before the House.

OWNERS OF THE STEAMER JACKSON.

The Committee on Claims being called,

Mr. BUCHANAN addressed the Chair.

Mr. SMITH, of Illinois. On behalf of the Committee on Claims——

Mr. BUCHANAN. Mr. Speaker, I addressed the Chair when the Committee on Claims was called.

The SPEAKER. Gentlemen must settle these matters in their committees. The Chair can not determine them.

Mr. BUCHANAN. The bill which I desire to call up is one which the gentleman from Alabama [Mr. OATES] was instructed by the committee to call up prior to the authority given to the gentleman from Illinois.

Mr. SMITH, of Illinois. I am recognized, I believe?

The SPEAKER. The gentleman is not recognized to exercise a right not given to him by his committee. If the gentleman has the prior right, the Chair will recognize him; otherwise not.

Mr. BUCHANAN. The bill which I wish to call up is one which has already passed this House, and been amended by the Senate. I simply desire the concurrence of the House in the amendment.

The SPEAKER. This is a matter which gentlemen of the committee must settle among themselves.

Mr. HERBERT. My colleague [Mr. OATES] is sick to-day, and unable to be here.

Mr. SMITH, of Illinois. Is this the case which the gentleman from Alabama [Mr. OATES] was instructed to bring up?

Mr. BUCHANAN. Yes, sir.

Mr. SMITH, of Illinois. Very well: I concede the right of the gentleman.

Mr. BUCHANAN. I ask consent to take from the Speaker's table for concurrence in the amendment of the Senate the bill (H. R. 2156) for the relief of certain owners of the steamer Jackson.

The amendment of the Senate, which was read, was to strike out all of said bill and insert the following:

Whereas the United States, on the 18th day of June, 1865, chartered the steamboat Jackson to run on the Chattahoochee River in the service of the United States, and while so employed it was wholly destroyed by fire caused by unavoidable accident; and

Whereas the Secretary of the Treasury, on the application of Aaron Barnett and Daniel Fry for payment to them, as alleged owners of said steamboat of the value of the same, adjudged and decided "that the steamer Jackson was lost by unavoidable accident while in the military service of the United States by contract, and that the owners thereof were entitled to the payment of the value thereof under acts of March 3, 1849, and March 3, 1863;" and

Whereas the value of said steamer was duly ascertained by the Treasury Department to be $36,125, which was paid to the said Barnett and Fry, on the execution of the bond of said Barnett as principal and Louis G. Schiffer and Gabriel H. Schiffer as sureties, in the sum of $26,000, payable to the United States, and "conditioned that if the above-bounden obligors, their heirs, executors, administrators, or any of them, shall and do well and truly pay or cause to be paid unto any person or persons who shall establish a valid claim to any of the five-fourteenths of the steamer Jackson the full amounts as paid by the United States to the said Barnett and Fry, or shall pay or cause to be paid unto the United States, or their assigns, the full amounts paid by the United States on account of said five-fourteenths of the said steamer Jackson, with the legal costs and interest on such sum, without any defalcation or delay, then the said bond to be void," &c.; and

Whereas John R. Ely, John B. Lockey, A. R. Godwin, S. and J. Irwin, Thomas M. White, surviving partner of T. and J. M. White, and Ellison and Hughs, partners or joint owners, claim that they are the owners of said five-fourteenths of said steamer Jackson, in different number of shares, and entitled to their pro rata share of said $36,125, amounting to $12,901.78. and have demanded payment of the same from the United States; and

Whereas Barnett and Fry deny the ownership of said claimants of said five-fourteenths, and also claim that they (Barnett and Fry) have made payments and advances of large sums of money for and on account of repairs and materials for repairs of said steamer Jackson, which they are entitled to have deducted from any sum for which they may be liable on said bond, or on account of said payment to them of the said $12,901.78: Therefore, for the purpose of having the real owners of said five-fourteenths of said steamer Jackson legally ascertained, and to enable the said Barnett and Fry, in the event that said claimants, or any of them, shall establish their right to said five-fourteenths or any part thereof, to show by legal proof what, if any, advances or payments they, or either of them, have made for and on account of any repairs of the said steamer, and legally chargeable against all the owners thereof,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That John R. Ely, John B. Lockey, A. R. Godwin, S. and J. Irwin, partners or joint owners, and Thomas M. White, surviving partner of T. and J. M. White, and Ellison and Hughs, partners or joint owners, be, and they are hereby, authorized within six months, and not thereafter, after the passage of this act, to bring suit in their joint names in the Court of Claims against the United States, and that said Court of Claims shall have jurisdiction of said suit to hear and determine the same for the purposes aforesaid, and to try all issues joined between the parties thereto in relation to the ownership of the five-fourteenths of the said steamer Jackson, and determine the right of the said plaintiffs, or any of them, thereto, and to the said $12,901.78, the value thereof, and also to try and determine all issues in relation to any payments or advances made by Barnett and Fry, or either of them, for and on account of any debt legally created against said steamer Jackson for repairs, material, clerk-hire, or work and labor, for which the said steamer was liable in law or equity; and should the said plaintiffs, or any of them, establish their right to said five-fourteenths, or the said value thereof, or any portion of the same, and should it be shown by legal proof that said Barnett and Fry, or either of them, have made payments or advances for repairs, materials, clerk-hire, or work and labor for which said steamer was chargeable in law or equity, the said court shall render judgment against the United States and in favor of each of said claimants for so much of said $12,901.78 as the proof may show each to be entitled, less the amount the proof may show the said Barnett and Fry, or either of them, have paid or advanced for and on account of said steamer as aforesaid; and the said court shall cause notice in writing to be served in person upon said Aaron Barnett and Daniel Fry, in which shall be stated the commencement of said suit by said plaintiffs, and the cause thereof, and requiring them to appear at said court and establish, if they can, by legal proof, their ownership of said five-fourteenths of said steamer Jackson, and also what payments or advances they, or either of them, have made, for and on account of repairs, material, or work and labor, for which said steamer was liable.

Mr. BUCHANAN. This bill was passed by the House and sent to the Senate and was returned with an amendment which has been read by the Clerk. I now move that that amendment of the Senate be concurred in.

The Senate amendment was concurred in.

Mr. BUCHANAN moved to reconsider the vote by which the Senate amendment was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

STERLING T. AUSTIN, DECEASED.

Mr. UPDEGRAFF. I am directed by the Committee on War Claims to call up for consideration at this time the bill (S. 719) for the relief of the representatives of Sterling T. Austin, deceased.

The bill was read, as follows:

Be it enacted, &c., That the claims of the successors in interest and legal representatives of Sterling T. Austin, deceased, late of the parish of Carroll, in the State of Louisiana, for cotton taken by the military and civil authorities of the United States, or by either of them, during the years 1863, 1864, and 1865, in the States of Louisiana and Texas, be, and the same are hereby, referred to the Court of Claims, with full jurisdiction and power in the said court to adjust and settle such claims, and to render a judgment in said cause for the net amount realized by the United States from the sale of such cotton as shall appear from the evidence to have been so taken by said authorities; and in such action the said representatives shall be entitled to recover as aforesaid, any statute of limitation to the contrary notwithstanding: *Provided, however*, That it be shown to the satisfaction of the court that neither Sterling T. Austin, sr., nor any of his surviving representatives gave any aid or comfort to the late rebellion, but were throughout the war loyal to the Government of the United States.

Mr. HOLMAN. I ask for the reading of the report in the five minutes allowed under the rule.

The report was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 2706) for the relief of the representatives of Sterling T. Austin, report as follows:

At the breaking out of the war of the rebellion Sterling T. Austin, sr., was the owner of a plantation in Carroll Parish, Louisiana, known as the "Three Bayou Place," situated three or four miles from Bunche's Bend, or Old River, containing 2,380 acres, of which 900 were cultivated. In the spring of 1863 there were on the place the cotton crops of the years 1861 and 1862, respectively, amounting to upward of 1,200 bales, averaging 440 pounds each, 82 mules, 100 head of cattle, 300 hogs, 10,000 bushels of corn, 8 yoke of work cattle, 6 wagons, carpenter and blacksmith tools, plantation tools, library of 300 volumes, family portraits, household and kitchen furniture—claimed to be worth $300,000. In the summer of 1862, Mr. Austin, for sanitary reasons, removed his family, consisting of his wife and three minor children—two daughters and a son—to Georgia, himself remaining in Louisiana. In the spring of 1863, procuring a pass through the Federal lines at Natchez, Mississippi, he went to Georgia for his family. During his absence all the movable property on his plantation, described above in general terms, was, by order of General J. B. McPherson, military commander of that district, seized and carried away by the military forces. The mules, forage, and supplies were applied to the use of the Army, and the cotton shipped north to Memphis, or invoiced over to the authorized officers of the Government by J. E. Jones, formerly lieutenant and quartermaster of the Sixteenth Wisconsin Volunteers, now of Carroll County, Iowa. The levee at Ashton was cut by the Army, and his whole plantation submerged. He came back, after the water had receded, to a scene of desolation and enforced desertion. In consequence of his well-known Union sentiments, and the absence of anything like legal protection, a residence among his old neighbors was both unpleasant and unsafe.

In the autumn of 1863, with his family and his negroes, of which he had a large number, he removed into Texas, remaining in San Antonio till after the close of the war, when he removed to Galveston. While at Galveston, in 1865, he went up the railroad during the summer and bought up scattered lots of cotton, all of which were seized by the agents of the United States Treasury. He then formed a partnership at Galveston, purchased the schooner Mary Lee, and entered the Mexican trade, removing to New Orleans in 1865. The annual overflow of his old plantation meanwhile rendered it untenantable. In 1867 the schooner was wrecked and became a total loss. In this year it appears that Mr. Austin placed his claim against the Government in the hands of Judge Lewis Dent for collection, and he seems to have relied implicitly upon this attorney. After the loss of the schooner Mr. Austin again turned his attention to planting and purchased another plantation in his old parish of Carroll. He became postmaster at Lake Providence, and in 1870 removed his family from New Orleans. Meanwhile the son, Sterling T. Austin, jr., had grown into manhood, been admitted to the bar, became prosecuting attorney and then parish judge. In 1871, according to General Negley's recollection, in 1872 or 1873, according to others, Mr. Austin was in Washington pushing his claim, surprised and indignant at Judge Dent's failure to prosecute it. It is quite certain he was at the capital in each of the years 1873, 1874, and 1875. In May, 1873, he made, with Charles E. Hooey, esq., an attorney of Washington, a contract to prosecute the claim, the original copy of which is among the papers before the committee. There is also another original contract for the same purpose among the papers, dated in February, 1875, signed by Mr. Austin and John A. Grow & Co., then a firm of attorneys or claim agents in Washington. In January, 1874, a petition for relief on account of these seizures was presented to the Congress, but no evidence of any action thereon has been found.

On the 9th day of July, 1879, Sterling T. Austin, sr., while still postmaster at Lake Providence, Louisiana, was shot dead in broad daylight in the open street of that village. The son, Sterling T. Austin, jr., still parish judge, hearing the shot and being informed that his father was the victim, went at once to the rescue and was met and shot down in the same place by the same person. The son lingered a few days and died of his wounds. After the burial of father and son the widow and daughters sought to collect and preserve the business papers of the deceased, but found their offices had been despoiled and all their private business papers had been carried away or destroyed, and have never since been recovered.

The widow and remaining children now ask that they be permitted to prosecute in the Court of Claims of the United States their demands against the United States, and that they be permitted to recover the reasonable value of such property as they can show to the satisfaction of the court was owned by and taken from Sterling T. Austin, sr., by the military or civil authorities of the United States, in the years 1863, 1864, and 1865, and applied to the use of any of the forces of the United States or consigned to any of its authorities for sale or otherwise and not restored to the owner, any statute of limitation to the contrary notwithstanding.

It is believed there never has been an officer or tribunal having jurisdiction to adjudicate the whole of this claim. No part of it seems to come within either of the four classes of claims to which the jurisdiction of the Court of Claims has been limited. As adjudications under the act of 1864 were in express terms confined to claims for quartermaster's stores and for subsistence "furnished" to the Army, it is very questionable, to say the least, whether or not they could have been extended to even the very small portion of this claim which was for stores and supplies "taken" and not "furnished." It seems that the act of March 3, 1871, establishing the Southern Claims Commission, did confer jurisdiction of that part of this claim which is for "stores or supplies taken or furnished" for the use of the Army; this part, however, is small. Under this act, moreover, the period for filing claims never extended beyond the two years between March 3, 1871, and March 3, 1873.

A portion of this claim, it seems, might have been prosecuted under the "captured and abandoned property act" of March 12, 1863. Under this act all claims not presented within two years after the suppression of the rebellion are barred. This bar must have taken effect at or near the time the claim was placed in the hands of Judge Dent. Under the "cotton-claims" act of May 8, 1872, it is certain but a small portion of the demand could have been adjudicated; and under this act six months only are allowed for filing claims. It therefore appears that no officer or tribunal ever had jurisdiction of the entire claim; and the period during which any part of it might have been presented did not exceed two years, and these two years are those immediately following the close of the war. To those who remember the confusion, doubt, distrust, and uncertainty of that period, and consider the distance and unfamiliarity at which Mr. Austin lived from the National Government, the delay will not seem strange. Doubtless if Mr. Austin or his son had survived, or even if their private papers could be examined, better reasons for delay could be furnished. Under all the circumstances, the committee think it would be a great hardship to require further explanation of laches, and believe the claim ought to be carefully and judicially examined.

From the evidence before the committee, the loyalty of the family seems to be well established: yet, in order that this question may not be foreclosed on tes-

timony merely *ex parte*, your committee recommend that the bill be amended by adding after the last words the following:

"*Provided, however*, That it be shown to the satisfaction of the court that neither Sterling T. Austin, sr., nor any of his surviving representatives, gave any aid or comfort to the late rebellion, but was throughout the war loyal to the Government of the United States."

With this amendment the committee report the bill back to the House, with the recommendation that it do pass.

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

Two members rose.

The SPEAKER. Not a sufficient number; and the bill is before the House for present consideration.

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

Mr. HOLMAN. There are ten minutes of debate allowed on this bill.

The SPEAKER. Nobody has claimed it, and the bill is now on its passage.

The bill was passed.

Mr. UPDEGRAFF 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.

ORDER OF BUSINESS.

The SPEAKER. The hour for the consideration of business under the Pound rule has expired. The Chair desires to state that the gentleman from South Carolina [Mr. RICHARDSON] was absent from his seat when the Committee on the Territories was called, and did not call up the bill which he intended. The Chair asks unanimous consent when the House again proceeds to the consideration of business under the Pound rule the gentleman from South Carolina may be allowed to call up that bill.

Mr. HOLMAN. What is the title of the bill?

The SPEAKER. The Chair is not informed of the title of the bill.

Mr. HOLMAN. It is impossible to give consent without knowing the title of the bill.

Mr. BURROWS, of Michigan. I hope there will be no objection.

Mr. RICHARDSON, of South Carolina. It is my intention to call up the bill to establish a civil government for Alaska, which has had eliminated from it everything that was objectionable.

Mr. HOLMAN. I object.

Mr. CALKINS. I desire to call up the contested-election case of Buchanan *vs.* Manning. I understand the gentleman from New York has a conference report which he desires to call up, and for that I will yield.

Mr. HISCOCK. I have not a conference report, but I desire——

Mr. CALKINS. I can not yield for anything else, but insist upon proceeding with the contested-election case.

Mr. HISCOCK. What I desire to do is to call up from the Speaker's table the amendments of the Senate to the bill (H. R. 7595) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1884, for the purpose of moving non-concurrence therein and asking a committee of conference.

Mr. WILLIS. I demand the regular order of business.

The SPEAKER. This is the regular order of business.

Mr. WILLIS. It requires unanimous consent to do that, and I object.

The SPEAKER. If objection be made, the Chair will recognize the gentleman from New York, to suspend the rules.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. HISCOCK. I move, then, Mr. Speaker, to suspend the rules and take from the Speaker's table the amendments of the Senate to the bill (H. R. 7595) making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1884, and that they be non-concurred in, and a committee of conference be asked on the disagreeing votes of the two Houses.

Mr. HOLMAN. I hope the amendments of the Senate will be read.

Mr. HISCOCK. I have no objection to that.

Mr. HOLMAN. Or the gentleman from New York can make a statement as to what they are.

Mr. HISCOCK. I can tell the gentleman from Indiana they are so numerous I can scarcely undertake to go over them all.

Mr. CALKINS. If the rules are to be suspended that dispenses with the reading of the amendments. If the rules are to be suspended I insist they shall be suspended entirely.

Mr. HISCOCK's motion was agreed to; and the rules were suspended, the Senate amendments non-concurred in, and a conference requested on the disagreeing votes of the two Houses.

CONTESTED-ELECTION CASE—BUCHANAN VS. MANNING.

Mr. CALKINS. I now call up the contested-election case of Buchanan *vs.* Manning. In that case I do not think there will be any debate, or at least I believe there will be very little. The majority of the committee have signed a report in favor of the sitting member.

Mr. BINGHAM. Mr. Speaker, I rise to a question of order. I desire to know, and would like to have a decision from the Chair upon the point as to what will be the standing of the bill which was determined upon last night as the unfinished business, the bill with reference to the salaries of postmasters?

Mr. CALKINS. I can not yield the floor for that purpose.

Mr. BINGHAM. I desire to know if I can raise the question of consideration?

Mr. CALKINS. I am making an argument now, and the gentleman has no right to attempt to take me off the floor.

Mr. WILLIS. I desire to object, if in order——

The SPEAKER. The gentleman from Indiana raises a question of high constitutional privilege.

Mr. BINGHAM. I am aware of that, but I desire to know what will be the status of the bill to which I refer. Will it still come over as the unfinished business after the conclusion of the election case which the gentleman from Indiana calls up?

The SPEAKER. Undoubtedly; it will be the unfinished business, and come up in its proper order.

Mr. HISCOCK. If the gentleman from Indiana will yield to me again, I wish to say that the gentleman from New York has a conference report on the District of Columbia appropriation bill which he wishes to submit at this time.

Mr. CALKINS. Not in the middle of my remarks. I can not yield now for that purpose.

As I have already stated, Mr. Speaker, a majority of the Committee on Elections have reported in favor of the sitting member. The minority of the committee have found in favor of declaring the seat vacant. My friend Colonel THOMPSON, of Iowa, was called home by reason of sickness, and is not present to be heard. I do not know whether he desired to press his views upon the House or not. Of this I am not informed, although he drew the minority report. But I may be allowed to make a brief statement with reference to the case, and I think that will practically close the debate, unless my colleague on the committee, Judge RANNEY, desires to be heard.

In the first place, Mr. Speaker, the contestant in the case, Mr. Buchanan, filed his notice of contest, specifying the several grounds on which he relied. The majority of the committee, following the precedents of election cases in this House, have found, and hold, that all of the specifications in the notice were too vague, general, and uncertain upon which to found a contest.

The SPEAKER. Will the gentleman indicate to the Chair what case is proposed to be called up?

Mr. CALKINS. There was so much confusion that the clerks are evidently excusable.

The SPEAKER. The Clerk has not been asked to read the resolution accompanying the report.

Mr. CALKINS. That will not be necessary, of course, until the close of the debate, when the House will be called to vote upon the resolution. But I referred, as I stated in the beginning of my remarks, to the case of Buchanan against Manning.

Mr. ROBINSON, of Massachusetts. Let me suggest to the gentleman from Indiana that he is proceeding to debate the conclusion to which the committee have arrived before the resolution submitted by the committee is read, a proceeding offering no member of the House an opportunity of raising the question of consideration, which some one may desire to do.

The SPEAKER. The Chair recognized that fact, and has therefore called the attention of the gentleman from Indiana to the omission.

Mr. ROBINSON, of Massachusetts. I think before the gentleman from Indiana assumes to take the floor for an argument upon the case we should have an opportunity of raising the question of consideration if it is desirable.

Mr. CALKINS. I ask the Clerk to read the resolution.

The SPEAKER. The resolution will be read.

The Clerk read as follows:

Resolved, That the contestant have leave to withdraw his papers without prejudice.

Mr. CALKINS. I suppose, Mr. Speaker, that the reading of that resolution may by unanimous consent be taken as having been called for before my remarks began.

Mr. HISCOCK. Now, Mr. Speaker, I ask that the gentleman from New York [Mr. KETCHAM] be recognized for the purpose of submitting a conference report upon the District of Columbia appropriation bill.

Mr. CALKINS. I can not yield the floor for that purpose. If the gentleman had not interrupted me I would probably have concluded what I had to say by this time. I will be through in a moment.

As I have said, the Committee on Elections have found that all of the allegations of the contestant are too vague, uncertain, and general upon which to found or base a contest, except one which refers to the exclusion of the United States supervisors from the polling-places and different ballot-boxes throughout the district. In drawing the report special reference was had to and the committee especially examined the testimony of the different United States supervisors, and to see how far the allegation was sustained by the proof. On page 10 of the report signed by the majority of the committee all the polling-places at which the United States supervisors were in any way interfered with——

Mr. HISCOCK. Is an argument upon the case in order?

The SPEAKER. Undoubtedly.

Mr. HISCOCK. Is it before the House has agreed to consider the contested-election case?

The SPEAKER. The gentleman from Indiana presents a question of high constitutional privilege.

Mr. HISCOCK. I raise the question of consideration with a conference report.

The SPEAKER. This is a question of high constitutional privilege.

Mr. HISCOCK. Can not the question of consideration be raised against it?

The SPEAKER. It can; but it has not been done.

Mr. HISCOCK. I do it now.

Mr. CALKINS. I do not yield the floor for that purpose.

The SPEAKER. The gentleman from New York has the right to raise the question of consideration. The only question for the Chair to consider is, did he raise it in time?

Mr. CALKINS. I had begun my argument.

Mr. HISCOCK. I did not understand that the resolution reported by the Committee on Elections was before the House for consideration until it was read.

The SPEAKER. The Chair caused the resolution to be read.

Mr. HISCOCK. And at the same time I asked that the gentleman from New York be recognized for the conference report.

Mr. STEELE. The gentleman from Kentucky also objected.

Mr. CALKINS. I will yield in a moment for that, and if the gentleman had not interrupted me I would have been through before this time and his report would have been in.

On page 10 of the report signed by the majority of the committee it will be found that the committee have excluded from the count all of the polling-places at which the supervisors of elections were interfered with, and one or two other places at which certain acts took place which the committee thought they could not and ought not to countenance. This, however, leaves the sitting member in his seat by a large majority, six or seven thousand, and without including these polling-places.

Now, I need not go further except to say that certainly the testimony of the supervisors appointed by the contestant himself shows clearly and conclusively that his allegations are unsustained and unsupported. That ought to end the case. I now yield to my colleague on the committee, the gentleman from Massachusetts [Mr. RANNEY], and I ask him to give way for the conference report.

DISTRICT APPROPRIATION BILL.

Mr. KETCHAM. I submit a report of the committee of conference on the disagreeing votes of the two Houses on the District of Columbia appropriation bill.

The conference report was 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. 7181) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1884, 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 1, 2, 3, 4, 5, 25, 27, 32, 34, 35, 37, 38, 47, 55, 69, 70, 71, 72, 76, 81, 82, 98, 101, 113, and 114.

That the House recede from its disagreement to the amendments of the Senate numbered 6, 7, 8, 9, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23, 24, 26, 29, 30, 31, 36, 39, 40, 41, 42, 43, 44, 49, 50, 51, 52, 53, 57, 59, 60, 61, 62, 63, 65, 66, 67, 68, 73, 74, 75, 77, 79, 83, 84, 85, 86, 87, 88, 89, 90, 91, 93, 94, 96, 97, 100, 102, 103, 104, 105, 106, 107, 108, 109, 111, and 112, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with amendments as follows: In lieu of the sum proposed in said amendment insert $1,900; on page 4 in line 9 of the bill strike out "two" and insert "three;" and in line 10 strike out "two clerks" and insert "one clerk;" and in line 11 strike out the word "each;" and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$61,450;" and the Senate agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: Strike out all after the word "full," in line 3, down to and including line 6 of said amendment; and the Senate agree to the same.

Amendment numbered 45: That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with amendments as follows: In line 1 of said amendment, after the word "building," insert "by the commissioners of the District;" and in line 2 after the word "be," insert "prepared by the inspector of buildings and;" and the Senate agree to the same.

Amendment numbered 46: That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$10,000, $5,000 of which shall be used for building a house on the premises, under the direction of the commissioners of the District of Columbia;" and the Senate agree to the same.

Amendment numbered 48: That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by said amendment insert the following:

"And hereafter the commissioners of the District of Columbia are required to visit and investigate the management of all the institutions of charity within the District which may be appropriated for, and shall require an itemized report of receipts and expenditures to be made to them to be transmitted with their annual report to Congress."

And the Senate agree to the same.

Amendment numbered 54: That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment as follows: At the end of the matter proposed to be inserted by said amendment insert the following:

"And in case a contract can not be made at that rate the commissioners of the District of Columbia are hereby authorized to substitute other illuminating material for the same or less price and to use so much of the sum hereby appropriated as may be necessary for that purpose."

And the Senate agree to the same.

Amendment numbered 56: That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "$1,000;" and the Senate agree to the same.

Amendment numbered 58: That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with an amendment as follows: In lieu of the number proposed by said amendment insert "eighty;" and the Senate agree to the same.

Amendment numbered 64: That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$301,560;" and the Senate agree to the same.

Amendment numbered 78: That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment, insert "$543,675;" and the Senate agree to the same.

Amendment numbered 80: That the House recede from its disagreement to the amendment of the Senate numbered 80, and agree to the same with amendments as follows: In lieu of the sum proposed by said amendment, insert "$1,000;" and on page 17, in line 15 of the bill, before the word "dollars," insert "and fifty;" and the Senate agree to the same.

Amendment numbered 92: That the House recede from its disagreement to the amendment of the Senate numbered 92, and agree to the same with an amendment as follows: In line 2 of said amendment strike out the word "two" and insert the word "three;" and the Senate agree to the same.

Amendment numbered 95: That the House recede from its disagreement to the amendment of the Senate numbered 95, and agree to the same with an amendment as follows: Strike out the word "four" and insert the word "five;" and the Senate agree to the same.

Amendment numbered 99: That the House recede from its disagreement to the amendment of the Senate numbered 99, and agree to the same with amendments as follows: In lieu of the sum proposed insert "$56,000," and add the following as a new paragraph:

"For new heating apparatus for the John F. Cook school building, $2,500; for the Randall school building, $2,400; for the Miner school building, $3,900; for the Abbott school building, $3,200; in all, $12,000."

And the Senate agree to the same.

Amendment numbered 110: That the House recede from its disagreement to the amendment of the Senate numbered 110, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be stricken out, insert the following:

"And the time allowed for filing claims in the Court of Claims under an act entitled 'An act to provide for the settlement of all outstanding claims against the District of Columbia and conferring jurisdiction on the Court of Claims to hear the same, and for other purposes,' approved June 16, 1880, be, and the same is hereby, extended thirty days from and after the approval of this act; and all claims not so presented shall be forever barred."

And the Senate agree to the same.

J. H. KETCHAM,
FRANK HISCOCK,
WM. H. FORNEY,
Managers on the part of the House.

P. B. PLUMB,
F. M. COCKRELL,
H. S. DAWES,
Managers on the part of the Senate.

The accompanying statement was read, as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the District of Columbia appropriation bill submit the following written statement in explanation of the accompanying report:

As agreed upon in conference the bill is not materially changed in its general provisions from what it was as it passed the House; it appropriates in the aggregate $1,699,867.23, being an increase of $32,465 over the amount as it passed the House, and $4,769.19 in excess of the law for the current year, and $22,056.31 less than the estimates for 1884.

J. H. KETCHAM,
FRANK HISCOCK,
WM. H. FORNEY,
Managers on the part of the House.

The report of the committee of conference was agreed to.

Mr. KETCHAM moved to reconsider the vote by which the report of the committee of conference was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SUNDRY CIVIL APPROPRIATION BILL.

The SPEAKER. The Chair announces as the conferees on the part of the House on the disagreeing votes of the two Houses on the sundry civil appropriation bill Mr. HISCOCK of New York, Mr. BUTTERWORTH of Ohio, and Mr. BLACKBURN of Kentucky.

POST-OFFICE APPROPRIATION BILL.

Mr. CASWELL. I submit a report of the committee of conference on the Post-Office appropriation bill. I ask that the report and the accompanying statement be read.

The report of the committee of conference was 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. 7049) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1884, and for other purposes, having met, after a full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 4.

That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: Strike out the word "July" in said amendment and in lieu thereof insert the word "October;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"And report to Congress in December next, with the data upon which it is based, a more complete system of gauging the rates of pay for carrying the mails on railroad routes, if practicable, in order to secure the better protection of the interests of the Government and the adjustment of rates of compensation for

the service required, and he is authorized to expend not to exceed $10,000 out of the appropriation for the transportation of mails for actual and necessary expenses involved, including such extra compensation as he may deem just and reasonable to officers of the Department for specific service rendered, which sum shall be immediately available."

And the Senate agree to the same.

Upon amendments numbered 2 and 3 the conference committee are unable to agree.

L. B. CASWELL,
GEO. M. ROBESON,
E. JOHN ELLIS,
Managers on the part of the House.

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

The accompanying statement was read, as follows:

The managers of the conference on the part of the House on the disagreeing votes of the two Houses on the Post-Office appropriation bill submit the following written statement in explanation of the effect of the report, which is herewith submitted, if adopted:

On amendments numbered 2 and 3 there is no agreement.

On amendments numbered 5 and 6: Provides that the reduction of rate of postage shall go into effect on and after October 1, 1883.

On amendment numbered 11: Makes section 3 of the act read as follows:

"SEC. 3. That the Postmaster-General is hereby directed to make a thorough investigation into the railway mail service of the United States and report to Congress in December next, with the data upon which it is based, a more complete system of gauging the rates of pay for carrying the mails on railroad routes, if practicable, in order to secure the better protection of the interests of the Government, and the adjustment of rates of compensation for the service required; and he is authorized to expend not to exceed $10,000, out of the appropriation for the transportation of mails, for actual and necessary expenses involved, including such extra compensation as he may deem just and reasonable to officers of the Department for specific services rendered; which sum shall be immediately available."

L. B. CASWELL,
GEO. M. ROBESON,
E. JOHN ELLIS,
Managers on the part of the House.

Mr. DUNN. I want to ask the gentleman from Wisconsin what has been the action of the conference as to the two items in relation to the fund for the special mail facilities and the regulation of the compensation of the bond-subsidy railroads for carrying the mails?

Mr. CASWELL. I propose to give an explanation of the report.

An agreement is reported on all the points on which there were disagreeing votes between the two Houses except that relating to the special mail facilities, $185,000, and the amendment relating to fixing the rate of transportation on railways.

As to these two the committee, or a majority of the committee on the part of the House, I think, could easily have agreed with the committee on the part of the Senate and have yielded to the amendments of the Senate, but they were bound by the action of the House in its recent vote, when they submitted a report that they were unable to agree. They have felt it their duty to refer these questions back to the House. I move that the House agree to the conference report. I yield for a moment to the gentleman from New Jersey [Mr. ROBESON].

Mr. ROBESON. The condition of this report is just this: the conferees on the part of the House and on the part of the Senate agree as to all the questions of difference between the two Houses, except the two questions of the fixing of the rate of compensation for carrying the mails by the land-grant and bonded railways, and the $180,000 item of special facilities. Upon this the Senate insist and do not yield. The House conferees, acting under the instruction of the House by its last vote upon that subject, disagree and report their disagreement to the House. That is about all there is of it.

It is not worth while to discuss the question; it has been thoroughly discussed here over and over again. Every gentleman knows all about it. My own views are thoroughly known, and I do not care to re-express them.

Mr. DUNN. That gives the information I desire.

Mr. HISCOCK. I rise to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HISCOCK. Is a motion to disagree to the conference report in order?

The SPEAKER. That is a motion that would be in order; but the motion of the gentleman from Wisconsin is to agree. The first question is on agreeing to the conference report.

The question being taken, there were—ayes 71, noes 48.

So (no further count being called for) the report was agreed to.

Mr. CASWELL moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. CASWELL. I now desire to inquire what is the status of the bill?

The SPEAKER. As the Chair understands the conference report, there are two of the Senate amendments upon which there is still a disagreement, and they are subject to a further conference.

Mr. ROBESON. Then I move that a new conference be asked.

Mr. ROBINSON, of Massachusetts. Would it be in order to move that the House recede from its disagreement to one of the amendments and agree to the same?

The SPEAKER. The Chair thinks so.

Mr. HISCOCK. I submit that the motion better be made to include both amendments.

Mr. ROBINSON, of Massachusetts. Very well; then I move that the House recede from its disagreement to the two amendments of the Senate still disagreed to and agree to the same.

Mr. ROBESON. Which motion takes precedence; the motion to insist or the motion to recede?

The SPEAKER. The motion to recede.

The question was taken on the motion of Mr. ROBINSON, of Massachusetts; and upon a division there were—ayes 78, noes 69.

Mr. HOLMAN. That is not a quorum, I believe.

The SPEAKER. It is just a quorum.

Mr. HOLMAN. Then I call for the yeas and nays.

The question was taken upon ordering the yeas and nays, and there were 37 in the affirmative.

So (the affirmative being more than one-fifth of the last vote) the yeas and nays were ordered.

Mr. HOLMAN. I ask that the motion be now stated distinctly, so that it can be understood by members of the House.

The SPEAKER. The motion of the gentleman from Massachusetts [Mr. ROBINSON] is, that the House recede from its disagreement to the two amendments of the Senate which were reported as disagreed to by the committee of conference.

Mr. ROBINSON, of Massachusetts. And agree to the same.

The SPEAKER. Recede from its disagreement to those two amendments and agree to the same.

Mr. ANDERSON. I call for a division of the question, and ask that a vote be taken upon each amendment.

The SPEAKER. The Chair thinks it is too late.

Mr. ANDERSON. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ANDERSON. Would it not be in order to ask for a division of the vote on the two amendments, so that the one in regard to special facilities can be voted on separately from the one on the railroad question?

The SPEAKER. The gentleman's inquiry is simply an abstract question. The House has ordered the yeas and nays on receding from both amendments.

Mr. HOLMAN. Let the vote be taken on both; let each support the other.

Mr. ANDERSON. Very well, I withdraw my point.

Mr. MCMILLIN. I ask unanimous consent that the question upon which we are to vote be again stated.

Mr. CASWELL. I can state in a few words what it is. One of the propositions upon which there is still a disagreement between the two Houses is that relating to the appropriation of $185,000 for the fast-mail service; for what is called special mail facilities. The other is the amendment of the Senate in relation to the proposition to limit the rate of compensation for transportation of mails over subsidized railroads to the same rate which is allowed to land-grant railroad companies. Those are the two amendments still pending between the two Houses, and the question is now upon receding from a disagreement of the House to both those amendments.

The question was taken; and there were—yeas 125, nays 117, not voting 49; as follows:

YEAS—125.

Aiken,	Ellis,	McCoid,	Shultz,
Aldrich,	Errett,	McCook,	Smalls,
Barr,	Evins,	McLean, Jas. H.	Smith, A. Herr
Bayne,	Farwell, Chas. B.	Miles,	Smith, J. Hyatt
Belford,	Farwell, Sewell S.	Miller,	Spaulding,
Bingham,	Fisher,	Money,	Speer,
Bisbee,	Gibson,	Moore,	Spooner,
Bliss,	Grout,	Morey,	Stone,
Bowman,	Guenther,	Morse,	Strait,
Briggs,	Hall,	Norcross,	Taylor, Ezra B.
Browne,	Hammond, John	O'Neill,	Taylor, Joseph D.
Brumm,	Harmer,	Page,	Townsend, Amos
Buck,	Harris, Benj. W.	Parker,	Tyler,
Buckner,	Hazelton,	Pettibone,	Valentine,
Burrows, Julius C.	Heilman,	Phelps,	Van Aernam,
Butterworth,	Henderson,	Pound,	Van Horn,
Camp,	Hill,	Prescott,	Van Voorhis,
Candler,	Hiscock,	Ranney,	Wadsworth,
Cannon,	Horr,	Ray,	Wait,
Carpenter,	Houk,	Reed,	Walker,
Cassidy,	Hubbell,	Rice, John B.	Ward,
Caswell,	Humphrey,	Rich,	Washburn,
Chace,	Jacobs,	Richardson, D. P.	Watson,
Crapo,	Jadwin,	Richardson, J. S.	Webber,
Crowley,	Jones, Phineas,	Robinson, Geo. D.	White,
Cutts,	Kasson,	Robinson, Jas. S.	Williams, Chas. G.
Dawes,	Ketcham,	Rosecrans,	Willits,
Deering,	Lacey,	Russell,	Wise, Morgan R.
Dezendorf,	Lindsey,	Scranton,	Wood, Walter A.
Dingley,	Mackey,	Shallenberger,	
Dunnell,	Marsh,	Shelley,	
Dwight,	Mason,	Sherwin,	

NAYS—117.

Anderson,	Blount,	Clardy,	Cravens,
Armfield,	Brewer,	Clark,	Culberson,
Atherton,	Buchanan,	Clements,	Curtin,
Atkins,	Burrows, Jos. H.	Cobb,	Davidson,
Barbour,	Cabell,	Colerick,	Davis, George R.
Beach,	Caldwell,	Converse,	De Motte,
Belmont,	Calkins,	Cook,	Deuster,
Beltzhoover,	Campbell,	Covington,	Dibrell,
Berry,	Carlisle,	Cox, Samuel S.	Doxey,
Bland	Chapman,	Cox, William R.	Dunn,

Ermentrout,	Jones, James K.	Mutchler,	Springer,
Ford,	Kenna,	Neal,	Steele,
Forney,	King,	Paul,	Stockslager,
Frost,	Klotz,	Payson,	Talbott,
Fulkerson,	Knott,	Peelle,	Townshend, R. W.
Garrison,	Ladd,	Peirce,	Tucker,
Godshalk,	Latham,	Randall,	Turner, Henry G.
Gunter,	Le Fevre,	Reese,	Turner, Oscar
Hammond, N. J.	Lewis,	Rice, Theron M.	Urner,
Hardy,	Lynch,	Ritchie,	Vance,
Harris, Henry S.	Manning,	Robertson,	Warner,
Haseltine,	Martin,	Robeson,	Wellborn,
Hatch,	Matson,	Ryan,	Wheeler,
Hepburn,	McLane, Robt. M.	Scales,	Williams, Thomas
Herbert,	McMillin,	Scoville,	Willis,
Hewitt, G. W.	Mills,	Simonton,	Wilson,
Hitt,	Morrison,	Singleton, Jas. W.	Wise, George D.
Holman,	Moulton,	Singleton, Otho R.	
House,	Muldrow,	Smith, Dietrich C.	
Jones, Geo. W.	Murch,	Sparks,	

NOT VOTING—49.

Black,	Hardenbergh,	Lord,	Skinner,
Blackburn,	Haskell,	McClure,	Thomas,
Blanchard,	Herndon,	McKenzie,	Thompson, P. B.
Bragg,	Hewitt, Abram S.	McKinley,	Thompson, Wm. G.
Cornell,	Hoblitzell,	Mosgrove,	Updegraff,
Cullen,	Hoge,	Nolan,	Upson,
Darnell,	Hooker,	Oates,	West,
Davis, Lowndes H.	Hubbs,	Pacheco,	Whitthorne,
Dowd,	Hutchins,	Phister,	Wood, Benjamin
Dugro,	Jorgensen,	Reagan,	Young.
Flower,	Joyce,	Rice, Wm. W.	
Geddes,	Kelley,	Robinson, Wm. E.	
George,	Leedom,	Ross,	

So the motion of Mr. ROBINSON, of Massachusetts, to recede was agreed to.

The following pairs were announced:

Mr. SKINNER with Mr. HEWITT of New York.

Mr. CORNELL with Mr. HERNDON.

Mr. THOMPSON, of Iowa, with Mr. DUGRO.

Mr. THOMAS with Mr. REAGAN.

Mr. CULLEN with Mr. UPSON.

The result of the vote was announced as above stated.

Mr. ROBINSON, of Massachusetts, moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. ROBESON. I rise to a parliamentary question. Does not the action just taken pass the bill?

The SPEAKER. The Chair so understands.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had adopted a resolution for printing 10,000 additional copies of the proceedings of the Yorktown centennial celebration; and a resolution for printing the report of the National Academy of Sciences on sorghum sugar; in which the concurrence of the House was requested.

The message also announced that the Senate had concurred in the resolution of the House for printing the report of the Director of the Mint on the annual production of gold and silver in the United States, and the resolution for printing the report of the Smithsonian Institution for 1882.

The message also announced that the Senate had passed and requested the concurrence of the House in a joint resolution:

Joint resolution (S. R. 143) authorizing the Committee on Printing to instruct the Public Printer relative to the maps, &c., for the census reports.

The message further announced that the Senate had passed, without amendment, House bills and joint resolutions of the following titles:

Joint resolution (H. Res. 359) to print 5,000 copies of the report of the board on behalf of the United States Executive Departments at the international exhibition of 1876;

A bill (H. R. 7115) to authorize the construction of a bridge across the Thames River, near New London, in the State of Connecticut, and declare it a post-route;

A bill (H. R. 7597) to admit free of duty articles intended for the national mining and industrial exposition to be held at Denver, in the State of Colorado, during the year 1883;

A bill (H. R. 7623) relative to the Southern exposition to be held in the city of Louisville, State of Kentucky, in the year 1883; and

A bill (H. R. 7682) to authorize the construction of a bridge across the Missouri River at some accessible point within ten miles below and five miles above the city of Kansas City, Missouri.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the post-office appropriation bill; further insisted on its amendments numbered 2 and 3, disagreed to by the House; asked a further conference with the House on the disagreeing votes of the two Houses, and had appointed as conferees on the part of the Senate Mr. PLUMB, Mr. ALLISON, and Mr. BECK.

MISSISSIPPI ELECTION CONTEST—BUCHANAN VS. MANNING.

The House resumed the consideration of the report of the Committee on Elections on the contested-election case of Buchanan *vs.* Manning, from the second Congressional district of Mississippi.

Mr. CALKINS. I yield to my colleague on the committee, the gentleman from Massachusetts [Mr. RANNEY].

Mr. RANNEY. Mr. Speaker, in the case now under consideration there are two reports—one signed by a bare majority of the committee, and the other submitted in behalf of a minority by one member of the minority. As a member of the committee I believe members of the committee were agreed that there was no evidence in this case on which the contestant Buchanan could be declared entitled to the seat. The only question raised was whether the fraud and irregularity attending the election were such as to vitiate the whole election; and on this question the committee divided in opinion.

I have not examined with very great care or minuteness either the majority or the minority report. I do not agree with either; I do not disagree with either. The gentleman who was to present this case to the House on behalf of the minority, the gentleman from Iowa [Mr. THOMPSON] has gone home on account of sickness. He has submitted a report which in justice to him I desire to publish with my remarks. This report presents fully the case of the contestant.

I feel bound to say, from such examination of the evidence as I have made, that this case discloses a very large amount of fraud and irregularity. I think any one reading the report of the facts could very well come to the conclusion—that is the inclination of my own mind, although I have not studied the case sufficiently to come to a decided conclusion—that the evidence discloses so much fraud and irregularity as to prove a general scheme entered into by one party to defeat the one having a fair majority. Upon this point I do not wish to be understood as stating a definite conclusion; but such seems to be the tendency of the evidence; and such is the finding of the minority report, which I take the liberty of appending to my remarks.

Mr. W. G. THOMPSON, from the Committee on Elections, submitted the following report:

The second Congressional district is composed of the counties of De Soto, Marshall, Tate, Panola, La Fayette, Tallahatchie, Yalobusha, Benton, Tippah, and Union.

The election for member of Congress was held on the 2d day of November, 1880 and the candidates for Congress were Thomas W. Harris (Greenbacker), George M. Buchanan (Republican), and Van H. Manning (Democrat).

The motion of contestant, in which he set out his grounds of contest, and the reply of contestee thereto, are as follows, to wit:

"*Notice of contest.*

"HOLLY SPRINGS, MISS., *November* 23, 1880.

"Colonel VAN H. MANNING:

"You will take notice that it is my intention to contest your election as a member of Congress from the second district of Mississippi, as a result of the election held for the election of a member of Congress on Tuesday, November 2, 1880, in said district, and on the following grounds:

"1st. That in a portion of the counties comprising said district such persons were not appointed, neither was such representation given to the different political parties in said counties in the appointments of county commissioners of election as was designed and required by law.

"2d. That in a portion of the counties comprising said district election districts are abolished and other election districts established without complying with and in violation of law.

"3d. That in a portion of the counties comprising said district the registration of voters was not conducted as required by law, thereby depriving a large number of persons (of lawful right) of the privilege of registering and voting.

"4th. That at a large number of voting-places in said district, in the appointment of inspectors of election, such persons were not appointed, nor was such representation given (in making said appointments) to the different political parties, as was designed and required by law.

"5th. That in several of the counties comprising said district a large number of persons lawfully entitled to register were refused registration, and that the registration and transferring of votes was *discontinued* many days prior to the time contemplated by law, thereby depriving a large number of persons lawfully entitled to register (or transfer) from the right of registering or transferring and voting; and that in a portion of said counties the registration books were for a time removed from the place designated by law for their keeping, thereby depriving a large number of persons (of lawful right) of the privilege of registering (or transferring) and voting.

"6th. That at a large number of *voting-places* in said district many lawful voters were not permitted to vote, their votes having been tendered and rejected by the inspectors of election; that such unlawful interference and hinderance was permitted and practiced (such as is specially forbidden by law) as to obstruct and confuse the voters in the act of voting, or to deceive and prevent a large number of voters from delivering their ballots at the proper voting-places; that a large number of persons were permitted to vote for you who had no legal right to vote.

"7th. That at many of the voting-places United States supervisors of election were not permitted to exercise the duties of their office, being prevented therefrom by the unlawful interference of other officers of election, or from other sources, in violation of law, and to such an extent as to prevent their ascertaining the result of the election and from performing other duties required of them by law; that no separate lists of the names of voters were kept by the clerks of election, as was required by law; that the polls were not opened at the time required by law; were not kept open continuously from 9 a. m. till 6 p. m., as required by law, and that upon the closing of the polls the counting of the vote and making up of returns was not done at the voting-places, nor at the time required by law.

"8th. That at many of the voting-places ballots were received and counted that were not lawful ballots in form and print; that inspectors of election rejected and refused to count ballots that were lawful after the same had been lawfully deposited in the ballot-boxes; that inspectors of election (with knowledge of the fact at the time) permitted ballots to be voted that were not lawful ballots; that during the hours prescribed by law for voting voters were harassed and disturbed in such a manner as to prevent their voting in a free, fair, untrammeled, and peaceable manner.

"9th. That the names of a large number of legally registered voters were not placed upon the poll-books (by the officers whose duty it was to place said names on said books) used at many of the voting-places, and that in consequence thereof said legally registered voters were not permitted to vote, their votes being refused by the inspectors of elections; said inspectors giving as a reason for such refusal to receive such votes that the names or the parties applying to vote were not on the poll-books.

"10th. That the entire vote polled and counted and returned at a part of said voting-places was unlawfully rejected and thrown out (and not counted) by the

county commissioners of election on making up their returns of the total vote of the county.

"11th. That at a portion of the voting-places the ballot-boxes were not opened in public when the polls closed, nor was the vote counted in public, nor at the time required by law to be counted; that in making up the returns a large number of ballots were counted as having been cast for you, when in truth and in fact such ballots were cast for other persons, or were ballots placed in the boxes in a manner not authorized by law.

"12th. That at many of the voting-places a much larger number of votes were returned as having been polled than were actually polled at said voting-places; that at many of the voting-places the poll-books for said places unlawfully contained the names of a large number of voters, which voters had no right to a vote at such voting-places, but resided in other election districts, and that the names of said voters also appeared on the poll-books of the voting-places of election districts to which said voters of right belonged.

"13th. That at many voting-places the election was conducted in many respects in utter disregard of law and the rights of voters; that the registration-books and the poll-books of a portion of the counties and election districts in said district were at divers and sundry times not in the custody and keeping of the proper lawfully constituted officers, but were on divers and sundry occasions in the care and possession of persons not lawfully entitled to such care and possession; that at a portion of the voting-places lawful ballots that were cast for me were not counted for me, but were (unlawfully) counted as having been cast for you, and were so returned by the officers of election; that there were a greater number of legal voters of said district who voted (or who offered to register and vote) and who were unlawfully prevented therefrom, who desired me as their representative in Congress, than there were who desired you as their representative in Congress from said district.

"Very respectfully,

"GEO. M. BUCHANAN."

"*Contestee's answer.*

"Captain GEO. M. BUCHANAN:

"SIR: I am in receipt of a notice from you dated November 23, 1880, of your intention to contest my election as a member of Congress of the 2d district of Mississippi as a result of the election held on the 2d of November last.

"To said notice I make the following answers, to wit:

"First answer. Protesting against the truth of the allegations in said notice, I object and say that said notice is so insufficient and defective that I need not deny or admit the allegations thereof, for the reasons, to wit, said notice does not specify particularly the grounds upon which you rely, and gives no reason for failing so to do.

"2d. The allegations are only conclusions of law and general averments of wrongdoing in some undefined portions of the district by unnamed election officials of precincts not specified, in unnamed counties, or by persons not named or described, and in places and by means not specified, and in violation of laws and the rights of others not designated.

"3d. Your allegations are so vague and uncertain that I am not informed as to the persons or officials whom you accuse of crime, nor where committed, nor do you aver that such wrong-doings were not instigated by you or that they were known to or acquiesced in by me, or that the result of the election was changed by reason of the matters set forth.

"Second answer. Without waiving any objection to the manifold vital defects of said notice, but reserving all benefit and advantage thereof, I deny each and every ground of contest set forth in said notice, and deny each and every allegation therein contained, and aver that throughout said Congressional district a free and fair election was held in all respects, except that in the county of Marshall and other counties at every precinct divers colored voters who wished to vote for me for member of Congress were deterred and prevented from doing so by reason of the threats of personal violence and other means of intimidation used and employed by other colored people, the neighbors of such voters, (the names of all of whom are unknown to me,) being instigated thereto by those that advocated your election, whereby I received less votes by one thousand or more than I otherwise would, and all such voters by means of such intimidations were induced contrary to their wishes not to vote at all, or to vote for you, and thereby the great majority of votes that I should have received more than you at said election was reduced to the number of about five thousand two hundred and fifty.

"Third answer. I charge and aver that you have made the wholesale charges of all kinds of crimes and irregularities contained in your said notice without specifications of persons or places, not because you had reason to believe that any one of them had been committed to your injury, but with the deliberate purpose to evade the limitation of the statute, and to speculate upon any future discoveries of evidence, and so you have made unlawful, vexatious, and fraudulent use of the notice and process authorized by statute, and the same should be quashed and dismissed.

"Respectfully, yours,

"VAN H. MANNING.

"WASHINGTON, *December* 20, 1880."

It will be observed that in the beginning the contestee claimed that the notice of contest was insufficient, and has insisted, for that cause, that the case should be dismissed.

In whatever manner any failure of proper notice might affect the right of contestant in this case (for insufficiency of pleading), if upon examination of the facts in the case it appear that the sitting member is not entitled to a seat, it is the duty of the committee to so report.

It appears that the race in this district was strongly contested by three candidates, representatives of the three political parties of the country.

ORGANIZATION OF PARTIES.

We will first notice the evidence bearing on the organization of each of the parties in the district at the time of this election.

We would prefer to eliminate from our report all reference to the organization of voters by *colors*, but, as this question is fully developed by evidence, we cannot well avoid it.

The contestee in his answer evidently relies upon the support of a large number of colored voters to bear out his right to a seat, and it is in his answer to notice of contest that the division of electors by colors is first referred to in the case.

We have in evidence conflicting statements as to the number of voters in the district.

On page 393 of record the contestee places in evidence a recent State census of Mississippi, and on page 199 is found the United States census for 1880, placed in evidence by the contestant.

Taking the *latter*, and applying the general rule of one voter to every five inhabitants, there are 19,743 colored voters and 17,155 white voters in the district, showing a majority of colored voters of some 2,600; while the *former* shows that there are 19,780 white voters and 18,908 colored voters in the district. We have examined the facts and comparisons made in contestant's brief (page 50) in relation to the State census, and are disposed to be governed by the United States census. As to manner and spirit of the canvass, it is the universal testimony that each party was active and zealous in its efforts to obtain a full vote, and that the canvass was conducted with an industry on the part of all three parties seldom developed in election cases. That each party made most extraordinary efforts to bring every possible voter to the polls is shown all through the evidence. And for that reason we do not deem it necessary to refer to it in detail. Nor is the manner in which the voters were organized and came to the polls less fully shown. Especially is it developed in the evidence of witnesses introduced by contestant upon this point.

We are disposed to give more than ordinary weight to the evidence of witnesses who (politically) are not supposed to have any special interest in the result of this controversy. We therefore submit the evidence as follows, which is fully corroborated throughout the testimony. See record, p. 19, q. 9; p. 22, q. 6 and q. 7; p. 26, q. 8; p. 23, q. 3; p. 35, q. 3; p. 40, q. 3; p. 464, q. 16; p. 445, q. 465; p. 474, witness Settle; p. 476, witness Matthews; p. 51, q. 3; p. 210, witness Nunnally; p. 189, q. 1; p. 185, q. 5; p. 193, q. 8; p. 56, q. 10.

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"JOHN S. BURTON, being sworn according to law, testifies as follows:

"Question 1. You have been heretofore examined in this case, have you not?

"Answer. I have.

"Q. 2. State what your personal relations are to Mr. George M. Buchanan, the contestant in this case, and what they were during the canvass of 1880; also state your connection with the canvass of that period, and the position that you occupied then to Mr. Buchanan in the canvass.

"A. I am a close friend to Mr. Buchanan. At the commencement of the campaign I agreed to take charge of his Congressional candidacy, in which I employed speakers in the district, and employed speakers out of the district to come in this district, to make speeches for him. And I attended to the organization of clubs and to all campaign matters in which he was interested.

"Q. 3. State, as well as you can, the manner in which the campaign was conducted throughout the district on the part of the Republicans, giving the names or numbers of speakers and number of speeches made, as near as you can. State time of commencement of canvass; also state character of Democratic and Greenback canvass.

A. Our campaign was conducted very actively. The canvass commenced about the 15th of July, 1880. Capt. William Spears, one of the electors of the State at large, accompanied by Captain Buchanan, spoke at the principal county seats in the western part of the district. Our meetings were extensively advertised and largely attended. They spoke in Tallahatchie, Panola, Tate, De Soto, and Benton Counties. About the same time Col. R. W. Flournoy, one of the State electors at large, commenced the canvass in the eastern part of the district, speaking at New Albany. The Republican convention was held at Oxford August 15, when Captain Buchanan was nominated. It was a very largely attended convention; every county was represented with but one exception. On or about the first of September the canvass was renewed. Colonel Mister, elector for fifth district, J.T. Settle, elector for second district, and W. F. Frazee, alternate elector for first district, all came into this district and kept up the canvass incessantly until the election. In addition to the prominent speakers mentioned, Hon. James Hill, chairman State executive committee, Col. Thomas Hunt, United States marshal, and Maj. W. H. Gibbs, all of the very best order of Republican speakers, spent some two weeks in canvassing the district; and, in addition, Captain Buchanan made speeches night and day for the entire time, commencing about the 15th of September, and including a day or so before the election. In addition to these speakers there were local speakers constantly engaged in the canvass all the time in prominent precincts in the district, and the canvass was conducted with the same activity and industry on which campaigns were conducted while the Republican party were in power in the State. No effort was spared by myself or Captain Buchanan, or his friends, to see that every vote in the district was brought out. The Democrats did not open their campaign for some weeks after the Republicans commenced, and so far as my observation went their campaign was not conducted with as much as usual activity until toward the close of the canvass. The Greenbackers also made a thorough and active canvass of every part of the district. As near as I can approximate, there were from two hundred and fifty to three hundred Republican speeches made in the district. I estimate this by the number of speeches and the time they occupied."

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"W. S. FEATHERSTON, having been duly sworn, testified as follows, to wit:

"Interrogatory 1. How long have you lived in the State of Mississippi and the county of Marshall? What official positions have you held, if any?

"Answer. Forty years in the State of Mississippi and twenty-three in the county of Marshall. I have been a member of the Legislature and a member of Congress in the House of Representatives.

"Int. 2. What is your acquaintance with the people of Marshall County; extensive or otherwise?

"A. My acquaintance with the people of Marshall County has been pretty extensive, and is now.

"Int. 3. What is your profession; to which political party do you belong, and what is your official position in your party, and what was it during the political campaign of 1880?

"A. I am a lawyer by profession. I am a member of the Democratic party. I am now, and was during the campaign of 1880, chairman of the Democratic executive committee of Marshall County.

"Int. 4. What was the character of the political contest of 1880 in this Congressional district; was it one in which little interest was manifested by both Republican and Democratic parties, or otherwise?

"A. It was an interesting campaign, and one in which both the Republican and Democratic and also the Greenback party took considerable interest, especially in Democratic and Republican parties.

Int. 5. What was the character of the Democratic campaign of 1880 in Marshall County, active or otherwise; was, or not, the Democratic party of the county thoroughly organized? Which party made the most active campaign?

A. The Democratic campaign in Marshall County in 1880 was active and enthusiastic. I thought the party was well organized. The Democratic party made the most active campaign. I am certain that it did; and in every neighborhood in the county we had every local committee appointed that we thought was necessary to organize the party thoroughly and to bring out its full vote—such a campaign as we have been in the habit of inaugurating in this county for several years past."

Page 200:

"Dr. R. J. LYLES, being duly sworn according to law, testified as follows:

"Question 1. Where do you reside? How long have you resided in Marshall County? State your occupation. Of what party are you a member, and to what extent were you engaged in the interest of your party in campaign of 1880? State to what extent the Greenback party of this county is composed of white or colored people, from which party it drew the most votes at last election (Democratic or Republican party), and to what extent from either.

"(Objected to by the contestee upon the ground that it is not rebutting testimony, but original.)

"Answer. I reside at Watson P. O., Marshall County, Miss.; lived in this county about eleven years; am a physician by occupation. I belong to the National Greenback party. I took part in the canvass, actively canvassing, making speeches in this county. The Greenback party in this county, to my best information, is composed principally of the white people—at least four-fifths of the Greenback party.

"Q. 2. Were you not a close personal friend of Col. T. W. Harris, the Greenback

candidate for Congress; and did you or not manage the canvass in this county for him, or did you not do it chiefly?

"(Objected to on same ground as to No. 1.)

"A. I am a close personal friend of said Col. T. W. Harris. I took an active part in his behalf, and managed his interest in the western part of the county, particularly that section where I reside.

"Q. 3. At or about the close of the canvass did anything occur to induce you to advise Colonel Harris, the Greenback candidate, to withdraw from the canvass; and did you or not so advise him? And, if so, state freely and particularly the reasons for so advising him, and from what source you received your information inducing you to give such advice.

"A. Something did occur. A short while before the election, perhaps a week, I had a conversation with Col. Van H. Manning, the candidate of the Democratic party for Congress, in which he assured me the colored voters of the district were solid for Buchanan, the Republican candidate for Congress. He requested me to write to Col. T. W. Harris, the Greenback candidate for Congress, that he (Colonel Harris) was 'gone up,' and to come home. I assured Colonel Manning that if his statement was correct, I would prefer that Harris would withdraw from the canvass. Colonel Manning said that, according to his best knowledge and judgment, his statement was correct. On that assurance, together with my personal knowledge of the fact that the colored voters in my neighborhood were solid for Buchanan, I telegraphed Col. T. W. Harris at Batesville, Miss., that his chances here were compromised; that the colored voters were solid for Buchanan. Colonel Manning brought said telegram to Holly Springs for me. He afterwards assured me that he sent the telegram to Colonel Harris.

"Q. 4. Was it or was it not a fact, at the time that Colonel Manning made the foregoing statement to you, that he had canvassed the entire ten counties comprising this Congressional district, and that the canvass absolutely closed within a few days after said conversation referred to?

"(Same objections as before.)

"A. He stated to me that he had made an entire canvass of the district, and that the statement made to me was founded on his information that he had gained during the canvass. This was but a few days before the election.

"Q. 5. In your reply to question three, do you mean to refer exclusively to the colored race or otherwise?

"A. I mean the colored vote exclusively.

"Q. 6. State to what extent, if you know, the colored vote that voted was cast for Buchanan, or other candidates (as applied to precincts in the western part of the county), at the last election.

"A. From all information I have, it was a solid Republican vote for George M. Buchanan for Congress in the precincts referred to. So far as my personal knowledge goes, it only refers to my own box.

"Q. 7. To what extent is the negro vote in the district referred to Republican?

"A. Pretty unanimous."

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"Col. THOS. W. HARRIS, being sworn according to law, testifies as follows:

"Question 1. State where you reside; how long you have there resided; your occupation; how long you have pursued said occupation, and to what extent in the second Congressional district of Mississippi.

"Answer. I reside in Holly Springs, Miss., and have resided there since about the year 1850; I am a lawyer; have been upwards of thirty years, and engaged in the duties of my profession in several of the counties of the second Congressional district since I have lived in Holly Springs; my practice has been general and quite extensive.

"Q. 2. With what political party have you been identified prior to the year 1879? State also what official position you held in said party during the year 1876, and since that time.

"A. I was a member of the State executive committee of the Democratic party in 1877 and 1878; and also chairman of the executive committee of that party for the county of Marshall; and was a member of and acted with the Democratic party until 1879; since which time I have been acting with the National Greenback Labor party.

"Q. 3. Were you a candidate for office at the election November 2, 1880? If so, state for what office; if you made a canvass of the second Congressional district, to what extent; also state the extent of your acquaintance with the politics of the voters of said second Congressional district.

"A. I was the candidate of the National Greenback Labor party for Congress for the second Congressional district at the election in November, 1880, and as such canvassed the district generally; my knowledge of the politics of the voters of said district is such as such a canvass would give, in connection with my long residence in the same, engaged in my profession, and having taken a general interest in politics since I attained my majority.

"Q. 4. What class of persons constitute the three political parties in this district? State the different divisions as near as you can as to color.

"A. A very great majority of the colored voters of the district belong to the Republican party; the white voters are divided generally between the Democratic and Greenback parties; colored voters who act and vote with the Democratic party are in my opinion very few in number; in the election of last year my observation and information led me to believe that out of the thirty-five hundred and eighty-five votes reported to have been cast for the Greenback candidate for Congress in the said district there could not have been more than about one thousand of them colored, most of whom live in Yalabusha County; the white voters who act with the Republican party in said district I don't think are at all numerous.

"Q. 5. Have or have you not, since the election, fully and particularly informed yourself as to the number of votes you received at said election at each of the various counties and precincts in said district?

"A. I have seen statements purporting to be authentic as to the number of votes reported to have been cast for me, and have heard statements from friends upon the same subject.

"Q. 6. Did you witness just preceding the election a conversation between Colonel Manning, candidate for Congress, and Dr. A. M. Lyle on the subject as to how and for whom the colored voters of this district were going to vote? If so, state what was said between them on the subject.

("Objected to on the ground that the question is original and should have been asked, if at all, during the time allowed to take testimony-in-chief.)

"A. In a discussion between Colonel Manning and myself at Watson, in this county, I think the night preceding the day of the election, the question arose as to a report that Dr. Lyle had abandoned me and intended to support Colonel Manning, and that Lyle had sent me a dispatch suggesting my withdrawal from the canvass because the colored vote of the district had concentrated upon Captain Buchanan, the Republican candidate for Congress. Dr. Lyle was present and stated to the audience, in my presence and Colonel Manning's, that he (Lyle) had met with Colonel Manning and was told by him to write or telegraph me that I had better withdraw, as the colored vote was all going for Buchanan; that he (Lyle) replied such was the condition of things in his neighborhood, and that upon the statement made to him by Colonel Manning he had accordingly telegraphed me at Batesville, in Panola County, that the negroes were all going for Buchanan, or words to that effect; that he sent me the dispatch based alone upon what Manning had told him, except as to the condition of things in his own neighborhood; that he did not profess to know what was the condition of affairs beyond his own neighborhood. I never received the foregoing dispatch at Batesville, having left before it was received. The foregoing is substantially what occurred as I remember it.

"Q. 7. What proportion of the white vote of this Congressional district are opposed to the Democratic party, and what proportion of said vote would vote against the candidates of said party at an open, fair election, and upon full assurance that their votes would be counted as cast?

"(Objected to as irrelevant, incompetent, and illegal.)

"A. I can only answer as a matter of opinion. It would depend very much upon the questions involved and what parties were engaged in the contest. I think, however, that one-fourth or one-fifth of the white voters of the district are opposed to the present policy and management of the Democratic party, and would cast their votes against it.

"Re-examined:

"Q. 1. State what proportion of the colored vote in this district voted the Democratic ticket, and what proportion of the white vote voted the Republican ticket, as near as you can, in numbers as to each party, as estimated from your information gained during the canvass. State fully.

"(Objected to on ground that it is original, and not in rebuttal of anything drawn out on cross-examination, and as incompetent.)

"A. I can only give an opinion in answer to this question. From all the information in my possession, my opinion is that there were fully as many, and I think more, white votes cast for the Republican candidate for Congress than there were colored votes for the Democratic candidate. When the extraordinary efforts made by the Republican party had succeeded in reorganizing the colored vote, my opinion is that the work done by that party was pretty thoroughly successful. I know of no county in the district in which the Greenback party succeeded in maintaining its control over the colored vote, except Yalabusha. In addition, I am satisfied that some white Greenbackers had become so much incensed in consequence of the warfare waged against them and their party by the Democratic party that, despairing of the success of their own candidate, they voted for the Republican candidate; and further than this deponent saith not.

"Q. 2. What is the standing of the contestant, George M. Buchanan, in his party and as a citizen?

"A. I think his position in his party is a prominent and controlling one, certainly in his section of the State. As a citizen, he is kind, charitable, generous, and public-spirited, and I know nothing to his detriment except that he belongs to what is known here as the Radical party, and that he became a candidate for Congress in the last election to my detriment. As a candidate for office, I am satisfied that he is considerably stronger than his party, in this county particularly. As a neighbor he is equal to any man.

"X Q. 4. You have been asked as to the standing and character of George M. Buchanan as a politician and as a gentleman. Please state as to the character and standing of Van H. Manning in both respects?

"A. Having been three times nominated by his party as a candidate for Congress, and returned as elected, is a sufficient answer as to the character and standing of Van H. Manning with his party. In all the elements of kindness, generosity, and charity he is the equal of any—infinitely too much so for his own good."

Witness Mahon (p. 106, record):

"Q. 7. Do you know of a newspaper published in Holly Springs known as the Holly Springs 'South'? If so, state the political party that that paper advocates.

"(Question objected to and ruled out.)

"Q. 8. Did you or not read in the Holly Springs 'South,' a Democratic newspaper published in Holly Springs, and published on December 8, 1880, the following language:

"[The South, Holly Springs, Miss., December 8, 1880.]

"BUCHANAN TO CONTEST.

"It seems to be generally believed by our exchanges that Buchanan will contest for Manning's seat. If he ever gets it it will be by an utterly unscrupulous partisan decision by the House of Representatives. Never was there a fairer election in any district of the State than that of this, when Manning was elected. *The negroes generally voted for Buchanan. The whites divided between Manning and Harris.* Every man of the three parties voted as he pleased, except those who voted for Buchanan, *and they went as a flock*, under instructions, by which they were easily fooled into voting for him. The ballots were printed in accordance with the law of the State and counted. Buchanan was beaten by not getting votes enough—that is all. He will have to be elected at Washington, if he ever is. It will not be by votes of the people of Mississippi. And when Congress seats Buchanan the second Congressional district of Mississippi will have no representative.

"(Question objected to and ruled out as before, and question not permitted to be answered.)

"Q. State whether or not you know the editor of the Holly Springs 'South,' and his character for political intelligence; if so, state his character for political intelligence?

"A. I know Mr. Tyler when I meet him, and his character for intelligence is good.

"Q. 9. State, if you know, in what party interest that newspaper, the Holly Springs 'South,' acted during the campaign of 1880, and what candidate for Congress it advocated.

"(Objected to by counsel for contestee as being irrelevant, and objection sustained and question not permitted to be answered.)"

For reasons which will hereafter appear apparent, we have briefly referred to the evidence of the voting strength of each of the political parties; the class of voters from which each party was organized, the canvass made by each, and the manner in which each party's vote turned out and came to the polls.

INTIMIDATION OF COLORED VOTERS BY CONTESTANT'S FRIENDS.

We have very carefully examined the evidence relating to the intimidation of colored voters by contestant's friends (as is alleged by contestee, in his reply to notice of contest), and do not find that the evidence discloses a single instance where a colored voter was deprived of voting for *contestee* by reason of threats or intimidation from any source. The evidence discloses the fact to be that contestee received but few of the votes of colored voters, and that there was by far a larger number of white voters who voted for contestant than there were colored voters who voted for contestee. The vote as returned is stated as follows, upon page 393 of the record:

Harris, Greenbacker	3,585
Buchanan, Republican	9,996
Manning, Democrat	15,255

The evidence shows there to be about 19,700 colored voters and about 17,100 white voters in the district, with some 2,600 more colored voters than whites; that the colored voters are Republicans, with few exceptions, and so voted (or made the effort to vote), as is shown to be the case also with quite a number of white voters; and that the white voters generally were divided (in a measure) between the Democratic and Greenback candidates. Granting that the canvass was equally thorough and active on the part of all parties, and that the voters generally came to the polls, we cannot resist the conclusion that on the day of the election the voting strength of *contestee's* party was in a minority to the extent of 5,000 to 6,000 voters.

Yet notwithstanding this evident condition of the two parties on the day of the election, we are confronted with a return, heretofore referred to, giving the contestee a majority of some 5,300 voters. Were we to take the *State* census as evidence in reaching a conclusion on this point, contestee's party would still be in a large minority.

There are only 17,155 white voters in the district. The proof is clear that Harris, the Greenback candidate, received 3,585 votes, of which (not exceeding) 1,000 were colored, leaving him 2,585 white votes.

It is further clearly proven that quite a number of white voters did not go to the polls. (See evidence, Howze, p. 19; Newsom, p. 22.)

It is further proven that contestant received a number of white votes, and yet, according to the returns, the contestee is credited with 15,215 votes, which is manifestly impossible under the circumstances.

On the other hand, the contestant is credited with only 9,996 votes, while there are 19,800 colored voters in the district, who, according to the proof of contestee's own friends, were all solid for contestant, and came to the polls and voted or offered to vote.

This again is a manifest impossibility. This at once throws suspicion on the fairness of the count, and when the whole of the election machinery was in the hands of contestee's friends the burden of showing the fairness of the count should be upon him when a reasonable doubt of fairness has been established by the proof. This brings us to a consideration of the evidence tending to show how this result was brought about (after first examining the election laws of Mississippi bearing on the points in controversy).

"ELECTION LAWS, CODE OF 1880.

"SEC. 105. The books of registration of the electors of the several election districts in each county and the poll-books as heretofore made out shall be delivered by the county board of registration in each county, if not already done, to the clerk of the circuit court of the county, who shall carefully preserve them as records of his office, and the poll-books shall be delivered in time for every election to the commissioners of election, and after the election shall be returned to said clerk.

"The clerk of the circuit court of each county shall register on the registration book of the election district of the residence of such person any one entitled to be registered as an elector, on his appearing before him, and taking and subscribing the oath required by article seven and section three of the constitution of this State, and printed at the top of the pages of the registration books, which subscription of the oath aforesaid shall be by the person writing his name or mark in the proper column of said book."

Section 121 of the Mississippi Code of 1880 is as follows:

"Two months before any general election and any election of Representatives in Congress, and any election of elector of President and Vice-President of the United States, the governor and lieutenant-governor, or president of the senate if the lieutenant-governor is performing the duties of governor, or if there is no lieutenant-governor, and the secretary of state, or a majority of such officers, shall appoint in each county in this State 'commissioners of election,' to consist of *three competent and suitable men, who shall not all be of the same political party*, if such men of different political parties can conveniently be had in the county, and who, for good cause, may be removed in the same manner as they are appointed. Before acting the said commissioners shall severally take the oath of office prescribed by the constitution and file it in the office of chancery clerk of the county, who shall preserve such oaths. While engaged in their duties the said commissioners shall be conservators of the peace, with all the powers and duties of such, in the county in which they are acting. They shall continue in office for one year unless removed and until successors are appointed."

Section 124 of the Mississippi Code of 1880 is as follows:

"On the last Monday of October preceding a general election, and five days before any other, the commissioners of election shall meet at the office of the clerk of the circuit court of the county, and carefully revise the registration-books of the county and the poll-books of registration of the several precincts, and shall erase therefrom the names of all persons improperly thereon, or who have died, removed, or become disqualified as electors from any cause, and shall register the names of all persons illegally denied. All complaints of a denial of registration may be made to and be heard and decided by the commissioners of elections, who shall cause the books of registration to *be corrected, if necessary, so as to show the names of all qualified electors in the county*, and such books shall be *prima facie* evidence of the names and number of the qualified electors of the county.

"SEC. 125. The clerk of the circuit court shall attend such commissioners, if so requested, and shall furnish them the books of registration and the poll-books, and shall render them all needed assistance of which he is capable in the performance of the duties in revising their lists of qualified electors."

Section 133 is as follows:

"Prior to any election the said commissioners of elections shall appoint *three persons for each election precinct to be inspectors of the election, who shall not all be of the same political party, if suitable persons of different parties are to be had in the election district*, and if any person appointed shall fail to attend and serve, the inspectors present, if any, may designate one to fill his place, and if such commissioners of election shall fail to make such appointment, and in case of failure of all those appointed to attend, any three qualified electors present when the polls shall be opened may act as inspectors."

Section 136 is in the following words:

"All elections by the people of this State shall be by ballot. The poll shall be *opened at nine o'clock in the morning and be kept open until six o'clock in the evening, and no longer;* and every person entitled to vote shall deliver to one of the inspectors, in the presence of the others, a ticket or scroll of paper on which shall be written or printed the names of the persons for whom he intends to vote, which ticket shall be put in the ballot-box, and *at the same time the clerks shall take down on separate lists the name of every person voting; and when the election shall be closed the inspectors shall publicly open the box and number the ballots, at the same time reading aloud the names of the persons voted for, which shall be taken down by said clerks in the presence of the inspectors;* and if there should be two or more tickets rolled up together, or if any ticket shall contain the names of more persons for any office than such elector had a right to vote for, such ballot shall not be counted."

In brief, the circuit clerk of each county is the sole registrar of all the voters. The registration-books are records, and are required to be kept in his office. The registrar is required to register voters any day in the year that the voter may choose to apply for registration, and every person desiring to register is required to come to the county seat for that purpose, and must make oath and sign the registration-books.

The State board, consisting of the governor, lieutenant-governor, and secretary of state, appoint three election commissioners for each county, who are to be selected for their competency and suitableness to discharge the duties required of them. They must not all be chosen from the same political party.

These county commissioners are required to meet at the office of the registrar immediately preceding every election and correct the registration and poll books, "*so as to show the names of all qualified electors in the county.*" The registrar is required to assist them in the discharge of the latter duty. These commissioners appoint three inspectors to each voting-place in the county, *who must be selected from electors suitable and competent to perform the duties of inspectors* (count the vote, make out, certify the returns, &c.), and these inspectors are to be selected from different political parties.

The election commissioners hold in their hands the entire election machinery of their counties; they establish and abolish election precincts at will; they revise the registration and poll books, erasing names therefrom as occasion demands; they sit as a court to decide appeals from the circuit clerk when complaint is made that registration is improperly refused; they appoint all election officers in their counties, including peace officers to preserve order at the voting-places; they receive, compute, and return the whole vote of their counties; and to exercise these great powers and delicate trusts the concurrence of only two of the three commissioners is required. Will it be pretended that men who are utterly illiterate are "*competent and suitable*" for so important an office, or that their appointment is a compliance with the law in any respect?

Before proceeding to review the acts of the election officers, it is well enough to call attention to a circular issued by General Featherstone at an early day of the canvass. The importance of this circular is in the fact that General Featherston is contestee's own witness, and is a man of national character, having been a Representative in Congress before the war, and now circuit judge in the State of Mississippi. (See his evidence, record, p. 331.)

Page 334:

"X Int. 13. Did you as chairman of the Democratic committee, and by authority of the committee, issue and cause to be published the following call, which I here append as part of this question, marked G. M. B.?

"'MASS CONVENTION.

"'There will be a mass convention of the Democrats of Marshall County at the court-house in Holly Springs, at 11 o'clock a. m., on Saturday, the 24th day of July, 1880, for the purpose of electing delegates to attend a district convention in Water Valley, Miss., on the 11th day of August, 1880, to nominate a candidate for Congress.

"'Let everybody come.

"'*Let the enemy know in the beginning that in this campaign the Democracy will win at all hazards.*

"'By order of the executive committee.

"'W. S. FEATHERSTON, *Chairman.*
"'ARTHUR FANT, *Secretary.*

"'(Indorsed:) G. M. B.'

"A. The executive committee instructed the secretary to prepare and publish a call for the meeting indicated in the card, and the call was prepared and published by the secretary."

The foregoing may very properly be considered the initial step on the part of contestee's friends towards carrying the election in the manner indicated by the circular.

As we have said in another Mississippi case—Lynch *vs.* Chalmers—decided in this Congress—

"The general doctrine in construing election statutes is, that they are to be construed liberally as to the elector, and strictly as to the officers who have duties to perform under them. A statute directing certain things to be done by election officers ought to be followed by them with a high degree of strictness, but duties to be performed by the electors, as declared by statute, are directions merely."

We do not propose to discuss the great and vital importance of an impartial registration of voters where it is made a condition precedent to the exercise of the elective franchise, as is the case under the constitution and laws of Mississippi.

APPOINTMENT OF ELECTION OFFICERS.

The evidence is very full that both the Republicans and Greenbackers of the counties challenged made every effort by petition and otherwise to secure the appointment of such (reasonable) number of both county commissioners and also precinct inspectors as they were fairly entitled to under the law, and it is no less clear that their wishes were almost entirely disregarded, especially in counties having large Republican majorities *prima facie*. We submit the following brief of evidence on this point:

"DE SOTO COUNTY.

"J. F. Pratt, on page 24, testifies that 'the county board of election commissioners was composed of two well-known Democrats and one colored man, neither of whom were identified with the Republican party—the colored man can neither write nor read writing—and that the Republican county committee endeavored to secure the appointment of Newson, a well-known and competent Republican, as commissioner, and failed.'

"See also testimony of Nelson, on page 37, showing 'that an ignorant colored man was appointed commissioner over protest of Republicans of the county,' and testimony of Anthony Mathews, the commissioner appointed, on page 28, showing that he could not write or read writing, and knew nothing of the correctness of the returns, except what was told him by the other commissioners.

"LA FAYETTE COUNTY.

"B. P. Scruggs, an intelligent white Republican, was recommended for commissioner by his party friends, and a negro, 'Thomas Jefferson, who has very limited education, if any, was appointed' (see page 51). Testimony of Jefferson, the colored man appointed commissioner, page 71, shows that no Republican recommended his appointment, and that he was appointed on recommendation of the chancery clerk, county treasurer, and other prominent Democrats; and that he was not consulted by his co-commissioners in the appointment of election officers; and his evidence will show his utter unfitness for the position. The testimony of Beauland, page 311, shows that he and one R. S. McGowan were the two Democratic commissioners; and the testimony of E. Nunnally, page 211, shows the unscrupulous character of McGowan, that he said to witness that he would 'stuff ballot-boxes to beat the Republicans,' and this witness testifies that he would not believe McGowan on oath.

"TALLAHATCHIE COUNTY.

"The testimony of T. W. Turner, pages 186–7, shows that no regard was paid to the wishes of Republicans in appointing commissioners; that two Democrats and one incompetent colored man were appointed. The Republicans desired the appointment of Littlewort, whose character for intelligence will be shown by his evidence on pages 194–5. The want of educational qualifications for the position of commissioner is shown by the evidence of the colored commissioner himself, on pages 195–6, which discloses the fact that he could not read the manuscript of his evidence then being given.

"TATE COUNTY.

"In this county, as will be seen in the evidence of Wright, on pages 172 to 174, two of the commissioners appointed were Democrats, and the other a Greenbacker, and that when Jones, the Greenback commissioner, failed to secure the appointment of the election officers he proposed, left the board, saying he would have nothing more to do with it, and that only four of the election officers for the county recommended by the Republicans were appointed, and only two of them served. (See testimony of Shands, page 402.)

"MARSHALL COUNTY.

"In this county, as will be shown by the evidence of McCorkle, on pages 123 to 125, two Democrats and one competent colored Republican were appointed commissioners, and that the Republican commissioner resigned on account of the disregard of his rights as a commissioner by his colleagues, in abolishing election precincts, and in transferring others without his presence or consent, and in sign-

ing his name to notices of the same, thus leaving the election to be managed by the two Democratic commissioners; and on pages 336 to 339, in the testimony of Mr. Wallace, one of the Democratic commissioners, and a brother-in-law of the Democratic candidate for Congress, it is shown that some time in October, *after serving as commissioner nearly the entire canvass, and after the work of abolishing and transferring election precincts* had been accomplished, Mr. Wallace also resigned his office out of considerations of delicacy, and his successor was afterwards appointed, but it does not appear that any successor was appointed to the Republican commissionership."

The manner in which these county commissioners performed their duty in appointing the inspectors of election, especially in counties that were manifestly largely Republican, is very fairly stated by contestant's counsel as follows:

"As will be seen from the evidence of Johnson, page 231, the Greenbackers were not recognized as a party, and there was no pretense of appointing their men as election officers; and the one inspector pretendedly accorded to the Republicans was not always appointed, and when appointed was almost universally so utterly incompetent as to render the appointment worse than a mockery. Take for illustration the county of De Soto, where there are several thousand voters, sixteen voting-places, and as a consequence ninety-nine election officers; and of these one inspector appears to have been a Greenbacker (see page 244), and of the others not more than *sixteen* belonging to the parties opposing the party of contestee, and *fourteen* of them testify that they cannot read or write. Incredible as this statement may appear, it will be fully verified by the evidence on pages 10, 12, 13, 15, 28, 32, 43, 45, 46, and 47, this being the testimony of the officers themselves. That *suitable* Republicans and Greenbackers could be had in the election districts, and that efforts were made in writing and in person by representatives of both the opposing parties to have these *suitable* and competent men appointed, will be fully shown on pages 25, 27, and 231. That the appointment of intelligent Democrats, even when recommended by Republicans, was refused, will be seen in the evidence of Scruggs at the top of page 52.

"Not to dwell tediously upon it, the two counties of La Fayette and Marshall have about the same number of election officers, belonging to the different parties in about the same proportion, and *eleven* of these in *each* county testify that they cannot either read or write. (See pages 57, 60, 65, 66, 67, 68, 69, 72, 73, 74, 92, 95, 108, 109, 114, 116, 117, 119, 121, 125.) That *suitable* persons of the opposition parties could be found in the election districts of these counties, and that earnest efforts were made to secure their appointment, see pages 51, 105, and 203. For other appointments of election officers of the same character in other counties, read pages 170, 185, 190, 193, 178, 187, and 174. In the five counties of Marshall, La Fayette, Tate, De Soto, and Tallahatchie, out of the small number of election officers appointed from the opposition parties, over *forty* of them could not read or write, and the three or four of them who claimed to be able to read print, upon being tested, were found to be deficient in that. As specimens of these officers thus arbitrarily appointed, read the testimony of Cezar Pegues, on page 69, where he testifies that he is 'about sixty-five years of age. One of my eyes is entirely out; the other I cannot see good out of, and I cannot read or write'; and of Seaborn Clark, on page 114, where he says, 'I can neither read or write; I cannot hear good out of one ear at all; I got a pin stuck in the drum of my ear.'"

REGISTRATION OF VOTERS.

The evidence shows that in the four counties of Marshall, De Soto, Panola, and Tallahatchie (all confessedly largely Republican counties), the county commissioners did assemble at the registrar's office some ten days prior to the election, but manifestly not for the purpose of correcting the books "so as to show the names of all the qualified electors of the county," as is the plain language of the statute, but they met there and deliberately stopped the registration of voters in the counties mentioned, and, not satisfied with this, went deliberately to work (for what cause it is not stated) and erased from the poll and registration books the names of nearly 1,000 Republican voters, *who had previously registered*, many of whom swear that they had been voting for years at the precincts where they offered to vote at this election, and the fact that their names had been erased from the books was not developed until they came to the polls to vote. This is shown to be the case at some forty precincts in the district. (See pages record 19, 23, 24, 27, 30, 52, 76, 80, 123, 167, 196, as to closing of registration.)

For evidence of Republicans' names being erased from registration and poll-books, and not being permitted to vote in consequence thereof, see record, page 83, Q. 21; pp. 112, 91, 97, 94, 103, 119, 109, 111, 117, 60, 100, 28, 19, 31, 34, 12, 13, 35, 44, 25, 40, 41, 168, 157, 178, 438, 439, 440, 447, 448, 450, 452, 453, 454, 455, 456, 462, 463, 464.

Record, p. 24, Q. 5: Witness "Pratt" says, State board appointed an ignorant colored man to represent the Republicans "who is totally ignorant," and not identified with the party, as one of the county election commissioners.

Record, p. 28, Q. 2 and 3: This commissioner says he cannot write or read writing, and knew nothing of the compiling of the returns save what the Democratic members of the board told him.

Record, p. 20, Q. 15: "Howze," Greenbacker, proves that "Johnson," one of the Democratic commissioners, *forged a poll-book and caused it to be substituted for holding the election at Depot Box*, instead of the poll-book belonging to that precinct (at Hernando).

Record, p. 29, Q. 2: "Dr. W. M. Johnson" says that this election commissioner admitted to him that *he did make the book*.

Record, p. 233, Q. 25: This commissioner says he *has no information (except hearsay)* as to whether or not he and others *are under indictment* in the Federal court for the infraction of election laws.

Record, p. 458, Q. 6 and 7: "Howze" says he was present in court, and that *this commissioner was present*, when *his case was continued* till July term, 1880.

Record, p. 437, Q. 3: Election commissioners abolish Plumb Point precinct.

Record, p. 21, Q. 19; p. 23, Q. 8; p. 24, Q. 7; p. 27, Q. 6: Ten days prior to the election, the registrar refuses to register any more voters, and the books are closed against them for the season. "Nelson" says voters were coming in every day and refused registration.

Record, p. 21, Q. 19: "Howze" says (estimates) that he saw as many as 150 *Republicans* during that time who told him that they had applied for registration and were refused.

Record, p. 23, Q. 8: "Newsom" says, the closing of the registration at that time was a source of general complaint among Republicans from all over the country, who came for that purpose. That there are a large number of voters who generally neglect to register till just prior to election. Witness heard no *Democrat* complain.

MARSHALL COUNTY.

Record, Q. 3 and 4, p. 336: *State board* appoints "Wallace," Manning's brother-in-law, as one of the *county commissioners*.

Record, Q. 4 and 5, p. 338: "Wallace" is shown to have been in the habit of officiating at elections. Claims to have acted but for a short time, but on being pressed (p. 338, last question) admits that he was such *all the campaign*.

Record, Q. 7 to 10, p. 123: "McCorkle," Republican commissioner, shows that Wallace and Hardin, the two Democratic commissioners, held a meeting without advising him of it and *forged his name to a circular, under which they abolished two precincts*, and changed the location of two others, which was done without his knowledge or consent.

Record, Q. 1 and 2, p. 125: McCorkle shows that he was never out of Holly Springs more than one day at a time at that period. (See circular referred to, p. 124.)

Record, p. 76, Q. 7; p. 80, Q. 5: The county registrar closes the registration-books ten days before the election and no voters are permitted to register after that time.

Record, p. 123, Q. 4 and 5: "McCorkle," county commissioner, says that they were *always crowded* with applications for registration papers during the last few days prior to elections; that 500 or 600 voters generally applied for registration within that period.

Record, p. 80, Q. 7: "Cunningham," on Wednesday before election, says he took down *the names of about one hundred* who were refused registration, many of whom he accompanied to the registrar for that purpose (that he staid at the court-house all day for that purpose), at request of Buchanan.

LA FAYETTE COUNTY.

Record, p. 51, Q. 4: "Scruggs" says *State board* appointed ignorant man as Republican representative on board county commissioners over protest of Republicans.

Record, p. 71: Re-examination Q. 1, 2, and 3: Republican commissioner shows that he was appointed at solicitation of Democrats only, and that no Republican recommended him.

Record, p. 211, Q. 9: Shows McGowan to be a man *utterly devoid of character*. McGowan was one of the Democratic commissioners of that county.

Record, p. 60, Q. 1, 2, 3, and 4: McGowan presided as associate notary (deputy chancery clerk) in taking this testimony, *where his own acts was directly the subject of investigation*.

Record, p. 210: "Nunnally" says he would not believe "McGowan" on oath.

Record, p. 70, Q. 2, 3, 4 and 5: "Jefferson," Republican *commissioner*, says the Democratic commission appointed the inspectors without consulting him, and refused to appoint any one recommended by Republicans. Registration of Republicans *avoided* by taking registration-books to Democratic meetings and other places. Code Miss., Secs. 11 and 12, *requires registration-books to be kept at office of circuit clerk and requires all electors desiring to register to come to the court-house (clerk's office)*. The books are part of the records of his office, and are made in a statutory *form, one for each district in the county*, and all persons registering are *required to sign this book*.

Record, p. 52, Q 6: "Scruggs" says registration-books were taken to Democratic speaking at Stoner's Mill *the day that the Republicans had speaking at Oxford*.

Record, p. 307, Q. 10: Contestee's witness "Andrews" says books were taken to Abbeville, College Hill, Alexander's Store, and Free Springs, on more than one occasion.

TALLAHATCHIE COUNTY.

Record, p. 187, Q. 5, 6, and 7: "Turner" says *State board* appoints an ignorant man as the Republican representative as county commissioner over protest of Republicans.

Record, pp. 196 and 197; re-examination, Q. 1, cross-examination, Q. 1: "Downy," the Republican commissioner, shows his utter ignorance, and that *he cannot read writing*.

Record, pp. 421 and 422, cross-examination: "Sanders" shows that "McAfee," one of the Democratic commissioners, while acting as such *in* 1879 *sent the wrong poll-books* to several precincts *by the Democratic candidates*, and in consequence thereof they held no election at these precincts.

NOTE.—No *Republican* vote was cast in this county for President or Congressman *in* 1876, by reason of wholesale destruction of Republican tickets:

Record, p. 414: "London," cross-examination, Q. 1 and 2, on this subject.

Record, p. 421, Q. 2: "Sanders," county registrar, closes the registration of voters five days before the election.

PANOLA COUNTY.

Record, p. 107, Q. 4: "Brown," commissioner, says registrar turned over the registration books to commissioners, for revision, *ten* days before the election, and (Q. 6) says the registrar did no more registering after that time. See Q. 1, cross-examination: Says the commissioners did some registering during that time, but they were only *revising* registration. X Q. 6: Election laws, section 124, only authorize commissioners to register persons *on appeal* (where the *registrar* has refused them registration).

Record, p. 142, Q. 11: "Pipkin" says books were turned over to commissioners ten days before the election, and (p. 143, Q. 12) the board were *transferring names* during that time; that *registrar* helped them register one day.

Record, p. 157, Q. 3, 4, and 5: "Small" says Brown and Ruffin, the *election commissioners*, acted as *inspectors*, and held the election at Sardis precinct; *that neither of them were sworn as inspectors*; that *Ruffin* was a voter at another precinct. (This is not denied by any witness.)

TATE COUNTY.

Record, p. 173, Q. 3: Republicans have no representative on board of election commissioners, but "Jones," Greenbacker, is appointed.

Registration closed as against Republicans.

Record, p. 398, Q. 1 and 2, cross-examination: Contestee's witness Clifton says he sent registration-books to country precincts by one "Medders," who is editor of the Democratic paper. This was just prior to the election.

Record, p. 401, Q. 2 and 3: "Medders" accompanies "Shands," *Democratic "elector,"* to his appointments all over the county the week preceding the election, thus closing out all persons applying at the *registrar's office* for registration, where the law required the books to be kept and registration to be done, and where the law required all persons to come who desired to register, from all parts of the county.

It is in evidence that "Johnson," one of the Democratic election commissioners for "De Soto" County was convicted at the last term of the Federal court held at Oxford, Miss., and fined $500 for fraudulently erasing the names of voters from the registration and poll books of that county (at this election) (see *transcript* court record filed in case); that all three of the election commissioners for (Panola) county were indicted and *plead guilty* at the December term, 1880, of the same Federal court, to the charge of refusing to register voters at this election (see transcript court record filed in case); that the two Democratic election commissioners for "Marshall County" were indicted and *plead guilty* at the December term of the same court (1880) to the charge of fraudulently erasing names of voters from the poll-books of that county. (See printed record, page 6.)

That C. S. Bowen, an election inspector, was tried and convicted at the same term of this court for ejecting a United States supervisor from the polls in Marshall County; and

That Seaborn Clark and N. Mims, inspectors of election, *plead guilty* to charge of ejecting United States supervisor from the poll in Marshall County at the same term of court. (See printed record, page 6.)

That "Maxwell," the registrar for "De Soto County," is now under indictment in the same court for *registering* voters by *proxy and* for denying registration to one class of voters. (See record transcript filed.)

We here give the evidence of G. C. Chandler, the district attorney for the northern district of Mississippi, showing what seems to your committee a *prevailing* sentiment (in the second Mississippi district and adjoining districts) as to the right of parties to interfere with poll-books, election officers, and ballot-boxes. *The record filed with the committee* shows that a part of these election officers were permitted to plead guilty "*nolo contendere*." We can well imagine why a humane judge should be so considerate as to permit *such a plea* to be entered in view of a Mississippi statute affixing the penalty of *disfranchisement* for offenses of this kind.

The record, pages 382 and 387, shows that the parties from "Marshall" County were defended by *volunteer* and able counsel, who testify that they defended these men *without fee or reward*, because they saw they thought they were being *persecuted*. It is shown that three law firms of the city of Holly Springs tendered their services in the defense of these cases.

Page 5:

"G. C. CHANDLER, being sworn according to law, testifies as follows:

"Question 1. Where do you reside, and how long have you resided in the State of Mississippi?

"Answer. I reside at Corinth, Miss., and I have resided constantly in the State the last forty-five years.

"Q. 2. What official position do you now hold under the laws of the United States?

"A. I am United States attorney for the northern district of Mississippi.

"Q. 3. In your official capacity as district attorney of the United States for the court of the northern district of Mississippi, if to your knowledge there were any indictments found by the grand jury at the December term, 1880, of said court for violations of the election laws of the United States, state how many, for what particular offense, in what counties, and disposition (if any) was made of such cases, together with the names of parties indicted. State fully and particularly.

"A. For want of money, and on account of the failure to co-operate with the court on the part of some persons who should have felt an interest in enforcing the law, there was only a very partial investigation of the last Congressional election; but so far as the investigation was carried it showed almost every conceivable crime against the purity of the election. A number of indictments were returned by the grand jury, and I hand you the following account of those where arrests have been made; the others are for the present private.

"Q. 4. State, if you know, from your information as district attorney, whether or not there were other violations of the election laws of the United States, and laws of the State of Mississippi, in said district, committed at the election in November, 1880; and if yea, state why the grand jury failed to institute further proceedings. State fully and particularly your knowledge on the subject.

"A. The grand jury did not return all the indictments the evidence before them warranted. They examined witnesses only from eight or nine counties, and they were adjourned when the funds to pay witnesses and jurors were exhausted. In many counties the election was conducted fairly, and in others all election laws, State and Federal, were violated. Men of one class were registered illegally, and of another class refused registration. Under the State statute that authorized the revision of the poll-books the names of many legal voters were crossed from the poll-books, and intimidation and obstructing of voters, expelling United States supervisors, false counting, and ballot-box stuffing were all shown by the evidence before the grand jury to have been committed.

"*List of election cases originated at December term, 1880, of the United States district court of the northern district of Mississippi, where arrests have been made, with disposition of the same.*

"No. 1795. United States *vs.* M. B. Collins, Warner Matthews, Joseph E. Monroe, commissioners of election for Coahoma County.

"*Charge.*—Failing to return vote of the county; returning the vote of one precinct as the entire vote of the county.

"Plea of guilty by each defendant.

"1802. Alonzo Gorman, A. G. Hockroeder, William Pounds, Lee County.

"*Charge.*—Obstructing voters at the polls.

"Dismissed as to Hockroeder, and jury and verdict of guilty as to Gorman, and not guilty as to Pounds.

"1788. E. L. Sykes, sheriff of Monroe County.

"*Charge.*—Threatening witness in election cases.

"Jury, and not guilty on plea of guilty in case No. 1790, and as the Government had a single witness to the threats.

"1789. Jas. Evans, Jack Gathings, Paul Strong, Monroe County.

"Obstructing voters at the polls.

"Plea of guilty as to Evans and Gathings, and dismissed as to Strong.

"1790. E. L. Sykes, sheriff, Monroe County, Ben. Halliday, Jas. E. Sanders, J. Sandy Watkins, Woodson Watson, Jas. Evans, Ben. Bradford, Jack Gathings, Dr. Strewell, inspectors and clerks.

"For ejecting United States supervisor from polling-place.

"Plea of guilty as to Sykes, Jas. Evans, and Jack Gathings, and dismissed as to the others.

"1794. G. C. Myers, registrar, Marshall County, M. G. Hordin, J. C. Boxley, commissioners, Marshall County.

"*Charge.*—Refusing to register voters.

"Jury, and verdict of not guilty on entering plea of guilty in case 1795, by Hordin and Boxley, and not guilty as to Myers.

"1795. M. G. Hordin, J. C. Boxley, commissioners of election, Marshall County.

"*Charge.*—Fraudulently erasing names of voters from poll-books.

"Plea of guilty by each defendant.

"1771. C. S. Bowen, jr., Seaborn Clark, Nat. Muris, Dr. Dean, Marshall County election inspectors and clerk.

"*Charge.*—Ejecting from polls United States supervisor.

"Jury, and verdict as to Bowen; plea of guilty as to Clark and Muris, and not guilty as to Dean.

"1786. George Askew, Dorsey Outlaw, Green Davis, commissioners, Oktibbeha County.

"*Charge.*—Refusing to keep polls open as required by law.

"Pending.

"1772. C. S. Bowen, jr., Seaborn Clark, Marshall County inspectors of election.

"For failure to keep polls open as required by law.

"Jury, and verdict of not guilty on their entering a plea of guilty in No. 1771.

"1773. T. R. Maxwell, registrar of De Soto County.

"Fraudulently refusing to register voters.

"Pending.

"1775. W. H. Johnston, T. A. Dodson, Anthony Matthews, De Soto County, commissioners of election for De Soto County.

"For fraudulently making false poll-book.

"Jury, and verdict not guilty.

"1774. W. H. Johnson, T. A. Dodson, Anthony Matthews, De Soto County, commissioners of election for De Soto County.

"For fraudulently erasing the names of voters from the poll-books.

"Pending.

"1776. Jas. Brooks, N. Dodds, inspectors of elections at Horn Lake, De Soto County.

"Stuffing ballot-box.

"Pending.

"1777. Jas. Brooks, N. Dodds, inspectors of election at Horn Lake, De Soto County.

"Refusal to keep polls open.

"Pending.

"1785. Geo. Askew, Dorsey Outlaw, Green Davis, Jno. Gillmore, Isaac Sessions, Oktibbeha County inspectors and clerks.

"Stuffing ballot-box.

"Pending."

Having stated the general principles that govern our opinion, we now proceed to give the number of votes cast at the various precincts where frauds are shown to have been committed, and where the election officers were either so corruptly or illegally appointed, or where their acts while holding the election causes such suspicion in our minds as to destroy confidence in the returns. The number of votes there found to be tainted with fraud is so great as to justify the conclusion that the election in this case must be set aside. (For returns see record, pages 391 and 392.)

MARSHALL COUNTY.		
Chulahoma		512
Byhalia		514
West Holly Springs		507
East Holly Springs		512
Wall Hill		340
Mount Pleasant		396
Waterford		192
Hudsonville		273
		3,248
DE SOTO COUNTY.		
Horn Lake	335	
Hernando Court-House	106	
Olive Branch	186	
Oak Grove	229	
Hernando Depot	299	
Lauderdale	145	
Pleasant Hill	244	
Love Station	233	
Nesbitt Station	247	
Lewisberg	158	
Endorn	240	
Lake Cormorant	192	
Cochran Precinct	211	
		2,885
LA FAYETTE COUNTY.		
College Hill	410	
Oxford	1,110	
Taylor's Depot	349	
Abbeville	351	
		2,220
PANOLA COUNTY.		
Sardis	624	
Como	748	
Longtown	265	
Pleasant Grove	323	
Springport	133	
		2,093
TATE COUNTY.		
Arkabutla	183	
Independence	326	
Senatobia	462	
		971
TALLAHATCHIE COUNTY.		
Charleston* (county seat), estimated	300	
		300
Total		11,715

In making the foregoing statement we have not included the vote of many precincts where good grounds exist for their rejection, and where the election might be declared void upon the evidence, as at Law's Hill, Oak Grove, Bainsville, Evans's School-House, in Marshall County; Springdale, Sanders's Store, Free Springs, and Dallas precincts, in La Fayette County; Stewart's, Reynolds's, and Ingram's Mill, in De Soto County; Ross Mill and Brooklyn, in Tallahatchie County. The evidence of witnesses in relation to these precincts shows such irregularities as, when considered in connection with the evidence generally, leads to the belief that there was unfairness intended, if not openly practiced.

Were we to adopt the rule laid down in Donnelly *vs.* Washburn we would reject them all.

We have selected the precincts (where the figures are given) because at every one of them some transparent fraud is directly proven, or the conduct of the election officers has been such as to so becloud them with suspicion that they are, in our judgment (when considered in connection with the conduct of this whole election), unworthy to be considered as election returns.

YALOBUSHA COUNTY.

As to the condition of affairs that prevailed in this county, we here submit the evidence of A. T. Wimberly, chairman of the Greenback State executive committee. The returns from this county (page 392) gives contestant only 81 votes, while contestee has 1,120 votes, while the census (p. 293) shows there to be some 1,540 *colored* voters in the county. It does not seem, from this evidence, that those who deemed it necessary to carry the election "*at all hazards*" were either respecters *of persons or political parties*, or were at all choice in their methods of bringing about the result, and we can easily conceive how timid colored voters would shrink from contact with such a state of *war*, and either stay away from the polls or seek refuge in the *protection* afforded by the Greenbackers and vote their ticket, if necessary to that end.

"A. T. WIMBERLY, being legally sworn, testified:

"Question 1. Where do you now reside; where on the 2d November, 1880; how long have you resided where you now reside, and what are your politics?

"Answer. On 2d November, 1880, I resided in Coffeeville, Yalobusha County, Miss., and have resided there since 1868. I am a Greenbacker in politics, and have lived in this district all my life.

"Q. 2. What official position do you hold in your party in Mississippi, and what in the political canvass of 1880, and what is the extent of your acquaintance with the Greenback organization in this second Congressional district?

"A. I am chairman of the Greenback State executive committee, and was in 1880. From my correspondence as such chairman, and my association with the party in convention and otherwise, I am very well acquainted with my party organization in the district.

"Q. 3. What part did you take in the interests of T. W. Harris, your Greenback candidate for Congress, in 1880?

"A. I not only canvassed Yalobusha County in his behalf, but also La Fayette,

* The vote of this county is not returned by precincts.

and personally spent my time in the canvass of those counties and by correspondence with Greenbackers all over the district during the canvass; worked in his behalf. I spent my time, my money, and run the risk of losing my life in that canvass for him.

"Q. 4. What sort of canvass did the Greenbackers make as to vigor and aggressiveness in this the second Congressional district in the Congressional election of 1880?

"A. From my personal observation and correspondence in the district, I think they could not have made a more thorough canvass than they did. They directed their time and energy and what little money they had for the success of their candidates T. W. Harris, our candidate for Congress, made a thorough canvass of the entire district.

"Q. 5. What was the character of your canvass in person for peaceableness and quietness? If any violence was done toward you or the members of your party, state fully and particularly all you may know on this point.

"A. The canvass was anything else but a peaceable one, from the beginning to the end. At every political meeting held in Yalobusha County, where there was a joint discussion between the Greenbackers and Democrats, the Democrats never failed to go armed not only on their own persons, but there was a committee of boys appointed to carry arms in saddle-bags, to be used should it be necessary. That forced us to carry ours to defend ourselves with, and we were not inclined to be bulldozed and run off the track by the Democratic mob. In Coffeeville, some time in the month of July or August, the Democrats advertised to have a ratification meeting. We were invited by one of their committee to have a joint discussion. We accepted the invitation, and after we had sent out runners for our crowd to come to the speaking on the following Saturday, the chairman of the Democratic committee, late Friday evening, about sunset, notified me, as a member of our committee, that they would not permit any discussion on the following Saturday, when it was too late for our committee to give notice to our people. On Saturday morning, after the crowd had gathered in on both sides, I went to the chairman of the Democratic committee and said to him that as there was a misunderstanding, or rather a refusal on their part to grant a division of time, we would have a speaking of our own, but that as it was their appointment we would let them take choice between the grove and the court-house as to where they should hold their meeting. He notified me that they would hold their meeting in the grove. I at once started a little negro boy up the street ringing a bell to notify the Greenbackers that we would hold our meeting in the court-house. Two or three Democrats stopped him and forbid him ringing the bell. Just after our meeting adjourned I discovered the Democratic crowd from the grove making way up the street leading to the court-house using very insulting language against the Greenbackers. We passed them, and when we dispersed at the depot five or six of the Democrats commenced firing on Mr. Pierson, a Greenbacker, and other Greenbackers, swearing that if they couldn't beat us voting they would kill us. This shooting resulted in the wounding of Mr. Pierson and some half dozen others, both Greenbackers and Democrats. On the following Monday a mob of some 300 Democrats came to Coffeeville and sent a committee to me a second time to say that unless I renounced my political principles I would be a dead man before midnight. I did not comply with their demand, nor did they put their threat into execution.

"Q. 6. State the character for intelligence of the Greenback white voters of the district.

"A. They are of the very best material of the merchants and farmers of the district; also lawyers and doctors.

"Q. 7. What is the Greenback white vote of Yalobusha County? State as near as you can estimate.

"A. The Greenback white vote of Yalobusha County is between 500 and 700 voters.

"Q. 8. From what counties did Colonel Harris, candidate for Congress, chiefly receive his vote from among the colored voters given at that election?

"A. Colonel Harris received what colored votes he did receive at last election from among the colored voters in Yalobusha and Panola Counties.

"Cross-examined:

"X Q. 1. Did not nearly all of the colored people of Yalobusha County vote for T. W. Harris, November 2, 1880, for Congressman?

"A. Between five and seven hundred voted for him.

"X Q. 2. Did he not receive a considerable colored vote in Panola County?

"A. From the returns and all the information I have, he did.

"X Q. 3. Did you not have a fair election and a fair count in Yalobusha County?

"A. So far as I know we did; we made them give it to us.

"X Q. 4. Do you know T. J. Settle, of Panola County; and is he not a prominent and leading Republican politician, and is he not of the colored race?

"A. Yes, sir.

"X Q. 5. Are you not chancery clerk of Yalobusha County?

"A. I am.

"A. T. WIMBERLY."

Your committee would hesitate to reject the vote of any one county upon the evidence of a single witness, but the exceptionally high character of the witness, and the most extraordinary state of affairs, shown to have existed by his proof, and as is shown by his *returns* on page 329, strongly incline us to the opinion that it should be rejected.

FAILURE OF CLERKS OF ELECTION TO KEEP LISTS OF VOTERS.

The willful refusal of the clerks of election to make two lists of the voters by name, as they voted (and as is required by section 136, Miss. Laws), after having been shown the law by supervisors (Evidence, pp. 38, 40, 42, 63, 110, 135, 159, 163, 165, 166, 179, and 374), is a very suspicious circumstance in connection with this election. It is through these lists that stuffing ballot-boxes can be easily detected; or if persons are permitted to vote who are not entitled to vote, it will appear by these lists; and your committee does not forget that in the case of Lynch *vs.* Chalmers the evidence shows that at some of the precincts in the 6th Mississippi district the county canvassing board rejected the returns and refused to count the vote *because the clerks had failed to return the lists of voters* with the ballot-boxes.

CHANGE OF POLLING-PLACES.

There is evidence tending to establish the fact that some of the voting-places were changed just prior to the election, and that much confusion was thereby caused among the voters. Many of them were not aware of the change, and in some instances they did not know where the new polling-places were established. Just how far this affected the result of the election we are unable to tell from the evidence. We can, however, readily imagine how a resort to changing the polling-places just before an election in a county would cause such confusion and unfairness as would defeat the popular expression of the will of the people through the ballot-box. (P. 123, Q. 7 to 10; p. 457, Q. 3 to 5; p. 231, X-Q. 12.)

The report made by the chairman of this committee in the case under consideration uses the following language:

"ILLITERATE ELECTION OFFICERS.

"There is no doubt in our minds, from the evidence in this case, that many of the Republican precinct inspectors were appointed as such because they could neither read nor write. This is, in our judgment, a clear abuse of the law, and without the supervisors law, which enables the opposing party to have men of their own selection to guard the polls as supervisors, we would be strongly inclined to apply a corrective for this manifest abuse of power.

"With tickets exactly similar in all respects, or as nearly so as they can be printed, and on the same kind of paper, it would not be a hard task for election officers, if they were so disposed, to cheat an illiterate man, who could neither read nor write, both in the vote and in the count. All good people ought to discountenance and cry down evil practices of this kind. We indulge the hope that it will not be repeated in the future."

We concur with the chairman in his opinion of the abuse, but we differ from him in believing that the presence of the United States supervisors in any way palliated the offense, or took away the necessity for the application of the proper correction, and while we join in his *hope* "that it will not be repeated in future," we think the best method of securing the fulfillment of that hope is to take from the conspirators the fruits of their ungodly work, and we cannot agree with him in the statement of the report as follows:

"DONNELLY-WASHBURN CASE.

"We are not willing to go as far in this case as the majority of the committee did in the Forty-sixth Congress in the case of Donnelly *vs.* Washburn. It was there held—

"'The very fact that in these *seven* precincts Mr. Donnelly had been *deprived* by the city council of Minneapolis *of all representation among the officers conducting the election* is, in itself, a *very strong proof of conspiracy* and *fraud*.'"

We *concur* in opinion with the majority in this case *upon this point*, because in the case before us there is so much *additional* evidence of like character, shown at some forty precincts, to justify the opinion that a conspiracy existed.

In Donnelly *vs.* Washburn, Forty-sixth Congress, report No. 1791, page 25, the committee reject the vote of a whole county because the vote of the county was canvassed *by the county auditor, one justice of the peace, and judge of probate*, while the law required the vote to be canvassed by the *county auditor and two justices of the peace*.

Held, that the probate judge being *ineligible* under the law, the vote must be rejected.

Authorities cited: Howard *vs.* Cooper, Thirty-sixth Congress; Jackson *vs.* Wayne (Clark & Hall's Reports, p. 41); Easton *vs.* Scott, p 272; Sloan *vs.* Rawls, cases 1871 to 1876, p. 144; Delano *vs.* Morgan, 2 Bartlett, p. 171; Howard *vs.* Cooper, cases 1864 to 1865, p. 282; Morgan *vs.* Delano. In Donnelly *vs.* Washburn the committee say:

"It must be remembered that in the cases cited, as decided by former Congresses, the votes of townships were cast out, *because the boards of election, judges, or the clerks thereof, were not constituted according to law*. This being the law as to mere *present officers*, how much more strongly does the principle apply to the case of a canvassing board of a county where the votes (not of one precinct alone) but of all the precincts of the county are involved. * * * How important, then, does it become that the county board of canvassers shall be constituted *in strict conformity with law*, and that no *usurpers* shall be permitted to intrude into and control its deliberations."

We only refer to the foregoing cases to show the action of former Congresses, and not for the purpose of deciding this case on rule laid down.

We think the evidence in this case so clearly establishes a *conspiracy* to defraud the electors of that district of their votes, and through which, as the proof shows, very many thousands were so defrauded, that we are entirely safe in basing our conclusions upon *this ground* alone. In addition to the figures we have already presented by precincts, there can be no doubt from the evidence that the registration was *designedly* stopped by contestee's friends, and for the purpose of preventing the friends of contestant from registering just prior to the election, and that thousands of contestant's friends were thereby deprived from registering, and the proof also shows that hundreds of (Republican) voters *who had previously registered* were not permitted to vote because their names had been arbitrarily or fraudulently erased from the poll-books of their respective precincts by the commissioners of elections, which fact was not discovered until these voters came to the polls to vote.

In brief submitted by counsel for contestee it is argued in justification of the numerous adjournments and carrying away of the ballot-boxes, that such conduct was authorized by the following clause in the law of Mississippi, revised code 1880, section 126:

"If an adjournment shall take place after the opening of 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 term of adjournment, and the box shall be kept by one of the inspectors, and the key by another; and the inspector having the box shall carefully keep it, and neither unlock it nor open it himself, nor permit it to be done, nor permit any person to have access to it during the time of such adjournment."

It is very evident to the minds of your committee that the lawmakers of Mississippi intended that *when the election opened at nine o'clock it should be kept open until six o'clock in the evening, and that the vote should be immediately counted and returns made*, as is plainly set out in the language of the statute, section 136, embraced in this report. We can easily imagine a necessity for the adjournment of an election in case of riot, storm, or other abnormal conditions, which would be justified by section 126, but not otherwise.

VOTE OF THE DISTRICT AT FORMER ELECTIONS.

There is but little evidence on this point. All the records filed with the committee tend to show that the second district is a *Republican* district; they show that General Grant carried the counties comprising this district by a majority of 2,625 votes in the Presidential election of 1872.

That in 1873 the regular Republican candidate for governor carried the counties comprising this district by a majority of 1,570.

That in 1873 the CONTESTANT in this case carried the county of *Marshall* by a majority of 1,304, while returns filed in this contest *from this county give a majority for contestee*.

It is developed by the proof in this case that a great majority of the votes cast for *Harris*, the *Greenback candidate for Congress at this* election, were cast by *white* voters who, in the years 1872, 1873, and 1874, *belonged to the Democratic party*, and we are unable to conceive how (under ordinary circumstances) it was possible for the district to be Democratic in the last (*Presidential*) election, and we can only account for it by the methods so clearly proven and heretofore set out.

We hold it to be true that when public officers are shown to be corrupt *men* their acts as officers are not entitled to the same presumption of fairness extended to officers of unimpeached character, and to show the character of many of the Democratic county *commissioners of election* and the *ignorance* of the Republican commissioners we have given extensive quotations from the evidence.

Having pointed to the proof of, and which we consider the strongest possible circumstantial evidence of, a conspiracy to stuff the ballot-boxes in this district, we now call attention to the conduct of the officers *holding the election itself*, and we submit herewith a brief summary of the testimony, with references to the pages of the record where it is to be found, showing frauds as barefaced as ever disgraced the election of any State.

From the open and defiant firing of cannon into Republican voters at Oxford to drive timid voters from the polls, the bullying of gray-haired men who were United States supervisors, as at Horn Lake, by youthful desperadoes with five shooters, down to the substitution of ballots as they were put into the box, as at Byhalia, and the fraudulent tally-list, as at Holly Springs, every possible scheme and device by which ballots can be stolen or falsely counted is found to have been practiced.

Section 136, Code of Mississippi, 1880, is in the following words:

"All elections by the people of this State shall be by ballot. The poll shall be opened at *nine o'clock in the morning, and be kept open until six o'clock in the evening*, and no longer; and every person entitled to vote shall deliver to one of the inspectors, in the presence of the others, a ticket or scroll of paper, on which shall be written or printed the names of the persons for whom he intends to vote, which ticket shall be put in the ballot-box, and *at the same time the clerks shall take down on separate lists the name of every person voting; and when the election shall be closed, the inspector shall publicly open the box and number the ballots, at the same time reading aloud the names of the persons voted for, which shall be taken down by said clerks in the presence of the inspectors*, and if there should be two or more tickets rolled up together, or if any ticket shall contain the names of more persons for any office than such elector had a right to vote for, such ballot shall not be counted."

The law clearly required that when the election begins in the morning the work shall go continuously on until the votes are all counted, and the returns made out and signed.

BRIEF OF EVIDENCE BY PRECINCTS.

MARSHALL COUNTY.

Chulahoma precinct.

"Cunningham," page 79: Was appointed United States supervisor, and was not permitted to act, and compelled to leave the room; remained outside and kept tally of Republican votes, they voting open tickets. Three hundred and thirty-six Republicans offered to vote, of whom 35 were rejected because their names were not on the poll-book. Witness knew most all of them personally, and they lived in that voting precinct. Witness kept number of white voters, there being one hundred and sixty.

Polls adjourned one hour for dinner, leaving the box in the room—no one in charge. Also adjourned when polls closed for supper, leaving no one with the box. Vote counted in secret. Witness was raised in that neighborhood. (See diagram, page 82.) Returns on page 391 show Democratic vote 241; Republican vote 271.

"Wilkins," p. 118: Corroborates above, as far as he goes.

"Clark," p. 114: Corroborates above, as far as he goes.

Contestee's witnesses.—"Hancock," p. 369: Was invited in to witness the count after fifty tallies had been counted. Did not see anything wrong after that time.

"Mimes," p. 339, and "McKee," p. 343, saw nothing wrong at the polling and count of votes, and say election was fair.

Byhalia precinct.

"Hardy," supervisor, p. 97: Was supervisor; when vote was being *polled* detected Inspector Flow exchanging ticket.

When vote was being *counted* detected same officer several times taking tickets out of the box, and putting in other tickets. Twenty-nine persons were refused a vote, nearly all Republicans, most of whom witness personally knew as living in that precinct. Witness files list of these, page 98. Republicans spoken of voted open tickets. Polls adjourned for supper.

Contestee's witness.—"Watson," p. 370: Supervisor; did not discover anything wrong.

West Holly Springs.

"Benton," p. 75: Was United States supervisor. Polls were opened and voting continued till 6 p. m. Witness then desired the vote counted, but inspectors refused, and adjourned for supper. Democratic inspector, McKinney, went out and came back, stating that he had consulted Colonel Manning (contestee) and General Featherston (chairman Democratic executive committee), and upon their advice they adjourned for supper. After supper the count was proceeded with, the door being locked, and no one admitted save the election officers. Ballots were all passed to witness, which he counted carefully, and also kept tally of same. Witness's tally-list showed that there were 50 *more votes cast for Buchanan* than the clerks had put on their tally-list, and called attention to the fact, but they failed to take any measures to correct it. Republican inspector refused to sign the returns. There were 40 or 50 colored Republicans refused a vote, chiefly because their names were not on poll-book. No white man was so refused on any account. These men claim to have been duly registered. Witness knew most of them as citizens of that election district.

"Guyton," Republican inspector, p. 121: Corroborates foregoing witness as far as he goes, and was importuned and threatened to sign the returns, but never did sign them. Republican inspector at this precinct could *neither read nor write.*

Contestee's witnesses.—"Walters," p. 357: Says witness Benton did call the attention of election officers to the discrepancy mentioned in his testimony.

"McKinney": Democratic inspector referred to in witness Burton's testimony is examined, and *does not deny* that Manning and Featherston advised them that they could adjourn for supper, but saw nothing wrong.

"McGowan," p. 352: Thinks the election was entirely fair.

"Williamson," p. 356: Concurs in the opinion of witness McGowan.

East Holly Springs.

"Wilkinson," p. 91: Was supervisor. Kept tally-list of all persons voting that day; tally-list was tampered with just as polls closed. Two of election officers were brothers-in-law to contestee, one of whom had been one of the *county election commissioners* till a short time before; door was locked and public excluded when vote was counted; no one permitted present except election officers. About 30 persons, mostly colored (most of whom were known to witness as belonging to that election district), were refused a vote; all claimed to have been registered, but names were not on poll-book. There were sixty more ballots counted out of the box than there were persons voting; witness watched polling and counting of votes "as close as hawk ever watched a chicken." See diagram, p. 94; Republican inspector at this precinct could neither read nor write.

"Harris," p. 222: As to high character of witness Wilkinson.

Contestee's witnesses.—J. R. Wallace, p. 335; M. F. Wallace, p. 336; McGowan, p. 350; McCarroll, p. 344: Two of the foregoing officers at this precinct were brothers-in-law to the contestee. None of these witnesses discovered anything wrong, and say the election was fair.

Wall Hill precinct.

"Jameson," supervisor, p. 94: "No list of voters was kept;" adjourned three-quarters of an hour for dinner; 27 colored Republicans applied to and could not vote, names not being on poll-book; witness knew some 15 of them; Republican inspector could not read and write.

Contestee introduces no witnesses as to this precinct.

Lane's Hill precinct.

"Austin," p. 126: Twelve persons were refused vote because names were not on poll-book. All colored but two. Witness knew that some of them resided in that election district.

"McGhee," p. 108: About the same as the above. Republican inspector could not read and write.

No witnesses for contestee at this box.

Oak Grove precinct.

"Wells," p. 109: Five Republicans (voters of this district) refused vote because their names were not on poll-book. Republican inspector could not read or write.

Mount Pleasant precinct.

"Mull," p. 109: Was supervisor. Was tax-collector that district for ten years. Clerks *refused* to keep list of voters, after witness showed them the law requiring it to be kept. Some fifteen whites were permitted to vote whom witness did not know. Fourteen blacks and three whites were not permitted to vote; they were registered voters, but names did not appear on the poll-book.

"Albright," p. 119: Witness was inspector, and came to Holly Springs after box and poll-book; box was delivered to him, but no poll-book was in it; poll-book was brought to precinct morning of election by one Walker, a prominent Democratic politician of that precinct; 17 persons were refused a vote; Republican inspector *could not read* and write.

Contestee's witnesses.—"Bassett," p. 375; "Howse," p. 373; "House," p. 372: Thought the election was fair.

Early Grove.

"Briggs," p. 111: Supervisor; seven Republicans refused vote; names not on book.

Contestee no witness at this box.

Waterford precinct.

"Lacey," p. 112: Was supervisor; twenty-nine persons refused a vote; names not on poll-book; witness knew them all as residents of that election district; some nine of them went to Holly Springs and procured certificates of their having been registered from the county registrar, and came back and presented them to the officers of election, but were not then permitted to vote.

"McKenney," p. 125: Adjourned for dinner and box left in room; no one with it; Republican inspector could not read and write.

Contestee has no witness at this precinct.

Hudsonville precinct.

"Boxley," p. 115: Inspector. When polls closed all persons were ordered out of room save election officers; Gray and Selby, intelligent Republicans, asked permission to remain, but were ordered out, and the vote counted in secret. It will be observed that this inspector was the only person opposed to Democrats who was permitted to be there, and he could neither read nor write.

Contestee's witnesses:—"Gibbons," p. 348; "Mahon," p. 388: Discovered nothing wrong at this precinct, and say election was fair.

Evans's School-House precinct.

"Pegues," p. 116: Some five Republicans were refused a vote who claimed to be registered: their names not on poll-book; was a general turn-out; Republican inspector could neither read nor write.

Contestee no witnesses at this box.

Bainesville precinct.

"Carrington," p. 117: Fourteen Republicans and two Democrats were refused a vote; names not on poll-book; all claim to be registered, many of whom witnesses knew as citizens of that election district; Republican inspector could neither read nor write.

No witnesses for contestee.

DE SOTO COUNTY.

Horn Lake precinct.

"Davis," p. 31: Supervisor. Polls opened one-quarter before 10 o'clock. Adjourned from one-quarter before 1 till 2 o'clock. After closing of polls box was taken by "Brooks," Democratic inspector. Witness "don't know where to." Brooks remarking, "By God, this belongs to me to-night." "It was dark and rainy." Witness went to the residence of one Holliday, and in about three quarters of an hour saw Brooks and Dodge, Democratic inspectors, come in with the box. When box was opened *all the tickets on top appeared to be Democratic tickets* except five. There was much confusion, officers and bystanders preventing witness from seeing the box. Two Greenback tickets thrown out and not counted. About 35 Republicans were refused a vote because their names were not on the poll-book. From time-wasting questions, closing polls at noon, and other delays, between 75 and 100 Republicans went home without voting. There were also 32 Republicans waiting to vote when polls closed, and did not get to vote. Witness was cursed and abused, and threatened with pistol by one Douglass during count of vote. There was a large turn-out of voters.

"Turner," p. 33: Inspector. Corroborates much of "Davis's" testimony; says box was not sealed when Brooks took charge of it. Witness could not read or write.

"McCain," p. 464: Says adjourned about one hour. Corroborates last witness.

Contestee's witnesses for this precinct are "Bowie," p. 248; "Clinton," p. 249; "Foster," p. 256; "Shaw," p. 259; "Halbert," p. 276; "Woolridge," p. 280. These witnesses contradict contestant's witness (Davis), and testify that they saw nothing wrong at the election or count.

Hernando Court-House.

"Dockery," p. 28: Republican inspector. Could neither read nor write. Knows nothing of result of election save what others told him. Polls adjourned for dinner, and one hour for supper. During adjournment box was placed in room, and no one with it. Witness wanted to stay with box, but officers insisted that no one should remain. Box was not sealed. A number of *voters of long standing* at the box did not get to vote, names not being on the poll-book. Large turnout of Republicans.

"Pratt," p. 25, Q. 9: A large number of Republicans could not vote at the box because their names were not on book. They were voters of long standing at the box. A large turn-out.

"Bell," p. 29, Qs. 5 and 6: Distributed Republican tickets at the box; thinks thirty-five or forty Republicans were refused a vote; names not on the poll-book. Q. 4: Was a general turn-out of voters. Republican inspector could neither read nor write.

Contestee's only witness at the box, "Dockery," p. 287, corroborates *much of above* statement.

Olive Branch precinct.

"Hayne," p. 25: Was inspector. Between sixty and seventy Republicans were refused a vote because their names were not on the poll-book; also, quite a number of others left, saying, "It was no use trying to vote, as so many had been refused." Was a general and full turn-out.

"Haynie" (Greenbacker), p. 24; Was supervisor; says there were 56 Republicans who applied and were refused a vote, their names not being on the book.

"Wood," p. 445, Qs. 4–5–6: Was president of the Republican club. Republicans more interested than they had been for five or six years. Saw Republicans refused a vote all day. Witness was refused there, *and voted there ever since he was free*, but could not vote; name not on book this election.

Contestee's witnesses.—"Pleasants," p. 267; "Blecker," p. 264: Does not contradict evidence of contestant's witnesses.

Oak Grove.

"Clay," p. 25: Supervisor; polls adjourned one hour for dinner. When polls closed, Nall, Democratic inspector, took the box to his house, 1½ miles off, being accompanied by one Kirkland. When witness found box it was in possession of one Weiswaer, none of whom were election inspectors, in a room with the door locked. They refused on first application to let witness in room, but finally let him in. The vote was not counted till about ten o'clock. Seventeen Republicans did not get to vote; names not on book. General turn-out of voters.

"Harris," p. 45: Inspector; same testimony, and adds, the vote was counted in

private. A number of Republicans did not get to vote. General turn-out. Republican inspector could not read or write.

Contestee's witnesses.—"Jones," p. 274; "Kirkland," p. 246: Admit the box was not sealed, but a piece of paper *tacked* over the hole. That Clay, supervisor, objected to taking box to Nall's house; but neither of them thinks that there was any unfairness in the election.

Hernando Depot precinct.

"Howze," p. 20, Qs. 13 to 16: Supervisor; polls opened 20 minutes before 10 o'clock. Poll-book used *was a forgery, made by Johnson, Democratic commissioner;* 28 colored Republicans were refused a vote, names not on books. Vote not counted in public. Officers only permitted to be present.

"Newson," p. 230, Q. 9: "Boone," p. 36, Q. 3: Same.

"Watson," p. 440: Could not vote; *marked dead* on poll-book.

Contestee's witnesses.—"Johnson," p. 253; "Payne," p. 283: Think election fair.

Reynolds's Store.

"Jones" (Greenbacker), p. 35: Knows every voter in the district; turn-out of voters larger than usual; kept list of 9 Republicans not permitted to vote; adjourned one hour for dinner; has full and particular list of every man who voted Democratic ticket, and only 38 so voted; but returns show 57 Democratic voters.

"Durham," inspector, p. 43: Eleven persons refused a *vote;* witness did not get to vote, names not being on poll-book; *witness never saw or signed any returns;* Republican inspector could not read nor write.

Contestee's witnesses.—"Boyce," p. 238; "Myers," p. 288: Says, X Q. 11, that Durham, Republican, signed returns by making his mark, and X Q. 12, "I saw all the officers sign the returns," while Durham testifies he never did sign them.

Lauderdale precinct.

"Boggan," Greenbacker, p. 36: Supervisor. Polls were closed one hour for dinner. Box not sealed, and left in room with no one present, and same was done at adjournment for supper. General vote turned out.

"Williams," p. 46: Same testimony, and that some voters' names could not be found on book; was a full turn-out of Republican voters. Republican inspector could not read or write.

Contestee's witnesses.—"Laughter," p. 234: Corroborates above (substantially). Knows of no colored men voting Democratic ticket at his box, and that none but officers of election were present at count of vote.

Pleasant Hill precinct.

"Todd," Greenbacker, p. 37: Supervisor. Was appointed supervisor, but did not serve on account of threats and exhibition of *brass knucks.* Democratic friends advised him to leave; was busy all day distributing tickets.

"Dockery," p. 44: Says there were at least 75 colored voters who tendered Republican tickets, and were not allowed to vote, their names not being on the poll-book.

"Laughlin," p. 455: Was president of Republican club. Knew the Republican voters who were refused a vote; could not see the box, nor votes put in box; might have seen them "*if I had had a ladder about six feet high.*" Witness was there all day; shows that Dr. Gray permitted only one man to vote by making affidavit, and refused balance. Republican inspector could not read or write.

Contestee's witnesses.—"Dr. Gray," p. 268: Admits that many Republicans did not get to vote; knows of two colored men voting Democratic tickets, but thinks the election was fair.

Stewart's precinct.

"Albritton," p. 39: Supervisor. No list of voters was kept; about ten persons did not get to vote—names not on books—and ten *other* Republicans who did not say (whether or not) they had duly registered and were not permitted to vote. No white man was refused a vote.

"Scott," p. 12: Republican inspector; could not read or write, and does *not know* anything about the result.

No witnesses examined by contestee for this box.

Love's Station precinct.

"East," p. 40: Greenback supervisor. Adjourned one hour for dinner. Box carried to Love's residence, some distance from polling place; he did not go with it; no list of voters was kept. Fifteen persons (mostly colored) refused to vote; names not on book.

"Thomas," p. 13: Does not know whether returns were correct or not.

"East," p. 452, X Q. 13: Thinks keyhole to box was not sealed at adjournment for dinner.

Contestee's witnesses.—"Henderson," p. 263: Corroborates Witness East to some extent, and does not think the box was tampered with.

Nesbitt's Station.

"Bullard," p. 40: Thirty-four persons, including one white man, did not get to vote, names not being on poll-book. There was a general turn-out.

"Robinson," p. 43: Adjourned one hour for dinner and two hours for supper. Box at dinner was placed in care of one Bullard, not an officer of election. Box at supper was given in charge to Bullard and taken to dwelling for supper. Twenty-five or thirty Republicans who did not get to vote, names not being on poll-book. Republican inspector could not read or write.

Contestee's witnesses.—"Bullard," p. 295: Was not an officer of election. Box left in his charge at dinner for about an hour. Only knew of three colored men who did not go out to vote. Adjourned two hours for supper, when he took box, unsealed, to Marron's residence; left box in room, no one with it (in room adjoining dining-room), while eating supper. Witness *helped the officers to count the vote.*

Louisberg precinct.

"Bailey," Greenbacker, p. 41: Supervisor. Polls opened about 20 minutes after 9 o'clock; adjourned one hour for dinner and one hour for supper. Witness objected to these adjournments, but was overruled. About 12 persons could not vote because their names were not on poll-book.

"Clifton," Greenbacker, p. 42: No list of voters was kept. Was a pretty full turn-out of voters. Adjourned for about an hour at noon and also an hour at supper.

"Clayton," p. 47: Corroborates above witness, and adds: At noon adjourned. Box was taken to the residence of one Lauderdale, and at supper by Democratic Supervisor Bailey to Louis's residence. Was good turnout of Republicans. Only officers of elections were admitted at the count of the vote.

Contestee's witness.—"S. S. Dickey," p. 236: Republican inspector could not write or read.

Eudora precinct.

"Buchanan," p. 46: Polls were adjourned one hour for dinner, and box was abandoned in room near polling place, none of the officers remaining with it; adjourned for supper, officers taking box with them, and counted vote near where the election was held. Republican inspector could not read or write.

Contestee's witness.—"Harral," p. 248: Corroborates above witness generally, but thinks election was fair.

Ingram's Mills.

"Morton," Democratic inspector, p. 41: No list of voters kept; adjourned one hour at noon, and also at close of poll; box being left at adjournment in keeping of one of the clerks and one supervisor. None of the election officers were Republican.

Contestee's witness.—"Morton," p. 283; "Kerby," p. 243.

Lake Cormorant precinct.

"McDowell," p. 10: Adjourned for supper, and box was taken to Wither's residence, *about a mile* off, and vote there counted.

"Butler," p. 11: Got to Wither's house before six o'clock: got our suppers and then counted the vote. There were some names, Republicans, on the poll-book *marked moved from the district,* but they were allowed to vote; Republican inspector could not read or write.

Cockrum precinct.

"Gray," p. 15: Adjourned for dinner one hour; adjourned for supper an hour; box during these adjournments was taken to residence of one Baker, and there left in bed-room with no one in charge of it. No person was allowed to witness the count except election officers. Republican inspector could not read or write.

Contestee introduced no witnesses from this box.

LA FAYETTE COUNTY.

College Hill Precinct.

"Stockard:" supervisor. No list of voters kept. Adjourned for one hour when polls closed, which was opposed by witness. The ballot-box during the time was left in the room where the election was held and no one was left with it. The door was locked by one Quarles (not an election officer), who took the key. There were two doors to the election-room (of store-house). The candle was left burning when they left the room. Quarles came back and requested witness to go back into the election-room with him, which he did, and Quarles *blew the light out as they came out.* In about ten minutes witness observed *another light burning in the election-room, which burned but a short time.* There was a large turnout of Republican voters—is a large Republican box. The witness could not see in room where box was during adjournment. The key-hole to box *was not sealed during this adjournment.* Nine or ten persons were refused a vote; names not on the poll-book (one white man among them).

"Buford," p. 65: Corroborates the above as far as he goes. The Republican inspector could not read or write.

Contestee's witness.—"Matthews," p. 316; "Luckie," p. 318: All say the election was fairly conducted.

North Oxford precinct.

The Republican inspector could not read or write.

"Lolt," p. 57: There was a large turn-out of Republicans. The cannon shooting bursted the plastering over our heads, and it fell on witness, cutting his face. The election was in consequence temporarily suspended, and the Republican supervisor was greatly alarmed.

Witnesses Scraggs, p. 51, and Fitzhugh, p. 55, as to the terrible effect of cannon shooting into voters; also Nunnally, p. 210, who met crowds of voters going home.

Contestee's witness.—"Butler," p. 303.

South Oxford precinct.

"Kenneday," p. 59: There was an adjournment for about a half hour at the close of polls, and the box was placed in chancery clerk's office.

"Hamblet," supervisor, p. 60: Adjourned at 6 o'clock for an hour, and the box was put in the vault in chancery clerk's office, and Brown, chancery clerk, had key to office. About 30 persons were refused a vote, their names not being on books. They were mostly Republicans. Witness protested against adjournment. Republican inspector could not read or write.

Taylor's Depot precinct.

"Tyson," p. 66, Republican inspector: Adjourned for one hour at dinner, and along in the evening adjourned again for an hour, then opened the polls again for 30 or 40 minutes, when polls were closed, it being then 6 o'clock. The box remained in possession of witness during the adjournment; vote was counted with closed doors, and no one was allowed to be present except the election officers.

The Republican inspector could not read or write.

Springdale precinct.

"Weathersby," p. 67: Adjourned one hour for dinner, when Shipp, Democratic inspector, took box to his house. The Republican inspector could not read or write. Contestee introduced no witness.

ABBEVILLE.

"Porter," supervisor, p. 100: Kept tally of Republican vote; witness also kept list of 36 Republicans who were not permitted to vote, names not being on poll-book; also, 3 whites. The night was dark and rainy. Adjourned for supper at 6 o'clock; the box, being locked and sealed, was left in the room where election was held, in charge of no one. There were two rooms and one window to the house. Witness says Republicans polled 207 votes; could distinguish Republican tickets from Democratic tickets; box was locked but not sealed when they returned to count the votes; Crosby, Democratic inspector, admitted he had been in there; there was a general turn-out of the Republican vote.

"McDuff," inspector, p. 69: Says they were counting vote when he returned, and that box was left as stated by witness.

Porter, Republican inspector, could not read or write.

Contestee's witnesses.—"Porter," p. 320; "McGowan," p. 321; "Houston," p. 322; "Graham," p. 323: Corroborate above, and add there were 307 Republican votes cast and only 145 Democratic. Returns, p. 391, show 216 Democratic, and only 135 Republican, votes returned.

"Stoners," p. 324; "Burkley," p. 325: None of contestee's witnesses discovered anything wrong. McGowan thinks everything was "fair and square," and he is the witness who told witness personally that he "would stuff a ballot box if necessary to seat Republicans."

Sander's Store precinct.

"Cezar Pegnes," p. 69: Republican inspector. Witness is nearly blind. Polls adjourned one hour for dinner. Mentions other competent and suitable Republicans being there who were intelligent. Republican inspector could *not* read or write.

Free Springs precinct.

"Caldwell," p. 72: Polls adjourned one hour for dinner. Democratic inspector taking box to residence of one "Houston," and witness took poll-books. Neither party turned out full vote. Republican inspector could not read or write.

Dallas precinct.

"Watt," p. 74: Polls adjourned one hour for dinner. Democratic inspector taking box to residence of one Langford. Box was not sealed. Vote was counted with closed doors. Republican inspector could not read or write.

PANOLA COUNTY.

Sardis precinct.

"Small," p. 157: Was supervisor. The two county election commissioners held the election and *are not sworn* (this is nowhere contradicted). Adjourned one hour or more for supper, over protest of supervisor. Box is placed in vault of clerk's office, and who has the key is not stated. There were nineteen more tickets in the box than there were persons who voted, as shown by list kept by clerks

"Hibernia" precinct.

"Greene," p. 191, supervisor: Witness remained until 5½ o'clock; 69 votes had been counted up to that time; all Republicans. Mr. Ray, Democratic inspector, held the election.

"Downey," p. 195: Shows that box was thrown out and not counted by county commissioners, and that Ray took out all books and box to hold election.

Contestee's witness.—"McAfee," p. 418: Testifies that blank forms for making returns were sent out in all the boxes.

Ross's Mill Precinct.

"King," p. 191, inspector: Polls adjourned one hour for dinner, and box was taken by Democratic officers to Ross's residence. Witness did not go with it. Contestee introduced not any witnesses at this box.

A part of the committee find that the evidence does not satisfy their minds that a conspiracy existed for the purpose of defeating contestant; but to the minds of the majority this proposition is quite certainly established, and as proof of this we briefly call attention to a few facts shown by the evidence. By the census of 1880 (see record, p. 199) it is shown that the six counties of Marshall, De Soto, Panola, La Fayette, Tallahatchie, and Tate contained a population in the aggregate as follows:

Colored	79,204
White	52,744

Taking the rule that one in five are voters, we have—

Colored voters	15,840
White voters	10,544
Colored majority	5,296

And it is shown beyond a doubt that five of these counties had and have large Republican majorities, and only one (La Fayette) which has a small Democratic majority; yet in these counties we find that the Republican majority is, *prima facie*, 5,296.

The evidence shows very conclusively that there are at least as many white Republicans in these counties as there are black Democrats. The returns from these counties and others composing the district (record, page 392) show that Harris, the Greenback candidate, received 3,585 votes, and that most of these were cast by white voters, and no part of these votes were cast in either of these six counties except in the county of Panola, where he received about 400 votes. The white votes received by him in these six counties are as follows (record, page 392):

De Soto County	83
La Fayette County	301
Marshall County	313
Tallahatchie County	17
Tate County	299
Panola County	487
Total	1,500
Colored majority as stated in these six counties being	5,296
Deduct colored vote in Panola County	400
	4,896
Add white vote for Harris in these six counties	1,500
	6,396

By this it appears that contestee was in the minority in these six counties, 6,396; yet in the face of this the returns (see record, page 393) give the contestee a majority of 2,153 votes. This state of affairs cannot but create suspicion, and engender a belief that the Mississippi plan succeeded.

And your committee would state that the above is based on the evidence of contestee (record, page 215) and the witness Wimberly (page 470 of record, question 1 on cross-examination).

It would extend this report to an unprecedented length to give in detail all the evidence tending strongly to prove a conspiracy to do just what was done, to wit, to count in the contestee at all hazards. But we briefly state that the evidence shows that in over fifty places the ballot-boxes were taken away, and out of the view of the supervisor, either at noon or after the polls were closed, and carried to private residences and locked in rooms and left unguarded, and the supervisors not even allowed to remain with them. All this against the earnest protest of the supervisors. All of these things were in direct and flagrant violation of law; and the evidence shows that in several instances the vote was counted in secret, and not in public as the law requires. And we quote the language of our honorable chairman in his report: "The election was conducted without regard to fairness or common decency." In this the majority sincerely concur. That all kinds of illegal and fraudulent practices were resorted to by the friends of the contestee in these six counties, knowing that a full vote and fair count would, as he himself stated to the witness Harris, be almost solid against; and in fact the votes were so cast, but not so counted or returned.

It is evident contestee and his friends had the *power* if they had the votes to carry the election honestly, and if honestly convinced that they had a majority of the votes, they certainly would never have resorted to the shameful frauds they did to count contestant out in these counties known to have large Republican majorities. Why did they, as the evidence shows they did, close the registration of voters ten days before the election in these counties of De Soto, Panola, and Marshall, each with very large Republican majorities, and five days before the election in the Republican county of Tallahatchie; and why, in violation of law, close the registration of voters in the counties of La Fayette and Tate from a week to ten days before the election by sending the books away from the clerk's office to be carried around through the counties to Democratic meetings, so that Republicans could not register when they came to the office for that purpose, and then were refused afterwards because, as they were informed, the time for so doing had passed?

Why did the governor and State board select men in these counties as commissioners to act in behalf of the Republicans who could neither read nor write (and the evidence shows that this class of men were selected in forty-two precincts in these counties), and refused to select any man designated by the Republicans, and also refused to appoint a Greenbacker for the false and groundless reason that there was no such political organization, when the evidence shows that there was a well organized Greenback party in each of these counties, and numbered amongst its adherents as intelligent men as could be found in the State? But why at the same time did this same board select as commissioners for the counties named, to act for La Fayette, and Tallahatchie, men who have been indicted and convicted of the crimes committed at this election, and as stated in the evidence taken in this contest? And we can but conclude that these things were done in pursuance of a conspiracy to unite in a common purpose to cheat and defraud the contestant out of his election.

To all that the evidence discloses there is but one answer, and that is, that there was a conspiracy to do these things, and that the purpose was accomplished by a universal disregard of all laws, and a high-handed and reckless debauching of the and supervisors. Thirteen Republicans, registered voters, who could not vote, names not on poll-book. Neal and Russin, two Democrats living at another precinct, are allowed to vote.

Contestee's witness.—"Balch," p. 147.

Como precinct.

"Jackson," inspector, p. 168: Polls adjourned for supper. Box taken to Breckenridge's (whisky shop), and no one left with it (see diagram, p. 168) during supper. Witness was first officer to return from supper, and is let into the room (where box was left) by one "Spears," who was not an election officer. Witness cannot read writing. Some thirty-six persons, chiefly Republicans, could not vote; name not on poll-book.

"Joncs," p. 159: Confirms foregoing witness as to adjournment and box; clerks kept no list of voters; witness saw twenty-three persons refused a vote, mostly Republicans; names not on books; a number of Democrats, *planters and merchants*, are permitted to remain in the room all day; Republican inspectors could not read or write.

"Crary," p. 134, contestee's witness: Was officer of election, but was not present when count was commenced.

Longtown precinct.

"As. Kerv," p. 163, supervisor: Polls adjourned for supper. Box taken off by Fowler, Democratic inspector. Witness does not know where box was taken. Witness and Republican inspector protest against box being removed, but are overruled. No list of voters was kept. Parties could not vote on account of adjournment. Election was held at saloon of one Baily. Rough words were used because witness and Republican inspector insisted that box should not be removed. Vote was counted in a different house from where the election was held.

"Littlejohn," p. 164: Witness corroborates foregoing witness as to all material points.

Contestee's witness.—"Mitchell," p. 150.

Pleasant Grove precinct.

"Jones," p. 163, supervisor: Polls adjourned one hour for dinner, and box locked up in room and no one left with it. Witness protests against this adjournment.

Polls adjourned for supper one hour, and box taken by Taylor, Democratic inspector, to supper.

Contestee's witnesses.—"Floyd," p. 145, "Carter," p. 144: Say election was fair.

Springport precinct.

"Loiret," supervisor, p. 166: When polls closed adjourned for supper. Box not sealed, but deposited in room adjoining where election was held, and no one left with it. No list of voters was kept.

Contestee's witness.—"Keaton," p. 135.

TATE COUNTY.

Arkabutla precinct.

"Dangerfield," p. 180: Polls were closed one hour at noon, and box taken to Eason's dwelling and locked up in a room, no one remaining with it. Also adjourned one hour for supper. Box taken to same place and left unguarded. Contestee has no witnesses.

Independence precinct.

"Walker," p. 180: Polls closed one hour for dinner. Box taken to dinner by Morrison, Democratic inspector. Also adjourned one and a half hours for supper, and box taken to supper by Powers, Democratic inspector. The inspectors at this precinct were all Democrats.

Contestee has no witnesses at this precinct.

Senatobia precinct.

"Carrington," p. 176: Polls adjourned for one hour for dinner, and box taken by Waits, Democratic inspector, who *carries it to his residence over protest of witness.*

Contestee introduced no witness at this precinct.

Sherrod precinct.

"Wright," p. 182: Was clerk of election, and testifies he was not sworn. Polls adjourned one hour for dinner; box remaining in the hands of supervisor and one inspector. Twenty Republicans refused to vote; names not on poll-book.

Contestee has no witness at this precinct.

Sooxahoma precinct.

"Briggs," p. 179: Says polls adjourned three-quarters of an hour for dinner, and box remained in room where election was held; witness and others remaining with it, thinking election was fair. Witness thinks election was fair.

Taylor's precinct.

"Haynes," p. 175: Supervisor. Testifies to the plan laid by the Democratic inspector to break up the election by refusing to hold an election or permitting any one else holding it, and that it was frustrated by the *persistent efforts* of this intelligent supervisor. This is the largest Republican box *in the county*. (See returns, p. 392.)

We have not thought it necessary to make reference to evidence by precincts where the election seems to have been fairly conducted, and where the election is not challenged by contestant, and where he introduces no witnesses.

TALLAHATCHIE COUNTY.

Charleston precinct.

"Pollard," p. 193: Polls opened at usual hour; adjourned for dinner for one hour. Box was taken by Democratic inspector to residence of one Polk; during this time vote was counted privately and admission refused to every one; 29 "Buchanans" tickets thrown out as being too narrow.

Contestee's witnesses.—"Betts," p. 419; "Leigh," p. 415; "Wynn," p. 409; "Borvoy," p. 407: Say election and count was fair.

Brooklyn precinct.

"Crawford," p. 192: Was inspector; adjourned one hour for dinner and box taken by Democratic inspector to his boarding-house; witness did not go with it.

Contestee's witness.—"Lafrine," p. 415: Says that the count was made with closed doors.

Jenning's Store precinct.

Contestee's witness.—"Houston," p. 406: Polls opened between seven and eight o'clock, and adjourned three-quarters of an hour for dinner, Phelps, Democratic inspector, taking charge of box. Vote was counted with closed doors.

Leverett's Store.

Contestee's witness.—"Bloodworth," p. 410: Polls opened as "near six o'clock as we could." Count was made with closed doors. Witness says that Republicans usually carry this box by some 65 or 70 majority; that there was a good turn-out, and that there were only 15 or 20 white voters at box.

Dog Moor Flat precinct.

Contestee's witness.—"Demnan," p. 412: Polls opened about seven o'clock and closed about sundown. It was a Republican box.

Record, p. 392: The county canvassers fail to make any return of the vote of this county by precincts.

ballot-boxes, and a treacherous and inhuman trampling down of the rights of the citizen who dared to vote his honest convictions, if those convictions led him to vote any other ticket except the Democratic ticket. And the evidence shows that these outrages are not the result of prejudice to color, but only because of the disposition on the part of the Democrats of that district to carry their election against all opposition, and by any means that will accomplish that object.

SUMMING UP.

First. The appointment of illiterate officers of election is such a manifest disregard of duty and violation of statute law as to render void the whole appointment of election officers. One of the essential duties of county commissioners and precinct inspectors is to sign and certify the returns, and their duty cannot be performed by a person who cannot read and write. Where three persons are named in a statute as necessary to perform an official duty all must be appointed and all must act, though a majority may control (see Ballard *vs.* Davis, 2 George's Miss. Reports; also authorities heretofore cited). Hence, the appointment of *illiterate* inspectors and commissioners of election would vitiate the whole appointment and destroy the election.

Second. But we do not wish to rest our report on so *technical* a ground, and hence we hold that the appointment of illiterate inspectors and commissioners takes away from the return of the election officers that presumption of truth which otherwise it would have, and a party claiming a seat on the return of such officers must show the utmost good faith in the election.

Third. In the case before us: 1st, the action of the governor and State board, their refusal to allow the opposition party to name any of the election commissioners; 2d, the same action on the part of the county commissioners, in appointing the precinct inspectors; 3d, the appointment of corrupt and illiterate officers; 4th, the systematic adjournments of the election without sufficient cause; 5th, the premature closing of the registration books, and refusal to register Republican voters, the erasing of names of Republican voters already registered, and the forgery of poll-books; 6th, the failure to *openly* count the vote at the closing of the polls; 7th, the changing of polling-places; 8th, the abandonment of ballot-boxes during adjournment, and their carrying off to private houses during adjournment; the interference with and exclusion of United States supervisors; 9th, the fact that these practices were in counties having large Republican majorities are conclusive evidence of a conspiracy to defraud.

This being a conspiracy to defraud, there being proof of fraud at a number of precincts, and the illiterate inspectors leaving the door open to unlimited fraud, and there being no proof by contestee of good faith in the election, it must be set aside.

Among all the cases passed upon or now under consideration by your committee, we do not find such a condition of affairs as is presented in this case.

One of the principal arguments urged in behalf of *contestees* in other cases from the South is, that the Republican party in that section is largely composed of illiterate colored voters, and that the ascendency to power of such a class would be not only offensive but oppressive; and that therefore the frauds committed were either justifiable or excusable for the protection of the intelligent and property-holding classes of society; and such argument has been used with great force.

In this district, however, while it appears that the colored voters are almost universally Republicans, there is no insignificant portion of the party made up of white voters, men of wealth and intelligence. And those who constitute the Greenback party of the district (they polling about 3,600 votes at this election) are chiefly white voters, lawyers, physicians, and owners of large landed estates, many of whom, as the proof shows, were formerly leaders and held controlling positions in the Democratic party of the district. Yet it is shown that the hostility towards the Greenbakers on the part of the Democratic party is just as bitter as against the Republicans of the district, and that they are pursued with the same vindictiveness; and their complaints that they are practically disfranchised are just as loud as are the complaints of Republicans.

In reaching a decision in this case we have not been compelled to rely on the evidence of the partisan friends of contestee or contestant alone, but largely upon the testimony of the *Greenbackers*, who are men of intelligence and high standing, as appears by their evidence.

In conclusion, while we are morally certain, from the general tenor of the evidence before us, that the contestant was grossly defrauded in the election, and while we have no doubt but that he could have proved a clear title to a seat in Congress, we are compelled to say that he has not made out that proof by proper legal evidence We know the labor, expense, and experience required to disclose frauds carefully concealed, but we do not feel justified in departing from the rules of evidence so far as to seat the contestant. We are, however, fully satisfied that there was no legal election in the second district of Mississippi, and that the contestee should not longer be permitted to retain a seat which is covered over with fraud. Therefore, we recommend the adoption of the following resolutions:

Resolved, That George M. Buchanan is not entitled to a seat in the Forty-seventh Congress.

Resolved, That Van H. Manning is not entitled to a seat in the Forty-seventh Congress from the second Congressional district of Mississippi.

WM. G. THOMPSON.

Mr. CALKINS. I also ask to print the report of the majority as a part of my remarks, and then I propose to demand the previous question.

The SPEAKER. The Chair hears no objection, and the majority report will be printed in the RECORD.

The report is as follows:

Mr. CALKINS, from the Committee on Elections, submitted the following report:

A majority of your committee, to whom was referred the above entitled contested election case of the second Congressional district of Mississippi, having had the same under consideration, beg leave to report:

There were three candidates voted for at the November election, 1880, in this district. The returned vote from the various counties composing the district was as follows: Manning, 15,255; Buchanan, 9,996; Harris, 3,585.

The district is composed of Union, Tippah, Benton, Marshall, La Fayette, Yalobusha, Panola, De Soto, Tate, and Tallahatchie Counties.

This contest was begun by the contestant, George M. Buchanan, against the sitting member, Van H. Manning, and in his notice of contest he alleges the following grounds:

"1st. That in a portion of the counties comprising said district such persons were not appointed, neither was such representation given to the different political parties in said counties, in the appointment of county commissioners of election, as was designed and required by law.

"2d. That in a portion of the counties comprising said district, election districts were abolished and other election districts established, without complying with and in violation of law.

"3d. That in a portion of the counties comprising said district the registration of voters was not conducted as required by law, thereby depriving a large number of persons (of lawful right) of the privilege of registering and voting.

"4th. That at a large number of voting places in said district, in the appointment of inspectors of election, such persons were not appointed, nor was such representation given (in making said appointments) to the different political parties as was designed and required by law.

"5th. That in several of the counties comprising said district a large number of persons lawfully entitled to register were refused registration, and that the registration and transferring of voters was discontinued many days prior to the time contemplated by law, thereby depriving a large number of persons, lawfully entitled to register (or to transfer), from the right of registering, and transferring and voting; and that in a portion of said counties the registration books were for a time removed from the place designated by law for their keeping, thereby depriving a large number of persons (of lawful right) of the privilege of registering (or transferring) and voting.

"6th. That at a large number of *voting places* in said district many lawful voters were not permitted to vote, their votes having been tendered and rejected by the inspectors of election; that such unlawful interference and hinderance was permitted and practiced (such as is specially forbidden by law) as to obstruct and confuse the voters in the act of voting, or to deceive and prevent a large number of voters from delivering their ballots at the proper voting places; that a large number of persons were permitted to vote for you who had no legal right to vote.

"7th. That at many of the voting places United States supervisors of election were not permitted to exercise the duties of their office, being prevented therefrom by the unlawful interference of other officers of election, or from other sources, in violation of law, and to such an extent as to prevent their ascertaining the result of the election and from performing other duties required of them by law; that no separate lists of the names of voters were kept by the clerks of election as was required by law; that the polls were not opened at the time required by law, were not kept open continuously from 9 a. m. to 6 p. m. as required by law, and that upon the closing of the polls the counting of the vote and making up of returns was not done at the voting places, nor at the time required by law.

"8th. That at many of the voting places ballots were received and counted that were not lawful ballots in form and print; that inspectors of election rejected and refused to count ballots that were lawful after the same had been lawfully deposited in the ballot-boxes; that inspectors of election (with knowledge of the fact at the time) permitted ballots to be voted that were not lawful ballots; that during the hours prescribed by law for voting voters were harassed and disturbed in such manner as to prevent their voting in a free, fair, untrammeled, and peaceable manner.

"9th. That the names of a large number of legally registered voters were not placed upon the poll-books (by the officers whose duty it was to place said names on said books) used at many of the voting-places, and that in consequence thereof said legally registered voters were not permitted to vote, their votes being refused by the inspectors of election; said inspectors giving as a reason for such refusal to receive such votes that the names of the parties applying to vote were not on the poll-books.

"10th. That the entire vote polled and counted and returned, at a part of said voting places, was unlawfully rejected and thrown out (and not counted) by the county commissioners of election on making up their returns of the total vote of the county.

"11th. That at a portion of the voting places the ballot-boxes were not opened in public when the polls closed, nor was the vote counted in public, nor at the time required by law to be counted; that in making up the returns a large number of ballots were counted as having been cast for you, when in truth and in fact such ballots were cast for other persons, or were ballots placed in the boxes in a manner not authorized by law.

"12th. That at many of the voting places a much larger number of votes were returned as having been polled than were actually polled at said voting places; that at many of the voting places the poll-books for said places unlawfully contained the names of a large number of voters, which voters had no right to a vote at such voting places, but resided in other election districts, and that the names of said voters also appeared on the poll-books of the voting-places of election districts to which said voters of right belonged.

"13th. That at many voting places the election was conducted in many respects in utter disregard of law and the rights of voters; that the registration-books and the poll-books of a portion of the counties and election districts, in said district, were at divers and sundry times not in the custody and keeping of the proper lawfully constituted officers, but were on divers and sundry occasions in the care and possession of persons not lawfully entitled to such care and possession; that at a portion of the voting places lawful ballots that were cast for me were not counted for me, but were (unlawfully) counted as having been cast for you, and were so returned by the officers of election; that there were a greater number of legal voters of said district who voted (or who offered to register and vote), and who were unlawfully prevented therefrom, who desired me as their Representative in Congress, than there were who wanted you as their Representative in Congress from said district."

To this notice of contest the sitting member files exceptions and answer as follows, to wit:

"To said notice I make the following answer, to wit:

"First answer. 1st. Protesting against the truth of the allegations in said notice, I object and say that said notice is so insufficient and defective that I need not deny or admit the allegation therefor, for the reasons, to wit, said notice does not specify particularly the grounds upon which you rely and gives no reasons for failing to do so.

"2d. The allegations are only conclusions of law and general averment of wrong doing in some undefined portions of the district, by unnamed election officials of precincts not specified in unnamed counties, or by persons not named or described, and in places and by means not specified, and in violation of laws and the rights of others not designated.

"3d. Your allegations are so vague and uncertain that I am not informed as to the persons or officials whom you accuse of crimes, nor where committed, nor do you aver that such wrong doings were not instigated by you, or that they were known to or acquiesced in by me, or that the result of the election was changed by reason of the matter set forth.

"Second answer. 1st. Without waiving any objection to the manifold and vital defects of said notice, but reserving all benefit and advantage thereof, I deny each and every ground of contest set forth in said notice, and deny each and every allegation therein contained, and aver that throughout said Congressional district a free and fair election was held in all respects, except that in the county of Marshall, and in other counties, at every precinct divers colored voters who wished to vote for me for member of Congress were deterred and prevented from doing so by reason of the threats of personal violence and other means of intimidation used and employed by other colored people, the neighbors of such voters, the names of all of whom are unknown to me, being instigated thereto by those who advocated your election, whereby I received less votes by one thousand or more than I otherwise would, and all such voters by means of such intimidation were induced contrary to their wishes not to vote at all or vote for you, and thereby the great majority of votes that I should have received more than you, at said election, was reduced to the number of about five thousand two hundred and fifty.

"Third answer. I charge and aver that you have made the wholesale charges of all kinds of crime and irregularities, contained in your said notice, without specifications of persons or places, not because you had reason to believe that any one of them had been committed to your injury, but with the deliberate purpose to evade the limitation of the statute and to speculate upon any future discoveries of

evidence, and so you have made unlawful, vexatious, and frandulent use of the notice and process authorized by statute, and the same should be quashed and dismissed."

It will be noticed that the sufficiency of the contestant's allegations in his notice of contest were challenged by the contestee in the beginning, and have not been waived; on the contrary, the contestee has insisted that the allegations in the notice of contest were entirely insufficient, and that the same ought to be dismissed for that reason.

It becomes necessary, in the first place, to pass upon the sufficiency of the contestant's notice. The first specification relative to the representation of the different political parties on the board of county commissioners of election calls in question the acts of the governor of the State in his appointment of the commissioners of election.

The machinery of elections by the Mississippi code is placed in the hands of the governor. He appoints the county commissioners of election, who in turn appoint the precinct election officers. The precinct officers make return of the vote cast in the different precincts to the county board, who in turn make their report to the secretary of state.

By section —— of the Mississippi election law the different political parties are to have representation on said board. It ought to be carried out in good faith, and the different political parties ought to be represented on the election board. It is a duty incumbent upon the executive to see that this provision of law is carried out. It has been found in many of the States of the Union that a provision in the election laws similar to this is a safeguard against frauds and ballot-box stuffing.

The second ground alleged by the contestant is that certain election districts were abolished and others established without complying with and in violation of the law.

This allegation is clearly insufficient, as being too vague and general. It would have been an easy matter to have named the precincts, and pointed out how the acts complained of tended to prevent a fair election.

The third allegation is that in a portion of the counties comprising the Congressional district the registration of voters was not conducted as required by law; that large numbers of them were deprived of the privilege of registration.

This allegation is likewise uncertain and vague, and wholly insufficient.

The fourth allegation is a repetition of the first, except that it applies to the precincts or voting places, and not to the counties, and need not be further noticed.

The allegation in the fifth ground of contest is that in several of the counties comprising the district persons entitled to register were refused registration; that the registration was discontinued prior to the time contemplated by law; and that in some of the counties the books were removed from the place designated by law during the registration; that in consequence thereof persons were deprived of the right to register.

This allegation is too general. The particular places and the acts complained of should have been specifically set out. The same may be said with reference to the sixth allegation in the notice of contest.

The eighth ground of contest challenges the form and print of the tickets, but it is not pointed out specifically in what the illegality consisted. And the ninth, tenth, eleventh, twelfth, and thirteenth grounds of contest are open to the same objections.

The seventh ground of contest alleges that at many of the voting places United States supervisors of election were not permitted to exercise the duties of their office, and were prevented therefrom by unlawful interference by the other officers of election (we presume, State officers). This charge is general, and it does not specify any particular voting place in the district where these acts occurred; but, perhaps, if any such unlawful interference is shown to have existed at any of the voting places, the committee would be justified in considering the allegation amended so as to make it conform to the proof, unless it were shown that thereby an injustice, because of the insufficiency, had accrued to the contestee.

This disposes of each of the allegations of contest, and with the single exception stated, under the uniform rulings of this committee and the House, the notice of contest would be held clearly insufficient. See Duffy *vs.* Mason, Forty-sixth Congress, and cases there cited.

We prefer, however, not to rest our decision of this case upon the sufficiency of the pleadings, for if the testimony taken in the case develops the fact that the sitting member was not elected, it would be our duty to so report, although the contestant might not be entitled to his seat, having failed to comply with the law with respect to the sufficiency of his notice.

If it be shown that there was an unlawful interference with the United States supervisors of election whereby they were prevented from discharging duties which are committed to their hands by the law of Congress, it would undoubtedly be our duty to set aside the election at such precincts. The law of Congress in respect to Congressional elections must be obeyed by the people, and nothing will tend so much to bring this government into disgrace as to allow its will to be nullified and its officers overawed and prevented from performing their duty. One of the most sacred duties which this House owes to the people is to see to it that its laws are enforced and obeyed. The supervisors of election are the eyes of this House. Through them it can scrutinize every general election. Fraud of all kinds can be detected, and ballot-box stuffing can be stamped out.

This government is founded upon the will of the majority. A majority is one more than half. When this is ascertained it is just as binding as if maintained by a larger preponderating popular expression, and for the purpose of maintaining the right of the majority to rule, the supervisors' law ought to be obeyed and enforced with scrupulous care. We now proceed to examine the supervisors of election appointed in this Congressional district.

DE SOTO COUNTY.

W. J. Butler was examined as a witness and testifies that he was a United States supervisor of elections for Lake Cormorant voting-place in said county. His testimony is found at pages 11 and 12 of the record. We have examined his testimony and find no charge of fraud, intimidation, or ballot-box stuffing.

Charles Scott, one of the inspectors at that precinct, testifies that everything was peaceful and quiet on the day of election. (Page 13 of the record.)

L. C. Clay, United States supervisor of Oak Grove precinct, De Soto County, testifies to but one fact which is material, and that is, that there were seventeen colored men and one white man refused the right of voting because they were not registered. (See page 26 of the record.)

Felix Davis, another supervisor of election for Horne Lake precinct, De Soto County, testifies to but one material fact, which is that one James Brooks, a Democratic inspector, took the ballot-box, after the ballots were closed, away with him and had it three-quarters of an hour out of the sight of the supervisor, when it turned up at Mr. Holliday's residence, some distance from the balloting place, and after supper proceeded to count the ballots; that the tickets on top of the box when opened all seemed to be Democratic tickets. During the counting, considerable confusion ensued in consequence of suspicious acts on the part of the Democratic inspectors, and while the box was opened a good many bystanders gathered around it and prevented its being scrutinized by this officer. They then proceeded to count the tickets, five at a time; at the close of the counting it appeared that there were 205 Democratic tickets, 130 Republican, and no Greenback. Witness testifies that during the counting he saw two Greenback tickets, which were taken from the box by a Democratic inspector and again put back in the box, but were not counted. He also testifies that there were 35 or 36 persons who offered to vote and were refused because they were not registered, and that there were about 75 or 100 Republicans left the polling-place without voting because of the tardiness with which the officers discharged their duty, and the vexatious manner in which the time was wasted in asking questions and the like. He also testifies that he was abused by one H. M. Douglass, one of the officers of election, for being a radical, and threats were made against him. That there were four or five men continually around the box during the count; that they were swearing and exhibited their pistols in a threatening manner. (See pages 31 and 32 of the record.)

Silas Turner, one of the inspectors, in a measure corroborates the testimony of Mr. Davis. (See page 33 of the record.)

C. M. Haynie, supervisor for Olive Branch precinct, De Soto County, testifies that 62 Republican voters were refused the right to vote because they were not registered, and that three Democrats and three Greenbackers were likewise denied the right to vote for the same reason at that precinct. (See record, page 34.)

J. S. B. Boone, United States supervisor at Depot box, testifies that there were 30 voters at that precinct deprived of the right of voting because they were not registered. (See record, page 36.)

E. A. Albritton, United States supervisor at Stewart's voting place, De Soto County, testifies that there were ten who were refused the right to vote because they were not registered, two of whom were Democrats, the others Republicans. (See record, page 39.)

T. J. East, United States supervisor at Love's Station precinct, De Soto County, testifies that there were 15 persons refused the right to vote at that precinct because of non-registration; about three-fourths were colored, one-fourth white; that the ballot-box was taken at dinner time out of his sight to Mr. Love's house, 250 yards away from the voting place. (See record, page 40.)

B. F. Bailey, United States supervisor for Louisburg precinct, De Soto County, testified that the board adjourned at noon for an hour, and about an hour after the polls closed. He objected to the adjournment, but they overruled him; that there were 12 persons refused the right to vote because they were not registered; that he is a Greenbacker in politics. (See record, page 42.)

LA FAYETTE COUNTY.

C. E. Porter, United States supervisor at Abbeville precinct, testifies that 36 persons were refused the right to vote; they were all Republicans. (See record, page 100.)

B. P. Scruggs testifies that he was United States deputy marshal on the 2d of November, 1880; that he lives in Oxford, State of Mississippi; that he was present at the election held there on that day; that within twenty steps from the entrance of the court-house, where the voting was being carried on, Mr. Keyes, a prominent Democrat of that place, and a member of the board of aldermen, was in charge of a cannon which was being fired, and that the witness protested against the firing of it; that he was told by Mr. Keyes that he had orders to fire it; that it was none of his business who gave him such orders; that they continued to fire the cannon until late in the afternoon; that the cannon was a regular six-pound field-piece. Witness also testifies that the Republicans were prevented from celebrating the victory gained by them because they were told by two prominent Democrats, Mr. Crawford and Mr. Skipwith, in the presence of Mr. Baker, chairman of the Democratic county central committee, that "they might have the right to do so, but they did not have the might," and to prevent a bloody collision they abandoned it. (See record, pages 51, 52, 53, 54, 55.)

MARSHALL COUNTY.

Robert Cunningham, supervisor of election for Chulahoma precinct, testifies that the inspectors of election refused to let him act as United States supervisor at that poll, and excluded him from the box. (See record, pages 80 to 91, inclusive.)

John S. Benton testifies that he was acting United States supervisor of election at Holly Springs box; that he canvassed and kept a complete list of the voters as they voted, and that it did not agree within 50 with the list kept by the clerks of election, his count giving to Buchanan 119 majority, while the count of the clerk of election gave to Buchanan but 69 majority. (See record, pages 75–79.)

Mr. E. J. Wilkerson testifies that he was United States supervisor of election at East Holly Springs box; that about 6 o'clock he stepped out of the hall for a moment where the voting was being done, and when he returned he found that 10 or 15 ballots had been added to his list that he was keeping by some one; that there were 60 more ballots counted out of the box than there were persons on his tally-list; that the door was locked and no one was permitted to be present during the count, and he was not permitted to be in the room; that there were about 30 persons refused the right to vote because they were not registered; that he did not see anything wrong during the voting, and is not able to account for the discrepancy; that he watched the election as close as a hawk ever watched a chicken. (See record, pages 91 to 93.)

Benjamin J. Jameson was United States supervisor of election at Wall Hill precinct. He testifies that there were 27 voters refused the right to vote because they were not registered. (See record, pages 94–95.)

Charles B. Hardy, United States supervisor of election at Byhalia precinct, testifies that there were 29 persons refused the right to vote, 27 of whom were colored persons; were refused for the reason that their names were not on the poll-book. He knew personally 23 of them; they were Republicans. He testifies further that one Mr. Flow, who was a Democratic inspector, was guilty of stuffing the ballot-box by refusing to put a ballot into the box offered by one man, taking one out of his pocket and substituting it for it, and in various other ways tampering with the ballots. (See his testimony on pages 94 to 99, inclusive.)

Thomas Mull, who was United States supervisor of election at Mount Pleasant precinct, Marshall County, testifies that there were 17 persons who offered to vote whose votes were refused—14 blacks and 3 whites. (See record, page 109.)

Thomas F. Briggs, United States supervisor of election at Early Grove precinct, testifies that there were seven who offered to vote and were refused because their names could not be found on the poll-book; they were colored men and Republicans who claimed to have registered. He is a Greenbacker in politics. (See record, page 111.)

J. A. Austin, United States supervisor of election at Lane's Hill precinct, Marshall county, tastifies that there were 12 persons refused the right to vote; that they were all black but two. Mr. Austin was a Greenbacker. (See record, page 126.)

PANOLA COUNTY.

John Fowler, United States supervisor of election at Benson's Hill, testifies that the election was fairly held. (See record, page 139.)

W. W. Perkins, United States supervisor of election at Batesville precinct, testifies that the voting was free, fair, and undisturbed; that the counting was fair and correct. (See record, page 140.)

D. F. Floyd, United States supervisor of election at Pleasant Grove precinct, testifies that the election was fairly held. (See record, page 145.)

P. Lanier, United States supervisor of election at Pleasant Mount precinct, Panola County, testifies that the election was conducted fairly. (See record, page 151.)

J. A. Small, United States supervisor of election at Sardis precinct, Panola County, testifies that there were 13 persons who were refused the right to vote on account of their not having registered. These were all Republicans. (See record, page 157.)

W. A. Jones, United States supervisor of elections at Como precinct, Panola County, testifies that there were 23 refused the right to vote because their names were not registered. Most of these said they were Republicans. (See record, page 158.)

P. H. Lanier, United States supervisor of elections at Pleasant Mount precinct, Panola County, testifies that there were 51 Republican tickets, 17 Democratic tickets, and two Greenback tickets thrown out on the ground that they were defaced so that they could be distinguished from the others. Some of them were torn on the end, some on the side; some were blotted; some had little white specks on them, some little black specks. They were put into a small box and nailed up, and put into a ballot-box; the ballot-box was sealed, and both boxes sent to the court-house. (See record, page 170.)

G. P. Carrington, United States supervisor of elections at Senetobia precinct, testifies that the election was fairly conducted. (See record, page 176.)

TATE COUNTY.

R. P. Powell, United States supervisor of elections at Cold Water precinct, testifies that there were about 21 persons who were refused the right to vote because their names did not appear on the poll-book. About 16 of them were Republicans, and he thinks two were Greenbackers. (See record, page 177.)

W. C. Briggs, United States supervisor of elections at Looxahoma precinct, Tate County, testifies that the election was fairly conducted. (See record, page 179.)

TALLAHATCHIE COUNTY.

R. J. Littlewort, United States supervisor of elections at New Hope precinct, testifies that the election was fairly conducted. (See record, pages 194–195.)

We have given an epitome of the testimony of the United States supervisors of elections. These men were appointed at the request of the prominent Republicans and Greenbackers of the district. It is fair to presume that all of the active frauds committed in the district would come under their notice, and that they would be able in their testimony to expose all crimes committed. The labor imposed upon the committee may have caused it to overlook a few of the other active frauds complained of; but it is believed that the foregoing summary embraces all that is important to be noticed. It is evident from the testimony that some of the precincts before alluded to must be thrown out. Those that we decide to throw out will be found at another place in this report.

CONSPIRACY.

It has been strenuously contended that there is some evidence uncontradicted and which tends to establish a conspiracy among the Democrats of the district, which resulted in the returning of the vote as heretofore given for Manning, and the suppression of the true vote given for the contestant and Mr. Harris, the Greenback candidate. This is founded upon the fact that the colored vote in the district exceeded the white vote, and that it was solidly Republican, and that it was cast, or ought to have been cast, for Mr. Buchanan; that the white vote was divided between the sitting member and the Greenback candidate, Mr. Harris. To establish this, the census tables have been resorted to, and other evidence has been introduced tending to show that there was a general turn-out of Republicans at the election, while there was much indifference on the part of Democratic voters.

The case of Spencer *vs.* Morey, decided in Forty-fourth Congress, Miscellaneous Cases, vol. V, p. 438, adverted to by contestant in his brief, cannot be regarded by us as an authority in this or any other case. So far as we have been able to study it, it stands alone in the line of contested-election cases. We do not believe that proof of one corrupted vote going into a ballot-box is like "a drop of poison in a bowl of water, which contaminates the whole of it and cannot be separated from that which remains pure."

The duty of the House is to separate the honest from the dishonest vote; to purge all ballot-boxes of illegal votes; to administer a rebuke to the voters of any precinct who permit the voice of the people to be stifled or suppressed; and to enable the House to do this a contestant should produce testimony of specific acts in order to show the wrong which he complains of. It cannot be done by general, vague, and uncertain allegations and charges. There is some proof introduced to establish these various points, but it is very general, and consists largely of the opinion of witnesses, and is not of such a character that the committee feel justified in finding that a general conspiracy against the ballot-box was practiced. It seems to your committee, that, if any such practice prevailed, the United States supervisors appointed for the purpose of preventing such frauds could and would have given information whereby they could have been specifically proven.

Your committee have not hesitated to recommend to the House the throwing out of all the boxes where frauds, intimidation, or ballot-box stuffing have been proven, but it would be unsafe to assume from the testimony in this case that other frauds had been committed by the election officers not specifically shown or proven in any tangible or definite manner.

ILLITERATE ELECTION OFFICERS.

There is no doubt in our minds, from the evidence in this case, that many of the Republican precinct inspectors were appointed as such because they could neither read nor write. This is, in our judgment, a clear abuse of the law, and without the supervisors' law, which enables the opposing party to have men of their own selection to guard the polls as supervisors, we would be strongly inclined to apply a corrective for this manifest abuse of power.

With tickets exactly similar in all respects, or as nearly so as they can be printed, and on the same kind of paper, it would not be a hard task for election officers, if they were so disposed, to cheat an illiterate man who could neither read nor write both in the vote and in the count. All good people ought to discountenance and cry down evil practices of this kind. We indulge the hope that it will not be repeated in the future.

REGISTRATION LAW.

It appears in the evidence that very many electors in the various counties of this district were deprived of the right of voting because they were not registered. The registry law of Mississippi provides the manner in which registration shall be made. An unlawful refusal on the part of the registration officers to register a qualified elector is a good ground for contest; but, in order to make it available, the proof should clearly show the name of the elector who offered to register; that he was a duly qualified voter, and the reason why the officer refused to register him, and, under the statutes of the United State, if he offered to perform all that was necessary to be done by him to register, and was refused, and afterwards presented himself at the proper voting-place and offered to vote and again offered to perform everything required of him under the law, and his vote was still refused, it would be the duty of this House to see to it that he is not deprived of his right to participate in the choice of his officers.

Unfortunately in this case the proof falls far short of that which is required to enable the House to apply the proper remedy. That there were many instances in which the officers of registration arbitrarily refused to do their duty is apparent. That many electors were deprived of their right to vote in consequence of this action is also apparent; but in going through the testimony in this case, the number thus refused registration, and refused the right to vote, if added to contestant's vote, would not elect him. Neither is it shown sufficiently for whom the non-registered voters would have voted had they been allowed that right.

CHANGE OF POLLING-PLACES.

There is some evidence tending to establish the fact that many of the voting places were changed just prior to the election, and that much confusion was thereby caused among the voters. Many of them were not aware of the change, and in some instances they did not know where the new polling-places were established. Just how far this affected the result of the election we are unable to tell from the evidence. We can, however, readily imagine how a resort to changing the polling-places just before an election in a county would cause such confusion and unfairness as would defeat the popular expression of the will of the people through the ballot-box. The evidence in this case fails to establish the existence of such a state of affairs that we feel justified in interfering with the election for this cause.

REJECTED POLLS.

	Manning.	Buchanan.
De Soto County.		
Horn Lake precinct	205	130
Pleasant Hill precinct	169	75
Oak Grove precinct	131	98
Marshall County.		
Chulahoma precinct	241	271
East Holly Springs precinct	292	220
Byhalia precinct	218	289
La Fayette County.		
North Oxford precinct { Box No. 1	403	223
North Oxford precinct { Box No. 2	335	149
	1,994	1,455

The above precincts are rejected because of specific acts of fraud, violence, and intimidation having been proven.

At North Oxford precinct the contestee's party friends, on the day of election, fired a cannon in close proximity to the polls, and kept it up at intervals for quite a while. At Byhalia precinct the ballot-box was stuffed. At the other precincts there were irregularities of various kinds, chief among which was the exclusion of the United States supervisor from the polls and the counting of the votes.

DONNELLY-WASHBURN CASE.

We are not willing to go as far in this case as the majority of the committee did in the Forty-sixth Congress in the case of Donnelly vs. Washburn. It was there held—

"The very fact that in these *seven* precincts Mr. Donnelly had been *deprived* by the city council of Minneapolis *of all representation among the officers conducting the election* is, in itself, a *very strong proof of conspiracy* and *fraud*."

We may remark that there is abundance of testimony in this case showing that nearly one-half of the polls in some of the counties were under the exclusive control of the party friends of the contestee; and it is stoutly maintained by the contestant that the refusal to register qualified Republican voters, and that the appointment of incompetent Republican election precinct officers at other polling places, and various other acts and omissions on the part of the partisan friends of the contestee, taken in connection with the fact that at many of the precincts only Democrats were appointed election officers, afford a strong reason why the rule laid down in the Washburn-Donnelly case should apply in this.

The appointment of managers of election, in fairness and common decency, should be made from opposite political parties. A refusal to do so in the face of a statute directing it to be done may in some instances be evidence of fraud, and it might form an important link in the chain of circumstances tending to establish a conspiracy.

We are not satisfied that the evidence in this case establishes such a conspiracy.

A word of explanation. When the Committee on Elections decided this case in committee there were several members absent, as the record of the committee will show. When the report was signed a majority of the committee agreed to the minority report.

We therefore recommend the adoption of the following resolution:

Resolved, That the contestant have leave to withdraw his papers without prejudice.

We concur in the conclusion reached by this report.

W. H. CALKINS.
GEO. C. HAZELTON.
JNO. T. WAIT.
S. H. MILLER.
F. E. BELTZHOOVER.
G. ATHERTON.
S. W. MOULTON.
L. H. DAVIS.

Mr. MOULTON. I desire to make a request.

Mr. CALKINS. I will withdraw the previous question for the present.

Mr. MOULTON. I will not occupy the attention of the House, but in reply to the gentleman from Massachusetts [Mr. RANNEY] I ask leave to print some views which I have here.

The SPEAKER. The Chair hears no objection, and the minority views of the gentleman from Illinois [Mr. MOULTON] will be printed in the RECORD.

The minority views are as follows:

The notice of contest comprises thirteen charges of illegality or irregularity, each and all of so general and vague a character as not to comply with the statute nor enable the respondent to know what particular grounds are relied upon for the contest. No voter or official is named in the notice. No precinct, town, or county is specified, and no numbers are given, but merely general charges are made, such as "in a portion of the county there was not a proper representation given to the different political parties;" that "in a portion of the counties election districts were established or established without complying with the law;" that "in a portion of the county the registration of voters was not conducted as required by law," or "in a large number of voting places in the district many lawful voters were not permitted to vote." These and similar vague and uncertain charges constitute the notice of contest.

An election contest without notice should be treated as an absolute nullity. (McCrary's Law of Elections, sec. 341.) The form of the notice and its essentials are the proper subjects of legislation under the Constitution, and are as binding upon the House in judging of an election contest as laws in regard to practice are upon the courts. This does not, of course, interfere with the right of the House to institute independent inquiry upon its own resolution, but relates solely to a statutory contest, such as this case is.

The statute provides that the notice must particularly set forth the grounds of complaint. Under this statute notices so vague or general have been uniformly held insufficient to maintain a contest upon. See Duffy and Mason, Forty-sixth Congress; Wright and Fuller, 1 Bartlett, 152.

The reason and necessity for a notice that will give the respondent full and precise information and enable him to meet the charge are the same that require particularity in pleading, whether civil or criminal, concerning which the rules are well known. A decision that the notice in question is sufficient would be to hold that we are at liberty to disregard the statute and allow the contestant to withhold the information that would enable the respondent to know upon what ground the contest is based. It would be a rule to promote contests unfairly by allowing vague and broad assertions to supersede particular grounds.

Unless the House is willing to overrule the statute and its prior decisions, it must hold that there is no sufficient notice of contest in this case.

We have, however, looked carefully into the evidence, whether taken according to the statute or not, and conclude there is nothing to impeach the validity of the election of the sitting member by a majority of 5,000 or upward.

The district comprises ten counties in Northern Mississippi, containing a population, according to the census of 1880, of about 184,000. In six of the counties it seems that a majority of the voters are white. In four counties a majority are colored. In three of the counties (Benton, Marshall, and Panola) the votes received by Manning and Buchanan were nearly the same. In the county (Yalabusha) Harris, the Greenback candidate, received more votes than Manning—nearly all the votes being divided between them. In the other six counties Manning received majorities ranging from 300 to 900 in each. Altogether Manning received 15,235; Buchanan received 9,996; Harris received 3,585.

The statutes of Mississippi provide that the governor and State officials shall appoint for each county three commissioners of election, not all of whom shall be of the same party; and they shall appoint judges of election, not all of the same party.

The evidence shows this was done, but the objection is made that in some instances these appointments of Republican judges of election were not according to the dictates of the local partisan committees.

As the law requires the appointments to be made in the discretion of the officials, we see no irregularity in their declining to be governed by partisan suggestions.

Perhaps the most urgent of these objections were made as to appointments of judges in Marshall, Tate, Tallahatchie, and La Fayette Counties. In these counties it is urged that some of the judges could not read and write. This would seem to be a necessity if colored voters are to be represented by the elder and most substantial of that class. This is testified to not only by white men, but by colored witnesses as well, called by Buchanan. (See pp. 13, 14, 16, and 311.)

In La Fayette County those appointments were really made upon the suggestion of the colored Republican commissioner (pages 70, 71, 311). In Tallahatchie County the objection was that some Greenbackers were appointed instead of Republicans (pages 173, 174).

In Marshall County the Republican commissioner seems to have resigned his office to escape censure from the local committee of his party (page 123). These complaints, according to the evidence, are therefore not of violated law, but objections that the county officials, irrespective of party, disregarded the dictates of local committees.

Objection is also made that many persons offering to vote were not allowed to do so because their names did not appear on the registry list. To have allowed such people to vote would have been contrary to law.

The law provides that all persons claiming the right to vote must register.

These registry books must be ready some time before election, and on the last Monday in October, before any general election, there is a meeting of the county commissioners and circuit clerk to rectify the registry—to hear any complaints and add or take from the poll-lists, according as the law and facts require. (See Code of Mississippi, sections 124, 125.)

There is no evidence to show this was not fairly done, but much that it was. See, for example, the testimony of Johnson, commissioner for De Soto County (page 229); Beanland, for La Fayette County (page 311); McAfee and Lawedey, for Tallahatchie County (pages 416, 421); and Clifton, clerk of Tate County (page 398).

As there is no evidence of a refusal to register any legal voter, and as no one duly registered was refused a vote, the complaint that unregistered voters were not allowed to vote is a complaint that the law was obeyed. Judges of election could do no different even had they reason to suppose that thereby they refused the vote of those entitled to vote had their names been registered. (See Edmonds *vs.* Banbury, 28 Iowa Rep., 267.)

If, as assumed in one part of contestant's argument, many colored voters are too ignorant to be a judge of election, it is quite possible they are too ignorant or indifferent to attend to registration.

It is remarkable in a case where so much assertion is made of votes refused that no voter is called as a witness and no name ever is given of a voter who was unlawfully denied registry or who, having registered, was refused a vote. Yet at every precinct in the district was a Republican supervisor appointed by a Republican United States judge, as suggested by Buchanan and friends, and in all the precincts was a Republican judge, with a few exceptional cases where Greenbackers were appointed. Nearly all these persons testify and nearly all concur that so far as they saw the election was fair and the count honest. In the very few cases where doubt is raised by the testimony of some witness it is put to rest by other evidence that carries conviction. For example, one witness, Felix Davis, thought there was some irregularity at the precinct of Horn Lake (pp. 31, 32).

But not only is he not supported by the Republican supervisor (p. 33), but a relative pronounces Davis an unreliable monomaniac in political matters (p. 248), and several witnesses contradict his testimony. See testimony of Clinton (pp. 249, 253), Foster (p. 256), Shaw (p. 259), Halbert (p. 276), Wooldridge (p. 281).

At several precincts, as Oak Grove and Pleasant Hill, it seems a number of persons were not allowed to vote because they were not registered, but none of them came forward to say they were entitled to be registered, or were refused registry, or for whom they wished to vote; nor are their names given.

At North Oxford four men, two white and two colored, who had charge of a field-piece belonging to the Democratic club, fired it on the green near the voting place. This seems to have been done on other election days, and a number of witnesses testify that all regarded it as noisy play. One witness thinks it frightened away some voters, but Lott, the Republican supervisor, says he only heard such a rumor, but that so far as he knows there was a full, free, fair vote and an honest count (p. 57). This is corroborated by so many witnesses (see pp. 313 to 319) we can not doubt its truth.

At East Holly Springs it seems that Sigman was appointed judge upon recommendation of the Republican committee (p. 106), but he declined to serve, and a colored Republican succeeded him. Wilkerson, the Greenback supervisor at that precinct, thought a mistake was made in the tally-list in counting, but four witnesses show that he frequently absented himself during the count, and five testify that the count was correct. (See pages 337, 338, 344, 350, 351, 355, 363, 364.)

At Chulahoma the Republican supervisor, not being a voter, was disqualified to act as such, but was allowed to watch all the proceedings. By him a fair poll is shown, but he thought there was a mistake in the tally of about thirty votes. But Clark, the Republican inspector, testifies that he called in a Republican justice of the peace to witness the count, and that it was honest, and there was no dispute about it (page 114). Hancock, the justice, corroborates it (page 369), as well as Nims, the Democratic judge. To discredit this evidence would seem impossible, even for partisan purposes.

At Byhalia, Hardy (brother-in-law to Buchanan) thought he saw one or two tickets changed by a judge. His brother, a Republican, and judge at that precinct, was not called to corroborate the story, and Watson, one of the judges, positively denies it, and says he was present and watched all the time (pages 370, 371). Hardy admits that the man he accuses bears an excellent reputation. We think there was no unfairness at that poll. We see no reason to exclude the precincts we have named, yet they are the ones where irregularities or fraud are supposed to be proven, if anywhere. We think it is shown nowhere. Counsel for Buchanan, who is United States attorney for Northern Mississippi, and witness for contestant, testifies to several indictments procured against officials for violations of election laws. Bowen was found guilty for ejecting a supervisor, and fined a nominal sum. Johnson was acquitted of charge against him, and then some others were induced to submit to a plea of *nolo contendere* and a fine of $1 to $10 each, as less expensive even than an acquittal. The United States district attorney and judge agreed to allow this, as defendants refused to plead guilty (see Strickland's evidence, pages 347, 348), which is substantially admitted by Chandler (attorney and witness for contestant, pages 8, 9), and corroborated by the record evidence. The most that can be urged in such case is that there were possible technical mistakes, or irregularities, but no criminal intent. If this be not so, the attorney for the United States, as well as judge, committed grave crimes. It is more probable the attorney strained the law to make a seeming point for his client.

Much in the argument for contestant has assumed that all colored voters are of one party. It is mere assumption and contrary to strong proof. A score or more of white witnesses testify to the contrary. Several colored voters testify to the same. Near Holly Springs, where all the candidates reside and are well known to the colored people, the latter seem to be well divided in politics. Nelson Hunt, a colored farmer residing upon his own farm, aged 64 years, and a resident of that county for forty-six years, says his acquaintance with colored people in the county is general, and that colored Democrats are numerous; that he knew thirty-two colored men in West Holly Springs, outside of the limits of the town, who voted for Manning, and upon being asked gave the names of many of them (pages 361-363). A half dozen other colored farmers give similar testimony (see pages 368-369, 377-378, 380).

In Yalabusha County, where Harris and Manning each had over 1,200 votes, Buchanan was repudiated almost unanimously by both black and white, receiving only 71 votes in the county.

It is therefore demonstrated by the witnesses, and of all shades of politics and color on both sides, that a very large proportion of the white voters and very many colored ones preferred Colonel Manning to Buchanan as their Representative in Congress, and there is no reason to doubt that he was fairly elected by a large majority, as certified by the State officials; and to deny his right to a seat in Congress would be not to protect the right of suffrage, but to grossly abuse it under the pretense of judging. We therefore recommend the following resolution, namely:

Resolved, That Van H. Manning was duly elected to the Forty-seventh Congress from the second Mississippi district.

Mr. CALKINS. I now demand the previous question on the resolution of the Committee on Elections, which I ask the Clerk to read.

The Clerk read as follows:

Resolved, That the contestant have leave to withdraw his papers without prejudice.

The previous question was ordered, and the resolution was adopted.

Mr. CALKINS 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.

CONTESTED-ELECTION CASE—SESSINGHAUS VS. FROST.

Mr. CALKINS. I now call up the contested-election case of Sessinghaus *vs.* Frost.

Mr. BINGHAM. I raise the question of consideration.

Mr. CALKINS. I ask the Clerk to read the resolution.

Mr. ROBINSON, of Massachusetts. The gentleman has not the floor for debate.

The SPEAKER. The Chair will take care of that. The Clerk will read the resolution.

The Clerk read as follows:

1. *Resolved*, That R. Graham Frost was not elected as a Representative to the Forty-seventh Congress of the United States from the third Congressional district of Missouri, and is not entitled to occupy a seat in this House as such.

2. *Resolved*, That Gustavus Sessinghaus was duly elected as a Representative from the third Congressional district of Missouri to the Forty-seventh Congress of the United States, and is entitled to his seat as such.

The SPEAKER. The gentleman from Indiana, chairman of the Committee on Elections, calls up the contested-election case of Sessinghaus *vs.* Frost. The gentleman from Pennsylvania [Mr. BINGHAM] raises the question of consideration. The question is, Will the House proceed with the consideration of this election case?

Mr. CALKINS. I call for a division. I ask unanimous consent, Mr. Speaker, to make a statement.

Mr. MOULTON. I object, unless I have an opportunity to reply.

Mr. CALKINS. I was going to suggest that by unanimous consent I may be heard for a few moments, and then the gentleman may be heard in reply.

Mr. CLARDY. I object, unless some time is accorded to the other side.

Mr. CALKINS. Of course time will be allowed to the other side.

Mr. COX, of New York. I understand the objection has been withdrawn.

Mr. CALKINS. I am exceedingly anxious to have these two cases of Sessinghaus *vs.* Frost and Cook *vs.* Cutts taken up and disposed of right away. There is a bill from the Post-Office Committee in reference to the adjustment of the salaries of postmasters which comes over as the unfinished business, and which I am told will take but twenty minutes to pass it. I do not know how long it will take. It is now said it will not take over an hour to pass it. There is also another bill about some pension matters which the gentleman from Pennsylvania [Mr. CURTIN] wants to get in that probably would take about the same length of time. If the House will consent to take up those two cases and decide them, then it is the highest duty——

Mr. ROBINSON, of Massachusetts. I object.

Mr. RANNEY. The gentleman has mentioned two cases, but there

is another case still standing in the same line, that of Lee against Richardson, of South Carolina.

Mr. CALKINS. I do not mean to except that case.

Mr. RANNEY. I wish to know if he proposes to call up two of the cases and not the third?

Mr. CALKINS. I do mean to call up that case.

Mr. MOULTON. I desire to say but a word. I do not wish when these cases are taken up that they shall be disposed of without fair opportunity for discussion. If this side as well as the other side shall be allowed that opportunity, I shall make no objection.

Mr. CALKINS. Of course we all concede that.

The SPEAKER. The question is whether the House will proceed with the election case of Sessinghaus against Frost.

The House divided; and there were—ayes 44, noes 83.

Mr. CALKINS demanded tellers.

Tellers were refused.

So the House refused to proceed with the consideration of the contested-election case.

SALARIES OF POSTMASTERS.

Mr. BINGHAM. I now call up the unfinished business coming over from last night.

The SPEAKER. The pending question is to suspend the rules and pass the bill (H. R. 7611) to adjust the salaries of postmasters, as reported from the Committee on the Post-Office and Post-Roads.

Mr. HOLMAN. I demand a second on the motion to suspend the rules.

The House divided; and the tellers reported—ayes 140, noes 8.

So there was a second.

Mr. HOLMAN. I call for the reading of the bill.

The SPEAKER. The gentleman from Pennsylvania [Mr. BINGHAM] will be recognized to control the time in favor of and the gentleman from Indiana [Mr. HOLMAN] the time in opposition to the bill.

The SPEAKER. This bill has been ordered to be printed, and appears in the RECORD of the proceedings of yesterday.

Mr. HOLMAN. It is a very important bill, and the House was very thin last night. There was no quorum present, only a handful of members. I hope, therefore, there will be no objection to reading the bill.

Mr. VALENTINE. It is not necessary to consume time; it has been printed in the RECORD, where members have had an opportunity of examining it.

Mr. HOLMAN. I ask unanimous consent for the reading of the bill.

Mr. PEELLE. I object to taking up the time of the House in that way.

Mr. HOLMAN. I am surprised to find the gentleman willing to increase salaries without reading the bill.

Mr. BINGHAM. Mr. Speaker, I recognize the importance of expedition in the discussion of this question; and as the bill has been printed for the information of this House in the RECORD of this morning, I will assume that gentlemen either have examined it or will hereafter examine it before the vote is taken, and therefore I need not now go into an elaborate explanation of the details of the proposed legislation. It is known to this House by its action during the past fifteen minutes that the conference committee on the part of the House and the Senate have agreed to the date of the 2-cent rate of postage for domestic letters, going into effect under the law on the 1st day of the coming October. The House in the passage of the bill fixed this date originally on the 1st day of January next. The Senate fixed the date on the 1st day of July. The conference committee made an agreement dividing the time fixed by each House, and establishing the date on which it should go into effect as the 1st day of October of the present year. Had it gone into effect, in accordance with the date fixed by this House, I assume now, as I assumed and asserted during the discussion of the question reducing postage, that for the next fiscal year under the 2-cent rate there would be no deficiency on the part of the Post-Office Department, and therefore no demand upon the Treasury to make up the deficiency for the administration of that Department for the fiscal year ending June 30, 1884. It is to carry out that law taking effect on the 1st day of October next that this bill is submitted for the consideration of this House, adjusting the salaries of 47,000 postmasters, all of whom are largely dependent either upon the amount of stamps canceled in their respective offices or upon the amount of stamps sold and canceled.

I would submit for the information of the House that many plans, suggestions, and bills drafted were presented to the Post-Office Department, not only by those outside, but by officials of the Department thoroughly familiar with the subject, covering the question of readjustment of compensation, and this bill now submitted to the House has been deemed not only by the Department but by the Committee on the Post-Office and Post-Roads as being the fairest and most equitable not only to this large body of subordinate officials but also to the Government. It is proper right here for me to state that the report of the Postmaster-General, as submitted to this Congress, called attention, independently of the reduction of the rate of postage, to the necessity of the revision of the salaries of the postmasters, and he used these words, which I shall read for the information of the House.

These recommendations and the suggestions commended to Congress, clearly and with great force, exhibit the cumbrous and complex system of compensating postmasters now in practice under existing law and explain the necessity for change and simplification of method and system:

The very able report of the First Assistant Postmaster-General calls attention to the great difficulty experienced in adjusting salaries to postmasters of the first three classes, and in making allowances for expenses to those of the first two classes.

He does not exaggerate those difficulties. It may well be doubted if he could exaggerate them. It would be easy to frame a law more unjust than that under which the salaries of postmasters are now settled, but it is quite unnecessary to do so—the existing law is sufficiently unjust. But necessity herself, though admitted to be the mother of invention, could not invent a more cumbrous or complex method of adjusting salaries. Postmasters at the smallest offices are paid alike. Their pay is apportioned in part upon the revenues of their offices and in part according to the labor performed in them. So far as revenue is derived from the rent of boxes, postmasters take the whole. So far as it is derived from the sale of "waste paper, dead newspapers, printed matter, and twine," they receive 60 per cent. So far as it is derived from the sale of money-orders, they receive one-third. So far as it is derived from the sale of stamps, envelopes, and postal-cards, they receive nothing. They may sell thousands in value, but they get no share of the proceeds. If, however, they cancel a stamp on matter mailed at their offices, no matter where the stamp is sold, they get 60 per cent. of its value. If they pay a money-order they receive a quarter of 1 per cent. of its amount.

This rule is sufficiently cumbrous, but sufficiently equal. Postmasters continue to be so paid until their sales and cancellations, exclusive of money orders, reach $400 per year. At that point a new rule is introduced. They still get the whole of the box rents; they still get the same commission on the sale and payment of money-orders; but, upon the proceeds from the sale of waste paper, dead newspapers, printed matter, and twine, and upon the cancellation of stamps they get 50 per cent. instead of 60 on the excess over $400.

This new rule controls until such sales and cancellations, exclusive of money-orders, reach $1,200 a year. Then a new rule obtains. It is difficult to see why, but thereafter, on the surplus received from the sales of waste paper, dead newspapers, printed matter, and twine, the postmaster receives, not 60 per cent., nor 50 per cent., but 40 per cent., and the same percentage on the value of stamps canceled.

When, however, the box rents and these various commissions, exclusive of the money-order business, shall aggregate $1,000, the office is advanced from the fourth to the third class. Then there is a new and most curious rule for compensation. Then the postmaster receives a salary in lieu of the box rents and commissions before assigned to him.

To determine the amount of the salary in a given case a fund is set apart. That fund is composed of all the box-rents, if the postmaster owns the boxes and the rents do not exceed $1,350 per annum. It is composed of two-thirds of the box-rents if the Government owns the boxes and the rents do not exceed $1,000. To those sums, respectively, is added commissions on all other postal revenues of the office in different proportions, to wit, 60 per cent. on the first $400, 50 per cent. on the next $800, 40 per cent. on the next $1,600, and 30 per cent. on the excess until the commissions amount to $1,350.

That sum, so curiously compounded, does not constitute the salary of the postmaster, but out of it is dipped, so to speak, as many even hundreds of dollars as can be found. That is the salary for all postmasters, unless the gross revenues exceed $4,000 per annum. When the revenues exceed $4,000 the postmaster receives a percentage on the excess. That percentage constantly varies. It is 1 per cent. on all sums between $4,000 and $10,000. So often as the revenues double the percentage is reduced one-tenth of 1 per cent. until the revenues reach the aggregate of $1,200,000. On all revenues above that maximum the postmaster receives one-tenth of 1 per cent.; and still, when a salary reaches $4,000, all these streams are turned off, except in the single case of the office at New York. There they continue to flow until the salary is swollen to $8,000.

The partnership now existing between the Government and the postmaster in the use of letter-boxes should be dissolved. Whenever the Government owns the boxes or hires them with the building, the whole of the rental paid by patrons, and not two-thirds of it, belongs to the revenues of the Department as much as the postage does. Where, on the contrary, the postmaster supplies the boxes and the Government does not, the latter should no more share in the proceeds from their rent than in the rent of any other property belonging to the officer. In all cases, therefore, in adjusting the pay of postmasters I think box rents should be wholly eliminated from the calculation; and I am strongly inclined to the opinion that the whole system of regulating the compensation of postmasters should be radically changed. I know of but two reasons for paying postmasters at all. One is, he incurs responsibility; and the other, he performs labor. Both the responsibility and the labor are accurately measured by the business transacted at the several offices. The business transacted at each office is measured with sufficient accuracy by its revenues. The two marked exceptions to this rule are the offices at New York and at Washington. The former office should be excepted because of the large amount of foreign mail handled at that office.

* * * * * * *

The office at Washington should be excepted because of the large percentage of matter handled there emanating from Congress or from the Departments, and which yields no revenue to the office. It is estimated that not less than 70 per cent. of all the matter at that office emanates from those two sources.

In concluding his long recommendation upon this subject he emphasized this language:

I know of but two reasons for paying postmasters at all. One is, he incurs responsibility, and the other he performs labor. Both the responsibility and the labor are accurately measured by the business transacted at the several offices. The business transacted at each office is measured with sufficient accuracy by its revenue.

I would state that upon this proposition, and upon this basis of labor performed and responsibility incurred the present bill is submitted for the consideration of the House. In this bill all that is deserving of retention in existing statutes is retained; all that is complex and cumbrous is wiped out and ignored.

The classification of postmasters under existing statutes is retained in this bill—other concurrent laws having effect upon allowances for clerk-hire, rent, fuel, light, and incidental expenses.

Permit me to refer you to report of Ex-Postmaster-General James, with reference to the claims of the postmasters of the several large post-offices, where labor, responsibility and bonded obligation entitle them to special consideration. I read from his report of June 30, 1881:

Table showing the gross revenue, bond, and compensation of postmasters and money-order business of seven of the principal cities of the United States.

Office.	Ordinary gross revenue.	Bond of postmaster.	Compensation of postmaster.	Money-order business.	
				Value of orders issued.	Value of orders paid.
Chicago, Illinois	$1,440,072 94	$300,000 00	$4,000 00	$1,764,259 15	$7,020,692 86
Philadelphia, Pennsylvania	1,294,713 58	150,000 00	4,000 00	1,000,041 42	2,637,577 30
Boston, Massachusetts	1,221,374 73	150,000 00	4,000 00	1,038,441 21	2,643,550 48
Saint Louis, Missouri	675,680 13	150,000 00	4,000 00	904,384 46	4,529,022 57
Cincinnati, Ohio	540,186 78	300,000 00	4,000 00	507,116 59	2,337,039 67
San Francisco, California	468,741 27	350,000 00	4,000 00	988,492 75	2,146,289 33
Baltimore, Maryland	444,302 61	200,000 00	4,000 00	433,216 31	1,515,272 97
Total	6,085,072 04	1,600,000 00	28,000 00	6,635,951 89	22,819,445 18
Total of all offices in the United States	36,785,397 97		8,298,742 79	109,750,695 73	106,178,092 80

In view of the facts thus presented, I recommend that the compensation of the postmasters at Chicago, Philadelphia, Boston, and Saint Louis be increased to $7,000, and that of the postmasters at Cincinnati, San Francisco, New Orleans, and Baltimore to $6,000 per annum.

It is as essential to the interests of the Government as to those of private enterprise that its business be transacted by men equipped for their work by natural qualification and special training. Surely, the Government can not expect to secure the services of the men best qualified to do its work when it offers a salary affording little more than a bare support to officials who are clothed with the largest responsibilities.

The marked increase of business in these several large offices may well receive the attention of the House, and when the vast amount of money handled and responsibility incurred is clearly understood and appreciated I do not think any gentleman upon this floor can object to the $12,000 increase of compensation which this bill carries for the eight largest offices in the country. I read the exhibit or statement of business in accordance with the latest official returns:

ORDINARY GROSS REVENUES.

Chicago	$1,681,692
Philadelphia	1,432,145
Boston	1,371,419
Saint Louis	750,013
Cincinnati	581,761
San Francisco	498,704
Baltimore	493,100

I also read to the House the statement of the business transacted in these several large offices in the money-order division:

Statement showing the value of the money-orders issued and paid during the fiscal year ended June 30, 1882, at the cities named.

Office.	Domestic.		International.		Total value of orders issued.	Total value of orders paid.	Grand total issued and paid.
	Value of orders issued.	Value of orders paid.	Value of orders issued.	Value of orders paid.			
Chicago	$1,638,248 14	$7,266,787 04	$568,877 99	$143,871 88	$2,207,126	$7,410,658	$9,617,785
Boston	913,044 53	2,731,333 01	245,913 19	121,230 20	1,158,957	2,852,563	4,011,521
Saint Louis	873,356 24	4,443,895 76	116,796 24	48,526 82	990,152	4,492,422	5,482,575
Cincinnati	458,382 54	2,358,816 45	58,586 13	27,279 04	516,968	2,386,095	2,903,064
San Francisco	983,187 42	2,437,515 20	144,565 07	65,035 10	1,127,752	2,502,550	3,630,313
Baltimore	951,336 74	1,828,716 10	70,411 40	27,309 56	1,021,750	1,856,025	2,877,776
Philadelphia	927,698 79	2,747,483 80	217,545 58	88,275 18	1,145,244	2,825,758	3,971,003
Washington	504,212 83	765,045 05	30,202 60	13,799 68	534,414	779,744	1,314,159

J. H. ELA, *Auditor.*

OFFICE OF THE AUDITOR OF THE TREASURY FOR THE POST-OFFICE DEPARTMENT,
Washington, D. C., February 28, 1883.

The $12,000 additional compensation which the bill carries for the said large offices will be:

Boston, $2,000, making total annual compensation	$6,000
Philadelphia, $2,000, making total annual compensation	6,000
Saint Louis, $2,000, making total annual compensation	6,000
Chicago, $2,000, making total annual compensation	6,000
Cincinnati, $1,000, making total annual compensation	5,000
San Francisco, $1,000, making total annual compensation	5,000
Washington, $1,000, making total annual compensation	5,000
Baltimore, $1,000, making total annual compensation	5,000

In view of the millions of dollars annually handled, no one certainly can object to the reasonably fair salaries when added to all the obligations and responsibilities there is required from the postmaster a bond of from $150,000 to $300,000.

I read to the House the details of the bill covering the first, second, and third class offices, and make the declaration that they will not increase or allow, other than in the eight offices before mentioned, additional compensation, save that which is due to natural growth and increase in work. The officers will receive the following specified compensation where their offices exhibit the specified gross receipts:

FIRST CLASS.

	Salary.
$40,000 and not exceeding $45,000	$3,000
$45,000 and not exceeding $60,000	3,100
$60,000 and not exceeding $80,000	3,200
$80,000 and not exceeding $110,000	3,300
$110,000 and not exceeding $150,000	3,400
$150,000 and not exceeding $200,000	3,500
$200,000 and not exceeding $260,000	3,600
$260,000 and not exceeding $330,000	3,700
$330,000 and not exceeding $400,000	3,800
$400,000 and not exceeding $450,000	3,900
$450,000 and not exceeding $500,000	4,000
$500,000 and not exceeding $600,000	5,000
$600,000 and upward	6,000

SECOND CLASS.

$8,000 and not exceeding $9,000	2,000
$9,000 and not exceeding $10,000	2,100
$10,000 and not exceeding $11,000	2,200
$11,000 and not exceeding $13,000	2,300
$13,000 and not exceeding $16,000	2,400
$16,000 and not exceeding $20,000	2,500
$20,000 and not exceeding $24,000	2,600
$24,000 and not exceeding $30,000	2,700
$30,000 and not exceeding $35,000	2,800
$35,000 and not exceeding $40,000	2,900

THIRD CLASS.

	Salary.
$1,900 and not exceeding $2,100	$1,000
$2,100 and not exceeding $2,400	1,100
$2,400 and not exceeding $2,700	1,200
$2,700 and not exceeding $3,000	1,300
$3,000 and not exceeding $3,500	1,400
$3,500 and not exceeding $4,200	1,500
$4,200 and not exceeding $5,000	1,600
$5,000 and not exceeding $6,000	1,700
$6,000 and not exceeding $7,000	1,800
$7,000 and not exceeding $8,000	1,900

Mr. MCMILLIN. It increases, however, the salaries in the largest offices.

Mr. BINGHAM. It increases the salaries in the eight largest offices in the country—the offices that handle from six to almost twelve million dollars.

Mr. MCMILLIN. And those officers now receive the largest salary?

Mr. BINGHAM. They receive now the largest salaries; but only to the extent of one, two, three, and four hundred dollars greater than first-class offices, where the postmaster handles limited amounts of money and where the responsibility is not great.

The rates fixed for the several classes to which I have referred have been determined after careful examination of the present salaries and gross receipts, as shown by the last biennial adjustment, which went into effect July 1, 1882, and I have no hesitation in saying that an adjustment made on this basis will be fair and impartial, and will cause less friction than any other plan which has been proposed. By less friction I mean that practically the present salaries will not be materially changed, and any increase of salaries will be due to a healthy increase of revenue. The reduction of letter postage will fall heaviest upon the legion (45,000) of fourth-class postmasters, as their compensation is largely made up from commissions on mail matter actually mailed at their offices—literally upon stamps canceled.

Mr. MCMILLIN. Before the gentleman from Pennsylvania comes to the fourth-class offices I wish to ask him what effect does the change in salary have upon the second and third classes?

Mr. BINGHAM. I will state to the gentleman that the bill holds the second and third classes, after careful and critical examination, just where they are now.

Mr. MORSE. And large bonds are required.

Mr. BINGHAM. Yes, large bonds are required.

There are members on this floor more familiar with the details of the fourth-class offices than I am. They know that in each of their districts they number a hundred and more. They are the class of offices which do not receive, as the larger offices receive, reasonable, fair compensation for stamps sold and for work done. In the fourth-class office the compensation allowed is a percentage on canceled stamps. The stamps must be canceled in the office, not sold, but canceled in the office, before the commission is allowed.

In that connection let me state the fourth class of postmasters are paid on the return to the Department of their quarterly accounts. They will immediately feel the effect on the rate of commission, if the present law stands, of the difference between the commission allowed for the cancellation of a 3-cent stamp and a 2-cent stamp. Gentlemen need but to hear that proposition to thoroughly understand it.

The law so far as that class of postmasters are concerned will take effect immediately; and in making the estimates and in changing the rate of commission your committee have determined to recommend such a rate and change in the commission as would give to the fourth-class postmaster the same amount of compensation that he now receives for a line of work identical, at the 2-cent rate, for exactly the same amount of work done; with this one addition, and the committee believe that in view of the fourth-class officers receiving no compensation for rent, fuel, light, clerk-hire, &c., some small increase of compensation should be given that class of officers, 45,000 in number.

I feel that I represent the entire Committee on the Post-Office and Post-Roads, and I know that I represent the Department, when I submit that the basis we have drafted the bill upon will give to these fourth-class postmasters, from $100 up to $1,000 per annum, between 9 and 10 per cent. increase. But the largest average of increase will be in the class of offices that run up to between $400 and $500 per annum. That is the class that will more largely receive this percentage of increase than the postmasters whose compensation exceeds $500 per annum.

I will briefly illustrate by some tables I have the difference between the old law and the bill now under consideration.

These commissions under existing law are per quarter as follows:

On the first $100, 60 per cent., or	$60
On the next $200, 50 per cent., or	100
On the next $400, 40 per cent., or	160

limited, however, including box-rents and all other revenue except money-order commission, to $250 per quarter.

The proposed plan reduced to figures gives the fourth-class postmaster compensation at the following rates per quarter, namely:

On the first $50, 100 per cent., or	$50
On the next $100, 60 per cent., or	60
On the next $200, 50 per cent., or	100

and 40 per cent. on all the balance, limited to $250 per quarter, exclusive of money-order commissions.

I also submit a table showing the present and the proposed compensation of fourth-class postmasters, giving the relative and average increase of salary on revenue of $50 to $1,000, under the old and new law:

	Per annum.	Compensation of postmaster.			
		Under old law.	Under new law.	Increase.	Per cent. increase.
On revenue of	$50 00	$30 00	$50 00	$20 00	66.70
On revenue of	100 00	60 00	100 00	40 00	66.70
On revenue of	200 00	120 00	200 00	80 00	66.70
On revenue of	300 00	180 00	260 00	80 00	44.40
On revenue of	400 00	240 00	320 00	80 00	33.30
On revenue of	500 00	290 00	380 00	90 00	31.00
On revenue of	600 00	340 00	440 00	100 00	29.40
On revenue of	700 00	390 00	490 00	100 00	25.60
On revenue of	800 00	440 00	540 00	100 00	22.70
On revenue of	900 00	490 00	590 00	100 00	20.40
On revenue of	1,000 00	540 00	640 00	100 00	18.50
Averages	504 56	283 64	364 56	80 91	38.67

Also, table showing compensation of fourth-class postmasters under old and new law per quarter:

OLD LAW.

On first	$100, 60 per cent., or	$60	
On next	200, 50 per cent., or	100	
On next	225, 40 per cent., or	90	
Totals	525	250	=maximum amount allowed per quarter.

NEW LAW.

On first	$50, 100 per cent., or	$50	
On next	100, 60 per cent., or	60	
On next	200, 50 per cent., or	100	
On next	100, 40 per cent., or	40	
Totals	450	250	=maximum amount allowed per quarter.

SUMMARY.

Old law	$525	gives postmaster $250
New law	450	gives postmaster 250
Difference in favor of new law per quarter	75	

I ask the House to pass the bill. It will simplify the adjustment of the salary of every postmaster in the country. They will be paid in accordance with the gross receipts of their offices and responsibility for money obligations, as well as labor performed. It will increase to a reasonable and just extent the allowances of the fourth-class officers, whose pay is small, yet at the same time have duties that are exacting and important.

The bill is in the direction of good legislation, and should receive the support of every member of this House.

I shall append to my remarks several exhibits that may be useful to gentleman who may desire to examine more carefully into the bill under consideration:

EXHIBIT A.

January 1, 1883:	
Number of post-offices	46,893
Number of Presidential post-offices	2,092
Number of fourth-class post-offices	44,801
June 30, 1882:	
Number of post-offices	46,231
Number of Presidential post-offices	1,951
Number of fourth-class post-offices	44,280
Total compensation paid to postmasters fiscal year ended June 30, 1882	$8,964,676 72
Total salaries of Presidential postmasters fiscal year ended June 30, 1882	3,263,400 00
Total compensation of fourth-class postmasters fiscal year ended June 30, 1882	5,701,276 72
Average salary of postmasters of the fourth class	128 72
Receipts of the Post-Office Department for the fiscal year ended June 30, 1882	41,876,410 00
Gross receipts of Presidential post-offices (1,951 in number) for the fiscal year ended June 30, 1882	29,541,458 00
Gross receipts of Presidential post-offices (44,280 in number) for the fiscal year ended June 30, 1882	12,334,952 00

EXHIBIT B.

Statement showing the number of Presidential post-offices, aggregate salaries of postmasters, and gross receipts, arranged alphabetically by States and Territories.

States.	No. of offices.	Salaries.	Receipts.
Alabama	20	$34,900	$156,511
Arizona	5	10,100	35,735
Arkansas	15	25,900	101,028
California	57	107,700	856,820
Colorado	38	74,200	377,567
Connecticut	50	93,900	623,744
Dakota	19	31,600	162,303
Delaware	6	9,600	62,979
District of Columbia	1	4,000	242,175
Florida	11	18,600	69,094
Georgia	27	50,700	320,074
Idaho	2	3,500	8,265
Illinois	178	256,100	2,591,502
Indiana	86	138,900	719,962
Iowa	117	156,100	637,579
Kansas	75	127,300	420,098
Kentucky	34	59,200	404,422
Louisiana	14	22,800	308,874
Maine	31	57,600	374,315
Maryland	20	32,300	584,635
Massachusetts	116	220,400	2,402,871
Michigan	104	190,600	949,393
Minnesota	51	82,500	486,865
Mississippi	21	34,300	101,495
Missouri	65	111,500	1,268,469
Montana	9	18,200	55,500
Nebraska	37	60,900	249,459
Nevada	11	20,400	52,170
New Hampshire	29	49,700	200,716
New Jersey	58	105,200	623,378
New Mexico	6	10,500	36,494
New York	206	365,900	6,541,235
North Carolina	18	29,800	120,930
Ohio	130	243,200	1,978,330
Oregon	11	19,300	91,822
Pennsylvania	150	260,600	3,070,546
Rhode Island	11	24,000	272,163
South Carolina	16	26,200	139,386
Tennessee	19	34,300	280,380
Texas	57	102,000	456,167
Utah	7	11,500	56,355
Vermont	27	42,800	132,484
Virginia	27	49,200	327,148
Washington	8	13,500	32,977
West Virginia	12	19,500	92,077
Wisconsin	76	131,100	709,136
Wyoming	4	8,000	26,070
	2,092	3,620,100	29,831,698

Grand total gross receipts	$29,831,698
Grand total postmasters' salaries	$3,620,100
Percentage	12.11

Mr. HOLMAN. I yield five minutes to the gentleman from Tennessee, Mr. MCMILLIN.

Mr. MCMILLIN. I feel that there is a necessity for legislation in behalf of the fourth-class postmasters of the country in view of the change that was made in the law during this session concerning the rate of postage; and while that is true I desire to enter my protest against a scheme for the purpose of making that class of officers the scape-goat through which the best paid postmasters of the country are to have their salaries increased.

The very first part of the bill pertains to that class of postmasters

who already receive the largest salaries that are given to any postmasters of the country. It is a well-known fact that the service has suffered no detriment by reason of failure to pay this class of officers amply. It is a well-known fact that whenever there is a vacancy in any of the large cities of the country there is a swarm of applicants any one of whom would discharge the duties well; and yet with this fact staring us in the face we have the extraordinary spectacle presented of an effort to increase their salaries.

We have passed provisions during this Congress which will tend to reduce the salaries of the postmasters of the fourth class. I know it is necessary that some change in the present law in their behalf should be made. But I think that a bill which should provide that postmasters of the fourth class shall receive under the new law for the cancellation of a similar number of stamps (I do not mean stamps of the same value) the same compensation which they received under the old law would accomplish the end desired better than it will be accomplished by this bill. The whole system of compensation is changed by this bill, and we do not know what will be the effect if it shall become law.

I would like to have the gentleman in charge of the bill, or some member of the House, tell us where the money is to come from to pay this increase of salaries. It looks as if there were a disposition to heap up deficiencies for the next year. We change the rate of postage, and the effect of that will probably be to reduce the revenues of the Department from six to eight millions of dollars a year. No appropriation has been made; none has yet been proposed to supply that deficiency.

It is now proposed to increase the salaries of first-class postmasters, and no appropriation is made to pay that increase. Is it possible that we are going through the forms of law to change salaries and make no provision for their payment?

I think this measure is crude. I do not think it has been brought in with that mature consideration that its importance deserves. While, as I have said, I am anxious for legislation for the benefit of the poorest paid postmasters, those who receive from $100 to $200 a year, I think we should not accompany that with an increase of the salaries of those who happen to have already good berths.

Mr. BROWNE. I desire to be recognized for the purpose of asking unanimous consent that the time for debate upon the pending bill be somewhat extended. It is a very important bill, and I would like to have a few minutes upon it myself. I therefore ask unanimous consent that the time for debate be extended for one hour.

Mr. CAMP. I object.

Mr. RYAN. Do not do that.

Mr. CAMP. I do object.

The SPEAKER. Objection is made. The gentleman from Indiana [Mr. HOLMAN] will proceed.

Mr. HOLMAN. I hope that, inasmuch as the House has declined to extend the time for the consideration of this bill, at least during the few minutes left the House will attempt to understand its provisions.

The occasion and pretense for bringing this measure forward is the change in the law reducing letter postage from 3 cents to 2 cents per half ounce; but the House ought to understand, and I presume it does understand, that this bill goes far beyond the mere effect of the reduction of the rates of postage. The bill is not based on the fact that the revenues of a certain class of postmasters may be materially reduced by the change in the law in regard to the rates of postage, for it is not confined to that class of post-offices, but is an ingenious method to effect a long-standing effort to increase the salaries of postmasters all along the line.

This measure is brought forward, as I think my friend from Pennsylvania [Mr. BINGHAM] has in effect stated, to increase the salaries of postmasters generally, not simply those affected by the reduction of postage.

Mr. BINGHAM. The gentleman should have said "equalize," not "increase."

Mr. HOLMAN. I think "increase" is the best expression, for you do actually increase the salaries of a large number of postmasters now exceedingly well paid.

Mr. BINGHAM. "Equalize" was my expression.

Mr. HOLMAN. The House will remember that in consequence of the agreement to the conference report to-day upon the Post-Office appropriation bill, the law reducing the rates of postage will not take effect until the 1st day of October. There will therefore be but two months intervening between the time the new law takes effect reducing the rates of postage and the meeting of the next Congress. Therefore by no possibility can any material harm be done, even if it should be found that the decreased revenues resulting from the reduction of the rates of postage shall materially reduce the salaries of the fourth-class postmasters, who alone could be injuriously affected by the reduction of postage.

Let me call the attention of the House to the fact that this bill was introduced on the 19th day of February and referred to the Committee on the Post-Office and Post-Roads. It was not reported back from that committee until the 28th of February, and it was not printed so that members could examine it until yesterday.

Here is a bill brought forward in the expiring moments of this Congress proposing to increase the salaries of postmasters all along the line. Under existing law there is no postmaster who receives a salary exceeding $4,000 a year except the postmaster in New York city. This bill proposes to pay a number of postmasters a salary of $6,000 a year each.

Mr. BINGHAM. Only four of them.

Mr. HOLMAN. Four in number, my friend says. I accept his statement. The bill proposes to pay another class $5,000 a year each.

Mr. BINGHAM. Only four of those.

Mr. HOLMAN. And yet the salaries are now high enough. A still more remarkable effect of this bill is that the increase is all along the line while pretending to equalize salaries. Under existing law, where the compensation of the fourth-class postmasters is dependent upon the gross receipts of the office, the rate of compensation under the present law and under the law proposed by this bill is as follows:

Table showing compensation of fourth-class postmasters under old and new law per quarter:

OLD LAW.

On first.....	$100, 60 per cent., or $60	
On next.....	200, 50 per cent., or 100	
On next.....	225, 40 per cent., or 90	
Totals	525.....	250 = maximum amount allowed per quarter.

NEW LAW.

On first.....	$50, 100 per cent., or $50	
On next.....	100, 50 per cent., or 60	
On next.....	200, 50 per cent., or 100	
On next.....	100, 40 per cent., or 40	
Totals	450.....	250 = maximum amount allowed per quarter.

SUMMARY.

Old law.....	$525 gives postmaster $250
New law.....	450 gives postmaster 250
Difference in favor of new law per quarter.....	75

Gentlemen will please bear in mind that changing the rate of letter postage from 3 cents to 2 cents per half ounce is not likely, on the theory which my friend himself has heretofore advanced, to reduce the revenues of the Post-Office Department, and yet by this bill the increased salaries of the fourth-class postmasters is shown by the following table:

Table showing the present and proposed compensation of fourth-class postmasters, giving the relative and average increase of salary on revenue of $50 *to* $1,000, *under the old and new law.*

	Per annum.	Compensation of postmaster.			
		Under old law.	Under new law.	Increase.	Per cent. increase.
On revenue of.....	$50 00	$30 00	$50 00	$20 00	66.70
On revenue of.....	100 00	60 00	100 00	40 00	66.70
On revenue of.....	200 00	120 00	200 00	80 00	66.70
On revenue of.....	300 00	180 00	260 00	80 00	44.40
On revenue of.....	400 00	240 00	320 00	80 00	33.30
On revenue of.....	500 00	290 00	380 00	90 00	31.00
On revenue of.....	600 00	340 00	440 00	100 00	29.40
On revenue of.....	700 00	390 00	490 00	100 00	25.60
On revenue of.....	800 00	440 00	540 00	100 00	22.70
On revenue of.....	900 00	490 00	590 00	100 00	20.40
On revenue of.....	1,000 00	540 60	640 00	100 00	18.50
Averages.....	504 56	283 64	364 56	80 91	38.670

So it is seen that the salaries are increased from the small post-offices to the largest a heavy per cent. And yet this is a bill merely to equalize salaries!

Gentlemen can see at once the effect of this measure and the high salaries now paid. Take for illustration the following, in the third class:

Gross receipts, $1,900 and not exceeding $2,100, salary, $1,000.

Mr. BINGHAM. That is exactly what the salary is now.

Mr. HOLMAN. Not in this order nor upon this basis. Take again this from the third class:

Gross receipts, $2,100 and not exceeding $2,400, salary, $1,100.

So on through the entire list. Even in this higher class you pay to the postmaster about 50 per cent. of the gross receipts. A further objection I have to this bill is that it comes in at too late a moment for honest consideration. It comes here with its heavy increase of salaries at a time when the public judgment so recently expressed, if it means anything which honorable gentlemen should consider, means retrenchment in expenses and not extravagant salaries. Yet this bill proposes to make all along the line a material increase of salaries. I would like to know what expression of public sentiment has demanded this? What public demand is there for an increase of $2,000 in the salaries of some postmasters and $1,000 in others? What information has come to us from the late election or since justifying or excusing this increase of

salaries? What party dared in the last campaign to demand an increase of salaries? What gentleman elected to the next Congress informed the people of his district that he was in favor of increasing salaries already large, $4,000 a year, 33⅓ per cent. or any other per cent.?

Mr. BINGHAM. The justification of this measure is the common-sense proposition that when a man handles from five to ten million dollars of the public money every year he ought to have some recognition for that great and serious responsibility.

Mr. HOLMAN. That "serious responsibility," when so universally have you relieved these officers from all responsibility whatever that you have even passed during the present Congress a general law authorizing the Postmaster-General, without the poor formality of coming to Congress, to relieve these officers from all responsibility whatever for losses sustained in all cases where there has been a moderate exercise of care upon the part of the official.

Mr. BINGHAM. The gentleman refers to the bill which is limited to cases where not more than $2,000 has been lost by burglary, fire, or other unavoidable accident. That bill does not extend to all cases.

Mr. HOLMAN. It does with rare exceptions. I have heard heretofore the argument for enlarged pay on the ground of the responsibility resting upon public officials, and have been compelled to yield to it; but under the present state of the law that argument is gone.

I repeat, does my friend discover any drift of public opinion that those public officers or any other public officers of this Government are too poorly paid?

Mr. BROWNE. I can tell my colleague of some officers who are too poorly paid. I refer to the fourth-class postmasters.

Mr. HOLMAN. Now, as to fourth-class postmasters, does my friend find that there is any difficulty in filling those offices with competent men in any section of this country?

Mr. ALDRICH. We do.

Mr. BROWNE. We do. Nearly one-half of these officers in my district have resigned because the compensation is wholly inadequate.

Mr. HOLMAN. It is truly refreshing to hear that any office under this Government, from fourth-class postmasters through all the grades of official service, is going begging. Such a fact has never yet come to my knowledge. Yet in the expiring hours of this session, without any possibility of any serious injustice being done to a single postmaster by the reduction of postage on the 1st of next October, the fact of that reduction is seized upon to increase some 60,000 salaries and to increase the salaries of some of the best paid officers in this great army of public officials. I trust this bill will be defeated. The people demand reform, and will you in defiance of that demand increase the public burdens? The country demands reform in the civil service. Will you still further corrupt the civil service by increasing the motive for corrupt practices in securing public office? A reduction of salary is the only true method of civil-service reform.

Mr. SINGLETON, of Mississippi. Does not the gentleman know that many of these fourth-class postmasters have great labor and responsibility, without any allowance for office-rent or anything of that kind, and yet receive only from $40 to $100 a year, and that the reduction of postage from 3 to 2 cents cuts down this meager compensation exactly one-third?

Mr. HOLMAN. Does it cut those salaries down one-third?

Mr. SINGLETON, of Mississippi. It does.

Mr. HOLMAN. Why, sir, the argument on which the reduction in the rate of postage was carried through was that the increased amount of correspondence, enlarging the demand for postage-stamps and stamped envelopes, would prevent deficiency in the revenues of the Post-Office Department. But does my friend wish to increase the salaries of the more highly paid postmasters, officers who now receive from $2,500 to $4,000 a year, for the purpose of correcting any falling off of the salaries of the fourth-class postmasters which can be done promptly next session if an actual falling off of salaries is found?

The SPEAKER. The time for debate on this motion has expired.

The question being taken on the motion of Mr. BINGHAM to suspend the rules and pass the bill, there were—ayes 99, noes 21.

Mr. HOLMAN. No quorum.

Tellers were ordered; and Mr. BINGHAM and Mr. HOLMAN were appointed.

The House again divided; and the tellers reported—ayes 152, noes 21.

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

The yeas and nays were not ordered, there being ayes 13, noes 103—less than one-fifth voting in the affirmative.

Mr. HOLMAN. I make the point that the last vote fails to disclose the presence of a quorum.

The SPEAKER. That is not required on this count.

Mr. HOLMAN. I think that whenever the point is made that the vote just taken does not show the presence of a quorum——

The SPEAKER. But the requirement of the Constitution——

Mr. HOLMAN. I make the point that there is no quorum in the House, as indicated by the last vote.

The SPEAKER. The point is overruled. There is a quorum as disclosed by the last vote.

Mr. HOLMAN. Not by the vote just taken.

The SPEAKER. The last vote as reported by the tellers on agreeing to the proposition to suspend the rules was in the aggregate 173—more than a quorum. The motion to suspend the rules and pass the bill is agreed to.

AMENDMENT OF THE CONSTITUTION.

The SPEAKER. The gentleman from New York [Mr. FLOWER] on the last suspension day had the floor and moved that the rules be suspended and joint resolution (H. Res. 267) to amend the Constitution of the United States be discharged from the Committee on the Judiciary and passed.

Mr. FLOWER. I now call up that motion, and ask for the reading of the joint resolution.

The Clerk read as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article of amendment to the Constitution of the United States be, and the same is hereby, submitted to the several States for their ratification or rejection, and the same, when ratified by the Legislatures of three-fourths of the several States, shall be valid to all intents and purposes as part of the Constitution, namely:

ARTICLE XVI.

Every bill, resolution, or vote containing several items of appropriation of money to which the concurrence of the Senate and House of Representatives may be necessary, shall be presented to the President of the United States, who may object to one or more of such items while approving of the other parts of the bill, resolution, or vote. In such case he shall append to the bill, resolution, or vote a statement of the items to which he objects, and the appropriations so objected to shall not take effect unless reconsidered and passed by two-thirds of each House, as provided in section 7 of article 1 of the Constitution. The items objected to shall be separately reconsidered in each House, and if on such reconsideration one or more of them shall be approved by two-thirds of each House, the same shall become part of the law, notwithstanding the objection of the President.

The SPEAKER. The question is on the motion to suspend the rules and pass the resolution.

The House divided; and there were—ayes 66, noes 40.

Mr. PAGE. I demand the yeas and nays.

The SPEAKER. The yeas and nays are refused.

Mr. FLOWER and Mr. CAMP. Tellers.

Tellers were ordered; and Mr. FLOWER and Mr. PAGE were appointed.

The House divided; and the tellers reported—ayes 101, noes 58.

So the rules were not suspended (two-thirds not voting in favor thereof), and the joint resolution was not passed.

Mr. BAYNE. I rise to a parliamentary inquiry. The tellers, I understood, were demanded on the yeas and nays.

Mr. FLOWER. My demand for tellers was on the yeas and nays.

The SPEAKER. The gentleman misunderstood it, that is all. The yeas and nays were not ordered.

Mr. BAYNE. I rise to demand the yeas and nays.

The SPEAKER. They have been refused.

Mr. BAYNE. We did not so understand.

The SPEAKER. By the House itself.

Mr. BLACKBURN. That was the vote.

The SPEAKER. The Chair so announced.

Mr. BAYNE. The RECORD will show we demanded tellers on the yeas and nays.

The SPEAKER. The question has been disposed of, and the Chair recognizes the gentleman from Ohio.

PACIFIC RAILROAD.

Mr. BUTTERWORTH. I move to suspend the rules and pass the bill I send to the Clerk's desk to be read.

The Clerk read as follows:

A bill to authorize the Southern Pacific Railroad Company and other railroad companies to unite and consolidate so as to form a continuous line of railroad between the tidal waters of the Atlantic and Pacific Oceans.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be lawful for the Southern Pacific Railroad Company (being the same corporation mentioned in section 23 of an act of Congress approved March 3, 1871, entitled "An act to incorporate the Texas Pacific Railroad Company, and to aid in the construction of its road, and for other purposes," and the same corporation mentioned in section 18 of an act of Congress approved July 27, 1866, authorizing the construction of the Atlantic and Pacific Railroad) to consolidate and merge its corporate powers, franchises, and organization with the following-named companies, whether organized and existing under the laws of any State or Territory, or under the laws of the United States, namely: Southern Pacific Railroad Company (of Arizona), Southern Pacific Railroad Company (of New Mexico), Galveston, Harrisburgh, and San Antonio Railway Company (of Texas), Texas and New Orleans Railway Company (of Texas), Louisiana Western Extension Company (of Texas), Louisiana Western Extension Company (of Louisiana), Louisiana Central Railroad Company (of Louisiana), Morgan's Louisiana and Texas Railroad Company (of Louisiana), for the purpose of forming a continuous through line of railroad between the city and bay of San Francisco, in California, and other ports of the Pacific Ocean southward from San Francisco, or on the navigable tidal waters adjoining thereto, and such ports and places as may be selected on the Mississippi River southward from the mouth of the Arkansas River, Gulf of Mexico, and the navigable tidal waters adjoining thereto; and it shall be lawful and competent for said companies whose lines would form such continuous through line aforesaid to unite, merge, and consolidate their respective railroads, telegraph lines, capital stock, rights, privileges, franchises, property, and debts with the said Southern Pacific Railroad Company, and it and they are hereby authorized so to unite, confederate, and consolidate, upon such terms as the said companies may respectively agree upon, and may operate the same as one continuous and connected system of railroad and telegraph lines; and said company so formed

by such consolidation shall be a body politic and corporate, by such name, style, and title as they may select, and by such name shall have perpetual succession, and shall be able to sue and be sued, defend and be defended, in all courts of law and equity within the United States, and may make and use a common seal, and succeed to and have and enjoy all the powers, privileges, and immunities necessary to carry into effect the purposes of this act.

SEC. 2. That articles of union, confederation, or consolidation of said Southern Pacific Railroad Company and other railroad companies so uniting shall be deposited in the office of the Secretary of the Interior in the manner prescribed in section 12 of said act of July 27, 1866.

SEC. 3. That from and after the date of the deposit of said articles of consolidation, the said railroad, or so much thereof as shall be from time to time constructed, shall be a post-route for national purposes, subject to the use of the United States for postal, military, naval, and other Government services, as provided in section 19 of said act of March 3, 1871: *Provided*, That nothing in this act shall be held or construed to authorize or permit the consolidation of parallel or competing lines of railroads or to authorize the consolidated road to lease or purchase such lines between the said ports on the Pacific Ocean and the ports on the Gulf of Mexico or on the Mississippi River; but this section shall in no wise cut off or impair any lawful and now existing right of said companies conferred by or derived under any act of Congress: *And provided further*, That the assent of not less than three-fourths in amount of the capital stock of each company shall first be had and obtained to such proposed consolidation.

SEC. 4. That the right to fix from time to time, as the public interest may require, the rates for carrying passengers and freight on the consolidated road, is hereby reserved to Congress.

SEC. 5. That nothing in this act shall be held or construed in any manner to relieve the companies consolidated of the consequences of any failure by either of such companies to perform any act or acts required of them by any law or any provision in either of their charters; nor shall said consolidated company, or either of them, be relieved of any obligation to do or perform any act required by their respective charters or by any law or any contract with the United States, or any State or Territory, nor shall anything in this act be held or so construed as in any manner to revise or confirm any land grant to any railroad company, whether made by the United States, or by any State, nor shall said consolidation work a forfeiture of any legal right which either of said companies hereby consolidated now has under existing law, nor impair any contract of any such companies.

SEC. 6. That the rights of creditors of such companies so consolidating or uniting shall not be affected by such consolidation or union, and all such rights may be enforced against such consolidated or united company, or otherwise, as may be lawful; nor shall anything in this act, nor any consolidation thereunder, interfere with or impair the right of any State or Territory through which either of said railroads passes, or may pass, to regulate the rights, privileges, and responsibilities of such railway company within its territorial limits as fully and absolutely as it could do the same previous to said consolidation; nor shall anything in this act be construed in any manner to legalize or give validity to any Territorial or State laws in relation to any interests of any of the railroad companies herein authorized to consolidate; nor shall this act, or any provision thereof, be so construed as to deprive the courts of the several States or Territories, through which either or any of the roads herein named may pass, of jurisdiction over controversies between said companies and the citizens of such States or Territories; nor shall this act, or any provision thereof, be so construed as to extend the jurisdiction of the courts of the United States over such controversies.

SEC. 7. That the power is hereby reserved to alter, amend, or repeal this act as, in the judgment of Congress, the public good may from time to time require.

Mr. HOLMAN. I demand a second.

Mr. CALKINS. After this is disposed of I shall call up the contested-election cases.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had passed without amendment House bills of the following titles:

A bill (H. R. 1443) granting a pension to Edgar B. Lamphier;

A bill (H. R. 1860) granting a pension to Daniel M. Morley;

A bill (H. R. 3743) granting a pension to Miss Amanda Stokes;

A bill (H. R. 5103) granting a pension to Margery Nightengale;

A bill (H. R. 5558) granting a pension to Mrs. Susan Bayard; and

A bill (H. R. 6923) granting a pension to Mrs. Helen M. Thayer.

The message also announced that the Senate had rejected the bill (H. R. 6501) granting a pension to Patrick Horan.

The message further announced that the Senate had passed a bill (S. 2263) to amend the pension laws, and for other purposes; in which the concurrence of the House of Representatives was requested.

PACIFIC RAILROAD.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Ohio to suspend the rules and pass the bill just read.

Mr. HOLMAN. I demand a second on that motion.

The SPEAKER. Without objection a second will be considered as ordered.

There was no objection.

Mr. BUTTERWORTH. Now, Mr. Speaker——

The SPEAKER. Without objection the gentleman from Ohio will be considered as controlling the time in favor of and the gentleman from Indiana in opposition to this proposition.

Mr. BUTTERWORTH. I hope I will have the attention of the House while I explain the provisions of this bill. I will do it very briefly, but I think very fully. The bill, as stated in the title, is for the purpose of authorizing the consolidation of nine companies which form a continuous line of railway from the Pacific Ocean to the Gulf of Mexico or the Lower Mississippi.

There was some objection to the bill as originally presented, and these objections, I will say, have all been considered and fully met by the amendments which have been prepared after consultation with gentlemen on all sides, who have scanned all the provisions of the bill with a view to removing all just ground for criticism.

I believe that in this bill we have been able to remove every well-founded objection, as I think gentlemen will discover upon examining its provisions.

Mr. WILSON. State the general objects of the bill.

Mr. BUTTERWORTH. I have already stated that the general object is to authorize the consolidation of nine companies whose several roads form a continuous line from the Pacific coast to the Gulf of Mexico or Lower Mississippi.

It was objected originally, when this bill was first presented to this House, that the names of the companies had not been specified, and that possibly some other line of road, not contemplated by the bill, might be consolidated with them. Hence in the bill as amended the name of each of the companies, and only those forming the continuous through line, is specified. In the original bill authority was also given to operate branches and spurs. At the suggestion and in accordance with the wish of my distinguished and honorable friend from Texas [Mr. REAGAN] that was stricken out, so that neither a branch nor a spur under the present bill can be operated as a part of the consolidation. Others suggested that possibly they might control or operate parallel or competing lines. We have answered that objection by inserting a provision which prohibits absolutely the consolidation of any parallel or competing line, or the operation of any parallel or competing line by this consolidated company. It was also suggested that it might possibly interfere with the duties imposed upon some companies by the States or Territories or by the United States. Hence a provision was drawn which places that beyond any possible peradventure in the following language:

That nothing in this act shall be held or construed in any manner to relieve the companies consolidated of the consequences of any failure by either of such companies to perform any act or acts required by them by any law or any provision in either of their charters; nor shall said consolidated companies or either of them be relieved of any obligation to do or perform any act required by their respective charters, or by any law or contract with the United States or with any State or Territory.

Then some gentlemen say, still this may tend to revive some forfeited land grant. At the suggestion of certain gentlemen familiar with the subject, who have scanned the bill carefully, this is placed beyond peradventure by the further clause:

Nor shall anything in this act be held or so construed as in any manner to revive or confirm any land grant to any railroad company, whether made by the United States or by any State, nor shall said consolidation work a forfeiture of any legal right which either of said companies hereby consolidated now has under existing law—

Now observe this provision—

nor impair any contract of any such company. And that the rights of creditors of said companies consolidating or uniting shall not be affected by such consolidation or union; and all such rights may be enforced against such consolidated or united company or otherwise as may be lawful.

Now, in order to meet every conceivable objection and provide an amendment that would do everything except to permit the cowboys to ditch the train and rob the passengers, we, at the suggestion of the learned gentlemen, my friends from Texas and California and others, inserted the following clause to protect fully the States and citizens of States in all controversies that can arise with this consolidated company or either of them——

Mr. BERRY. To what gentleman from California do you refer?

Mr. BUTTERWORTH. I refer to the gentleman's colleague [Mr. ROSECRANS].

Mr. BERRY. Because I oppose that.

Mr. BUTTERWORTH. I thought you were one and inseparable.

Mr. BERRY. Not by a good deal. I object to the whole thing.

Mr. BUTTERWORTH. It is in response to the resolution of your Legislature that the following amendment was prepared.

Mr. BERRY. The Legislature of California is opposed to it.

Mr. BUTTERWORTH. Now observe:

Nor shall anything in this act nor any consolidation thereunder interfere with or impair the rights of any State or Territory through which either of said railroads passes or may pass to regulate the rights, privileges, and responsibilities of such railway company within its territorial limits as fully and as absolutely as it could do the same previous to said consolidation; nor shall anything in this act be construed in any manner to legalize or give validity to any Territorial or State laws in relation to any interests of any of the railroad companies herein authorized to consolidate.

And beyond that, in response to my honorable friend from Texas, whose legal ability will not be called into question, and so as to place this entirely beyond all possible peradventure, there has been added the following. Now observe:

Nor shall this act or any provision thereof be so construed as to deprive the courts of the several States or Territories through which either or any of the roads herein named may pass, of jurisdiction over controversies between said companies and the citizens of such States or Territories. Nor shall this act or any provision thereof be so construed as to extend the jurisdiction of the courts of the United States over such controversies.

Further—

That the power is hereby reserved to alter, amend, or repeal this act, as in the judgment of Congress the public good may from time to time require.

There is also inserted here a provision which was entirely satisfactory to all friends and foes of the bill, giving Congress the right to regulate in its discretion the rates for carrying passengers and freight on that road.

Mr. SPARKS. Will the gentleman read that provision?

Mr. BUTTERWORTH. I will:

That the right to fix from time to time, as the public interest may require, the rates for carrying passengers and freight on the consolidated road is hereby reserved to Congress.

My friend will observe that as to interstate commerce, as to freights starting from the Pacific to the city of New Orleans, the General Government will claim the right to regulate that through freight. But within the territorial limits of the States, as to their own commerce, as to their own carriage of passengers and freight, the bill expressly reserves to the States and Territories the right to do that thing.

Mr. SPARKS. Is there not a conflict here? That power seems to be reserved or seems to be conferred by the bill on Congress.

Mr. BUTTERWORTH. No, sir.

Mr. SPARKS. Now, if it belongs to the States on any of these roads does not this take it away from them and give it to Congress?

Mr. BUTTERWORTH. No, sir. My friend will observe it does not. One relates to the interstate commerce and the other in express terms reserves the jurisdiction over the local rates and commerce to the States and Territories themselves.

Now, let me say that in all these matters I have consulted with the men on this floor who I knew had intelligent convictions touching the provisions of this bill in order that every objection might be removed which could suggest itself to their minds as being in any degree an infringement on the rights of any State or of any citizen of a State.

Mr. SPARKS. If the gentleman does want to remove objections——

Mr. BUTTERWORTH. I do.

Mr. SPARKS. I wish to suggest to him that I do not understand that clause. I believe it is the fourth section of the bill. I do not understand that clause relates exclusively to interstate commerce. I do understand it would confer the power upon Congress and take it away from the States. I so understand it.

Mr. BUTTERWORTH. My friend from Illinois [Mr. SPARKS] is a good lawyer, and he knows that in construing the law you construe it with reference to the entire context, considering all the parts of the law together. Now, these two provisions can stand together, the Government regulating the through transcontinental freight bound to New Orleans and to the East or Europe, while the other provision of the bill expressly reserves to the States and Territories the right to regulate the rates for the local freight and passenger traffic. Hence it is clear that these two powers stand together, both being effective, the regulation of the interstate and transcontinental traffic being reserved to the General Government, leaving to the States and Territories all the power and authority they now have over local business.

Mr. SPARKS. I understand that. But I say the language of your bill, in my judgment, does not make it so. Your fourth section does not confine this power in Congress to through freight or interstate commerce.

Mr. BUTTERWORTH. It does fix and determine the jurisdiction of the States and of the General Government, and limits the authority of the latter in that behalf. And it does this by expressly reserving to the States and Territories control over local rates, while it confers or rather recognizes the authority of the United States over through traffic.

Now, Mr. Speaker, I will wait to hear from those who have objections to the bill.

Mr. KING. I wish to ask the gentleman is there any land grant in this bill?

Mr. BUTTERWORTH. No, sir. On the contrary it expressly prohibits and prevents any possible revival of a land grant to any company, whether from a State or the United States.

Mr. ANDERSON. Will my friend from Ohio allow me to ask a question?

The SPEAKER. The gentleman from Indiana [Mr. HOLMAN] is recognized as in opposition to the bill.

Mr. HOLMAN. I yield three minutes to the gentleman from Georgia [Mr. HAMMOND]

Mr. HAMMOND, of Georgia. The fact of the gentleman from Ohio having taken so long a time only to remove so many objections to his bill, is a very suspicious circumstance. I propose to present another objection, which strikes at its very root. As I understand, ever since McCullough *vs.* Maryland was decided, in 4 Wheaton, it has never been doubted that Congress has no authority to make any charter except for United States governmental purposes, or to carry out some United States governmental power.

This bill is simply to grant conveniences to certain railroad companies for their purposes and for their benefit only. That is all the report in its favor claims. The Government has no interest in it whatever. It is for private persons, private stockholders who realize the importance of getting a charter here to make their transportation easier and cheaper.

Again, the bill covers three railroads of the State of Texas. That State has a constitution which declares:

> No railroad company organized under the laws of this State shall consolidate, by private or judicial sale or otherwise, with any railroad company organized under the laws of any other State or of the United States.

And in disregard of that the bill undertakes to consolidate its three with other railroads of other States.

[Here the hammer fell.]

Mr. HOLMAN. I now yield five minutes to the gentleman from Arkansas [Mr. DUNN].

Mr. DUNN. This bill is the latest evolution from a broth that has been brewing here in committee and elsewhere for two years. In its present form it has never before been introduced in this House or considered by any committee. A large portion of it is in manuscript. It has never been printed, and none of us have ever had an opportunity to read or consider what is in it. It has appeared in several phases before the Committee on Pacific Railways, of which I have the honor to be a member, but never just in this form. It is immense in its scope, and needs long, careful, and the most painstaking investigation. Instead of that it is now, for the first time, brought before the House, and under the gag of the previous question, in the expiring hours of the session and the Congress.

I deliberately state to the House and the country that I believe it to be full of unseen results, pitfalls, and snares. No man can say here to-day what is in the bill or what progeny it will bring forth; no man dare say. The gentleman attempts to quiet apprehension by assuring the House that there is an all-saving "proviso" in the bill to the effect that nothing therein shall extend or confirm any land grant, &c., to any one of these roads, or to this consolidated concern; but he hurried over that other little innocent-looking "proviso" within his all-saving proviso. That inner proviso turns upon and swallows up its parent proviso and completely destroys it. It is to this effect: "Nor shall anything herein contained be construed to impair, annul, or in any manner affect any rights that any or either of these roads may have acquired by law or by virtue of any contract or otherwise." Here one of its cloven feet peeps out; and all of its feet are cloven.

What does that little innocent-looking inner proviso mean? Congress heretofore granted to the Texas Pacific Railroad Company about 15,000,000 acres of land in New Mexico and Arizona, with the right of way through the public lands of those Territories and a charter carrying all the usual franchises. That company failed to earn that grant of land by compliance with the terms and conditions of the law. But C. P. Huntington, the owner of the Southern Pacific Railroad of California, and in fact of all the California railroads, did build his road through those Territories within the time allowed to the Texas Pacific Railroad Company, and over the line of their right of way. He met the Texas Pacific east of El Paso and gave it battle at law and in all other possible ways to prevent its construction farther toward the Pacific coast. He wanted no competition there, no rival. In the mean time Jay Gould had possessed himself of the Texas Pacific, and now crossed swords with his great rival.

This forced a compromise, and it was made in November, 1881, as the junction of the Texas Pacific and Southern Pacific at Sierra Blanco had secured a continuous line from Marshall, Texas, to the Pacific before the time expired for the completion of the Texas Pacific; the land grant made to it was transferred to the Southern Pacific, though the Texas Pacific had not earned an acre of it. But the terms of that compromise can best be seen by the following article from the New York World of November 27, 1881, a paper belonging to Gould and speaking by authority:

> The agreement which has been in preparation for some days and was signed yesterday in regard to the settlement of the disputes between the Texas and Pacific and Southern Pacific Railroad Companies, and for an interchange of traffic and facilities, is very comprehensive and important. It is made between C. P. Huntington on one side, representing the Southern Pacific, and the Galveston, Harrisburgh, and San Antonio Roads and their connections eastward as far as New Orleans, and Jay Gould on the other side, representing the Texas and Pacific, including its New Orleans connection, the Iron Mountain, the International, Missouri, Kansas and Texas, and Missouri Pacific Companies. It provides that the tracks of the two systems shall be joined when they meet one hundred miles or thereabouts east of El Paso, and both parties are to use the portion between the junction and El Paso on equal terms, the Texas and Pacific reserving the right to run its own trains into El Paso on paying half cost of maintenance, taxes, and interest on half cost of construction, $10,000 per mile. Through business is to be done on a pro rata basis by both companies, and this stands all the way to San Diego, Los Angelos, and San Francisco, although the franchise of the Texas and Pacific was by its charter limited to San Diego; and rates are to be as low between competitive points as by any other transcontinental routes.
>
> No discrimination is to be made by the Gould roads for or against any of the termini on the Mississippi or Gulf, either as to rates, time, or otherwise, or among the railroad lines eastward thereof, but east-bound unconsigned business for points reached by them in Northern Texas, Arkansas, and Missouri, is to be delivered to them at El Paso or the Junction, as the case may be. The agreement does not prevent or interfere with the completion of the Huntington road through Texas via San Antonio and Houston, but provides that after its completion the New Orleans and seaboard business thereof shall be divided equally between the two lines and their connections, the Huntington road from Houston to New Orleans being accorded the privilege of using one hundred miles of the Texas and Pacific nearest to New Orleans, when necessary, on the above terms. The two systems of roads intersect and cross each other at Houston, and between this point and Galveston they use the Galveston road, running through trains if necessary. The through business to and from El Paso and the Pacific will be divided on the basis of one-third to the Texas and Pacific and its connections and two-thirds to the line via San Antonio, that being the shortest line.
>
> In consideration of the privileges of using jointly the road into El Paso, and of a perpetual privilege in Los Angeles and San Francisco as well as San Diego, equal to the most favored, the Texas and Pacific has relinquished its claim to the land grant, right of way, and franchises west of El Paso to the Southern Pacific companies. The Texas and Pacific engages not to extend its road west of El Paso so long as the covenants with the Southern Pacific are observed, and the Southern Pacific agrees not to parallel the Texas and Pacific east of El Paso or either of the roads mentioned in Texas, Arkansas, or Missouri. The usual provision is made for arbitration between any of the parties for the settlement of disputes, and the respective superintendents are to carry out the details of the arrangements as to interchange of traffic and the rates of compensation.
>
> The junction with the Texas and Pacific will take place about December 1, at Sierra Blanca Springs, in Western Texas. The lower lines across Texas will not

be opened before June or July next. Through trains will commence running between New Orleans and El Paso and Saint Louis and El Paso about January 1. The distance from New Orleans by either line to El Paso is nearly 1,200 miles; to Memphis about the same. From Saint Louis to El Paso 150 miles further; from El Paso to San Francisco 1,285 miles.—*New York World*, November 27, 1881, page 3, column 1.

Now look at that map. [Pointing to a map suspended in front of the Clerk's desk.] Observe the red lines in California centering at San Francisco. They show the Huntington railroad system and monopoly in that State. It may be likened to a huge devil-fish, whose capacious maw has closed upon the great port and city of San Francisco, with all its vast wealth and commerce, and whose all-grasping tentacles reach north into Oregon, out over the ocean on the west, to Mexico and Texas on the south, and upon and over the Rocky Mountains on the east, hugging half a continent in its grasp and taxing its commerce at will, with none to compete with or make it afraid. No other railroad company has ever yet been able to reach California. Huntington is "monarch of all he surveys," and meets all others who approach his empire beyond his frontiers and gives them battle, vanquishes them, and imposes terms upon them. Gould is monarch of all that lies to the east of Huntington's empire.

Now, this treaty between these two great powers provides for the sale, transfer, and delivery to Huntington of all the land grant, right of way, and franchises of the Texas Pacific Railroad west of El Paso; that the Texas Pacific shall never extend its road west of El Paso; and these monarchs each engage and covenant never to parallel each other. In other words, there shall be no more competition. That is the contract, and these are the great rights that are not to be "impaired" by this bill. The purchased right to 15,000,000 of acres of unearned public land is not to be impaired. The peaceable enjoyment of the California monopoly that revels in its unrestrained power of taxation is not to be impaired. And to all this, and much more that is unseen, the Government is by the terms of this bill to give its sanction and approval. A continent, with all its lives and hopes and fortunes, is parceled out between these two haughty autocrats, and none of the imaginary rights, powers, and privileges that they may have acquired from each other are to be impaired by this bill.

What is the consequence to the people? Take as an illustration sugar, which to-day comes into California free of import duty. No sooner does the Government take off the duty of 70 per cent. than Huntington puts it on for himself, and to-day sugar costs the people of California as much as it costs in New York, where it pays a duty of 70 per cent.

Mr. ROBERTSON. Three cents a pound higher.

Mr. DUNN. Because of the monopoly which is not to be impaired by this bill.

Are the members of this House ready to vote for a measure which they have never read; to vote for a bill that has never been considered, with all these monstrosities and enormities in it? Who knows what they would sanction by voting for such a bill? They would sanction all the extraordinary powers which may have been derived from the States and Territories that granted their charters. This Government may be committed to a sanction of all of them by this measure.

Worse than that; it would be committed to the contract which prohibits competition by transcontinental roads across this continent. Is this House prepared to do that?

The gentleman says that the distinguished gentleman from Texas [Mr. CULBERSON] prepared an amendment to this bill. He did so by request, in order to make this bill less vicious than it is; and yet he will not give his sanction to it.

Mr. CULBERSON. I ask the gentleman to yield to me.

Mr. DUNN. I will yield whatever time I have left.

The SPEAKER. The time of the gentleman has expired.

Mr. DUNN. I will ask consent to print with my remarks some documents which I have here.

There was no objection, and leave was granted. [See Appendix.]

Mr. GIBSON. Mr. Speaker, I recognize the value of railways and railway corporations as leading factors in the development of our material resources and of civilization. I am disposed to deal with them in a spirit of fairness. But, sir, I can not conceal from myself the fact that they represent one of the most interesting questions of the day, as the embodiment of corporate powers, in respect of their right and franchises and as public carriers, both toward the people and the Government. I feel that in a matter of such gravity as is here presented we should have time to scrutinize closely every feature of the measure before us. We have not had such an opportunity. While, therefore, expressing my profound respect for the gentlemen advocating this bill, and my regret to differ from them, I am constrained under the circumstances to cast my vote in the negative.

Mr. HOLMAN. I now yield three minutes to the gentleman from Texas [Mr. CULBERSON].

Mr. CULBERSON. The gentleman from Ohio [Mr. BUTTERWORTH], understanding that I was opposed to this measure, submitted the bill to me and asked me to suggest some amendment to it that would tend to destroy a part of its alleged viciousness.

I suggested that the whole tenor and object of the bill was to create out of eight local State and Territorial corporations a national federal corporation; that the effect of the bill would be to take from the States their jurisdiction over the question of freights and fares over those companies, and to deprive the State courts of jurisdiction over controversies between the citizens of those States and Territories and these railroad corporations. I said to him that if he would put a clause in the bill which would prevent that, it might give to his bill more strength than it now had, but that I should still oppose it.

This measure, Mr. Speaker, is contrary to the policy of the State of Texas. There is a provision in the constitution of Texas which forbids the consolidation of any railroad chartered under the laws of that State with any railroad chartered by any other State or Territory or by Congress. Now, if you pass this bill you will override and nullify and destroy that provision of the constitution of the State of Texas, or provoke a serious conflict between the authority of the General Government and the State. By this bill it is proposed to take from that State jurisdiction over its local roads, which by the very terms of their charters are under special obligations to the State.

If Congress possesses the power to grant charters for the purpose of building railroads through the States without the consent of such States, which I deny, it certainly has no right to usurp the jurisdiction of a State over roads already built and in operation in the State, and over the operations of which the State has reserved the right of supervision and control. Texas now has the right to regulate the rate of freight and fares over the three roads within its borders which by the terms of this bill are to be merged in this grand national corporation. These companies are amenable to the citizens of that State in the courts of that State for wrongs done them or for rights withheld.

If this measure becomes a law, notwithstanding the safeguard proposed by me, and which the gentleman from Ohio [Mr. BUTTERWORTH] has incorporated in the bill, the legal effect of its provisions will be to vest in Congress the supervision and control of these roads and extend the jurisdiction of the courts of the United States over controversies between the citizens of that State and these corporations. While the bill ostensibly provides against this result it is not improbable that the courts will hold that if Congress creates a federal "corporation citizen" that such citizen shall be entitled to all the rights of any other citizen, and that provisions abridging such rights are inoperative and void. Such is the tendency of decisions now in respect of the rights of corporations. Besides all this, if I had time I could demonstrate to the satisfaction of the House that the object of this bill, of which I do not believe the gentleman from Ohio [Mr. BUTTERWORTH] is cognizant, is to strengthen the claim of the Southern Pacific Company to the land grant of 18,000,000 acres of land heretofore granted the Texas and Pacific Railway Company, to which I do not believe the Southern Pacific Company has the shadow of a right.

[Here the hammer fell.]

Mr. HOLMAN. I yield one minute to the gentleman from Massachusetts [Mr. ROBINSON].

Mr. ROBINSON, of Massachusetts. Mr. Speaker, I am not disposed to vote for a bill of this character submitted to the House in this way. The bill is not in print; it is submitted mainly in manuscript. It is a bill affecting, as I believe, in the future a land grant of millions of acres. I think the House should pause before it consents in this hasty manner to the consolidation of all these roads. I hope the motion to suspend the rules will not prevail.

Mr. HOLMAN. I think Congress, in view of the growing power of the great railroad corporations of the country, may well hesitate to consolidate these corporations now under local control into one powerful corporation, extending from the Mississippi River to the Pacific Ocean. Congress has already organized enough of these corporations, with vast and perpetual powers, to list in the early future the strength of this Government.

The most fatal objection to this measure, beyond the consolidation of power, is that in spite of the limitation sought to be provided in the bill this corporation, with perpetual powers, will be placed beyond and above the jurisdiction of the States through which the consolidated road shall pass; for although there is a provision in the bill proposing to reserve to the States through which this consolidated road will pass the jurisdiction of questions arising between the corporation and citizens of the State, it is questionable whether that important result can be secured.

I ask the lawyers of this House whether the Federal Government can in this way, under the Constitution, surrender its judicial power to a State? The Supreme Court has held in effect that Congress can not surrender to the States the power of taxation of the Federal securities; and there have been other decisions of that court bearing upon this question which in my judgment renders it questionable whether the provision to which I refer will be of any effect whatever. If it should prove ineffectual, as I believe it will, these eight corporations now or soon to be under State control and subject to the jurisdiction of State tribunals and subordinate to public interests will be organized into one great corporation, extending in its power from the Mississippi to the Pacific, defying the legal courts and driving the citizen into remote Federal tribunals, which to the poor and the feeble is a denial of justice. Besides, sir, no other than a positive declaration of forfeiture can prevent this corporation, rendered powerful by this consolidation, from asserting a

claim to the land grant of 18,000,000 acres to the Texas Pacific, which though long since forfeited is still, under the extraordinary decision of the Supreme Court, in force. I hope the House will not by passing this bill create this great corporate power to override States and still more imperil the monopoly of this great land grant of 18,000,000 acres.

[Here the hammer fell.]

Mr. BUTTERWORTH. Mr. Speaker, one of the prime factors in a fair discussion is to state the facts as they are. My friend from Arkansas [Mr. DUNN] knows very well that this bill, when introduced last session, was considered by our committee and amendments made which are all in the direction of what he and his friend desired. [Mr. DUNN rose.] I can not yield; the gentleman would not let me interrupt him. These amendments, as appears by the report lying upon the table, are in furtherance of every suggestion made by gentlemen who have opposed the bill, the object of these amendments being to meet fully those objections.

One thing more: my friend stands before the House and says in a loud voice that the bill confirms all the rights, grants, and privileges conferred by the Territories upon these companies, and this, although he heard me read the clause in the bill which especially provides against the very thing that the gentleman mentions.

Mr. DUNN. I understood this to be a new bill and not the committee bill.

Mr. BUTTERWORTH. The gentleman stated that the tendency of this bill is to revive a land grant, when he knows that omniscience could not frame or use language which would or could more clearly and absolutely prohibit the revival of land grants, or any land grant.

Now, I like to see fair play and perfect candor in dealing with public questions. It is the easiest thing in the world to put up a man of straw, and then exhibit rare skill in knocking him down. I undertake to say that this bill confers no power upon these companies except to form a continuous through line from the Pacific to the Gulf, and this in furtherance of a project in support of which gentlemen on both sides of the Chamber have talked themselves hoarse—the project of forming a continuous through line, thereby cheapening the cost of administration and cheapening rates. Reserving to Congress the power which my friend from Texas [Mr. REAGAN] has at all times insisted that the General Government should have to regulate interstate commerce, the bill at the same time secures to the States fully and amply the power to regulate the rates within their own territory.

If my friend had stated the several propositions of the bill fairly, I would not complain; but he has not done so. It is proper that I should say that my friend from Texas [Mr. CULBERSON] did not say he would support the bill; but his main objection (except that he questioned the wisdom of a consolidation at all, whatever its influence upon rates) was that it placed within the jurisdiction of the Federal courts controversies between this consolidated company and citizens of the several States or Territories.

Mr. CULBERSON. That was one objection.

Mr. BUTTERWORTH. Certainly; and I asked my honorable friend to prepare an amendment which would meet that objection, a provision reserving to the several States all rights in this respect and abridging to that extent the Federal jurisdiction. That was done.

Mr. HOOKER. I wish to ask my friend from Ohio whether this bill gives to these companies when consolidated any power in addition to that which they now separately hold under the action of the respective States and Territories?

Mr. BUTTERWORTH. It does not. On the contrary, it abridges and restricts the power of these companies; it denies them privileges which they have now.

There is not in this bill a suggestion of a revival of any grant or any contract; and I think the allusion which has been made to contracts between Jay Gould and Huntington, touching some great interest belonging to the Texas Pacific Railroad, is just as foreign from this bill as a verse selected at random from the Koran.

It is complained that the bill has not been printed with the amendments; but, sir, it has not been changed in any substantial particular since it was reported favorably to the House, except to abridge the rights of these companies and to enlarge the rights of all who may transact business with them. It reserves to the States the right to supervise these corporations within their limits and to fix rates, and it secures to the State courts the jurisdiction of all controversies between the company and the citizens of the State.

Mr. CULBERSON. Allow me to ask the gentleman a question.

Mr. BUTTERWORTH. Certainly.

Mr. CULBERSON. Suppose we pass the House bill and the Senate strikes off those safeguards he suggests?

Mr. BUTTERWORTH. Then I will oppose the bill.

Several MEMBERS. That is enough.

Mr. BUTTERWORTH. I stated to this House, when I introduced the bill, that I would see that its provisions were such as would fully protect the interests of the citizen of every State through which the road might pass. While accomplishing all that the company desires, I would not confer upon this company the power or authority to trench upon a single right of any State or any citizen. I shall adhere to that to the end.

Mr. BERRY. I only wish to say that if I had the opportunity I would enter the solemn protest of California against the passage of this bill. I do that now on the part of the State and her people.

Mr. BUTTERWORTH. The objections to the bill expressed in the resolutions of the California Legislature have been removed by an amendment that secures to that State and its citizens all they ask or claim.

The SPEAKER. The gentleman's time has expired.

Mr. HOLMAN. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 87, nays 128, not voting 76; as follows:

YEAS—87.

Aiken,	Ellis,	Kasson,	Robinson, Jas. S.
Aldrich,	Errett,	Ketcham,	Shelley,
Barbour,	Farwell, Chas. B.	King,	Shultz,
Barr,	Farwell, Sewell S.	Lord,	Simonton,
Bingham,	Fisher,	McCoid,	Singleton, Jas. W.
Bliss,	Ford,	Miller,	Smith, J. Hyatt
Brewer,	Garrison,	Money,	Strait,
Buckner,	George,	Moore,	Talbott,
Burrows, Julius C.	Harmer,	Morey,	Townsend, Amos
Burrows, Jos. H.	Harris, Benj. W.	Mutchler,	Tucker,
Butterworth,	Haseltine,	Nolan,	Valentine,
Caldwell,	Hazelton,	O'Neill,	Van Horn,
Camp,	Hepburn,	Pacheco,	Van Voorhis,
Carpenter,	Hoge,	Page,	Wadsworth,
Cassidy,	Hooker,	Paul,	Wait,
Crapo,	Horr,	Payson,	Ward,
Crowley,	Houk,	Phelps,	Whitthorne,
Darrall,	Hubbell,	Pound,	Wilson,
Deering,	Hubbs,	Prescott,	Wise, Morgan R.
De Motte,	Humphrey,	Rice, Theron M.	Wood, Walter A.
Dezendorf,	Hutchins,	Rich,	Young.
Dunnell,	Jorgensen,	Richardson, D. P.	

NAYS—128.

Anderson,	Culberson,	Holman,	Ritchie,
Armfield,	Cullen,	Jadwin,	Robertson,
Atherton,	Curtin,	Jones, Geo. W.	Robinson, Geo. D.
Atkins,	Cutts,	Jones, James K.	Rosecrans,
Bayne,	Davidson,	Jones, Phineas	Ross,
Beach,	Davis, George R.	Klotz,	Scales,
Belmont,	Davis, Lowndes H.	Knott,	Scranton,
Beltzhoover,	Dibrell,	Lacey,	Shallenberger,
Berry,	Doxey,	Latham,	Singleton, Otho R.
Blanchard,	Dunn,	Le Fevre,	Smith, A. Herr
Bland,	Dwight,	Lewis,	Smith, Dietrich C.
Blount,	Ermentrout,	Lynch,	Spooner,
Bragg,	Evins,	Manning,	Steele,
Briggs,	Forney,	Marsh,	Stockslager,
Browne,	Fulkerson,	Martin,	Stone,
Brumm,	Geddes,	Matson,	Taylor, Joseph D.
Buchanan,	Gibson,	McCook,	Thompson, P. B.
Cabell,	Godshalk,	McLane, Robt. M.	Townshend, R. W.
Campbell,	Grout,	McMillin,	Turner, Henry G.
Cannon,	Hall,	Miles,	Turner, Oscar,
Carlisle,	Hammond, John	Mills,	Tyler,
Chace,	Hammond, N. J.	Morrison,	Updegraff,
Chapman,	Hardenbergh,	Muldrow,	Upson,
Clardy,	Hardy,	Murch,	Vance,
Cobb,	Harris, Henry S.	Parker,	Walker,
Colerick,	Hatch,	Peelle,	Warner,
Converse,	Heilman,	Peirce,	Washburn,
Cook,	Herbert,	Randall,	Watson,
Covington,	Hewitt, G. W.	Ranney,	Wellborn,
Cox, Samuel S.	Hill,	Ray,	Wheeler,
Cox, William R.	Hiscock,	Reese,	Williams, Chas. G.
Cravens,	Hitt,	Richardson, J. S.	Willis.

NOT VOTING—76.

Belford,	Guenther,	McKinley,	Sherwin,
Bisbee,	Gunter,	McLean, Jas. H.	Skinner,
Black,	Haskell,	Morse,	Smalls,
Blackburn,	Henderson,	Mosgrove,	Sparks,
Bowman,	Herndon,	Moulton,	Spaulding,
Buck,	Hewitt, Abram S.	Neal,	Speer,
Calkins,	Hoblitzell,	Norcross,	Springer,
Candler,	House,	Oates,	Taylor, Ezra B.,
Caswell,	Jacobs,	Pettibone,	Thomas,
Clark,	Joyce,	Phister,	Thompson, Wm. G.
Clements,	Kelley,	Reagan,	Urner,
Cornell,	Kenna,	Reed,	Van Aernam,
Dawes,	Ladd,	Rice, John B.	Webber,
Deuster,	Leedom,	Rice, Wm. W.	West,
Dingley,	Lindsey,	Robeson,	White,
Dowd,	Mackey,	Robinson, Wm. E.	Williams, Thomas
Dugro,	Mason,	Russell,	Willits,
Flower,	McClure,	Ryan,	Wise, George D.
Frost,	McKenzie,	Scoville,	Wood, Benjamin.

So (two-thirds not having voted in the affirmative) the rules were not suspended, and the bill was not passed.

During the roll-call the following additional pairs were announced from the Clerk's desk:

Mr. SKINNER with Mr. HEWITT of New York.

Mr. WEBBER with Mr. LEEDOM.

Mr. KENNA with Mr. TUCKER.

Mr. ROBESON with Mr. BLACKBURN.

Mr. NORCROSS with Mr. WILLIAMS of Alabama.

Mr. REED with Mr. MCKENZIE, on this vote.

Mr. RANNEY with Mr. CLARK.

Mr. WHITE with Mr. FLOWER.

Mr. GUENTHER with Mr. DEUSTER.

Mr. TUCKER. If Mr. KENNA were here I should vote "no."

Mr. SPARKS. Mr. Speaker, I desire to withdraw my vote. I voted in the negative, but I had paired with my colleague [Mr. HENDERSON].

The vote was then announced as above recorded.

Mr. BUTTERWORTH. Let the bill be printed in the RECORD.

The SPEAKER. It will be printed in the RECORD as a matter of course.

AMENDMENT OF PENSION LAWS.

Mr. CURTIN. Mr. Speaker, I move to suspend the rules and take from the Speaker's table House bill No. 1410 to amend the pension laws by increasing the pensions of soldiers and sailors who have lost an arm or a leg in the service, and agree to the amendments of the Senate thereto.

The SPEAKER. The Senate amendments will be read.

The Clerk read as follows:

Strike out all after the word "duty," in line 5, down to and including line 8, and insert:

"Shall have lost one hand or one foot or been totally or permanently disabled in the same, or otherwise so disabled as to render their incapacity to perform manual labor equivalent to the loss of a hand or a foot, shall receive a pension of $24 per month.

"That all persons now on the pension-rolls, and all persons hereafter granted a pension who in like manner shall have lost either an arm at or above the elbow, or a leg at or above the knee, or shall have been otherwise so disabled as to be incapacitated for performing any manual labor in so much as to require regular personal aid and attendance, shall receive a pension of $30 per month: *Provided*, That nothing contained in this act shall be construed to repeal section 4679 of the Revised Statutes of the United States, or to change the rate of $18 per month therein mentioned to be proportionately divided for any degree of disability established, for which section 4695 makes no provision."

Amend the title by adding thereto the words "and for other purposes."

Mr. CURTIN. I apprehend that this bill needs no explanation, Mr. Speaker. The bill which passed the House gave $40 per month; the amendments of the Senate are sufficiently explicit. I hope there will be no objection to the passage of the bill.

The SPEAKER. The question is on agreeing to the motion to suspend the rules and concur in the Senate amendments.

The motion was agreed to (two-thirds voting in favor thereof).

ENROLLED BILLS SIGNED.

Mr. SPAULDING, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 7682) to authorize the construction of a bridge across the Missouri River at some accessible point within ten miles below and five miles above the city of Kansas City, Missouri; and

A bill (H. R. 7115) to authorize the construction of a bridge across the Thames River, near New London, in the State of Connecticut, and declare it a post-route.

YORKTOWN CENTENNIAL.

The SPEAKER. The Chair lays before the House, pursuant to law, the following concurrent resolution of the Senate, which the Clerk will read.

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES, *March* 2, 1883.

Resolved by the Senate (the House of Representatives concurring), That 10,000 additional copies of the proceedings of the Yorktown centennial celebration be printed; of which 6,000 shall be for the use of the House and 4,000 for the use of the Senate.

The resolution was referred to the Committee on Printing.

SORGHUM SUGAR.

The SPEAKER also laid before the House the following concurrent resolution of the Senate; which was referred to the Committee on Printing:

IN THE SENATE OF THE UNITED STATES, *March* 2, 1883.

Resolved by the Senate (the House of Representatives concurring), That the report of the National Academy of Sciences on the sorghum-sugar industry be printed, with such portions of the appendix and accompanying exhibits as may be selected by the Joint Committee on Public Printing; and that there be printed 6,500 copies, of which 2,000 copies shall be for the use of the Senate, 3,000 copies for the use of the House of Representatives, 1,000 copies for the use of the Department of Agriculture, and 500 copies for the use of the said National Academy of Sciences.

CONTESTED-ELECTION CASE OF SESSINGHAUS VS. FROST.

Mr. CALKINS. I now call up the contested-election case of Sessinghaus against Frost, and ask the Clerk to read the accompanying resolutions.

The Clerk read as follows:

1. *Resolved*, That R. Graham Frost was not elected as a Representative to the Forty-seventh Congress of the United States from the third Congressional district of Missouri, and is not entitled to occupy a seat in this House as such.

2. *Resolved*, That Gustavus Sessinghaus was duly elected as a Representative from the third Congressional district of Missouri to the Forty-seventh Congress of the United States, and is entitled to his seat as such.

Mr. CLARDY. On that I raise the question of consideration.

The SPEAKER. The question is: Will the House proceed to consider the contested-election case named.

The House divided, and there were—ayes 56, noes 60.

Mr. CALKINS. Tellers. There is no quorum voting.

The SPEAKER. The gentleman demands tellers.

Mr. WILLIS. It is too late to make the point of a quorum.

Mr. CALKINS. I think I made it in time.

The SPEAKER. The Chair will order tellers.

Mr. CALKINS and Mr. CLARDY were appointed tellers.

The House divided; and the tellers reported—ayes 109, noes 70.

So the House decided to proceed with the consideration of the contested-election case.

Mr. CLARDY. I call for the yeas and nays on this vote.

The SPEAKER. It is too late; some time has elapsed since the announcement of the vote. The gentleman from Indiana is recognized.

Mr. CALKINS. I now yield the floor to my colleague on the committee [Mr. MILLER].

Mr. MILLER. Mr. Speaker——

Mr. CALKINS. May I ask the other side how much time is desired for argument, that we may have some arrangement?

Mr. HATCH. We do not want any limit fixed.

Mr. CALKINS. I would like to hear from the gentleman from Illinois [Mr. MOULTON]. How would an hour on each side do?

Mr. MOULTON. I am willing.

Mr. CALKINS. Then it is understood that an hour on each side is to be taken in the discussion, after which I will call the previous question.

Mr. MILLER. It appears from the returns of the election held in the third Congressional district of Missouri on the 2d day of November, 1880, that R. Graham Frost, the contestee in this case, received 9,487 votes; Gustavus Sessinghaus, the contestant, received 9,290 votes, and D. O. O'Connell received 266 votes.

Mr. Frost having a plurality of 197 votes on the face of the returns was awarded the certificate of election.

At the time of the above election the city of Saint Louis was partially divided into three Congressional districts. The third district was composed of one township in Saint Louis County and of the northern part of the city of Saint Louis.

The constitution of the State, adopted in 1875, in prescribing the qualifications of voters, reads as follows:

Every male citizen of the United States, and every male person of foreign birth who may have declared his intention to become a citizen of the United States, according to law, not less than one year nor more than five years before he offers to vote, who is over the age of 21 years, possessing the following qualifications, shall be entitled to vote at all elections of the people:

First. He shall have resided in the State one year immediately preceding the election at which he offers to vote.

Second. He shall have resided in the county, city, or town where he shall offer to vote at least sixty days immediately preceding the election.

By this same constitution, article 9, sections 20 *et seq.*, power was given the citizens of Saint Louis to frame a charter not inconsistent with any provision of the said constitution for the government of that city

Article 8, section 5, and article 9, section 7, of said constitution are as follows, namely:

ART. 8, SEC. 5. The General Assembly shall provide by law for the registration of all voters in cities and counties having a population of more than 100,000 inhabitants, and may provide for such registration in cities having a population exceeding 25,000 inhabitants and not exceeding 100,000, but not otherwise.

ART. 9, SEC. 7. The General Assembly shall provide by general laws for the organization and classification of cities and towns. The number of such classes shall not exceed four, and the power of each class shall be defined by general laws, so that all such municipal corporations of the same class shall possess the same powers and be subject to the same restrictions. The General Assembly shall also make provision by general law whereby any city, town, or village existing by virtue of any special or local law may elect to become subject to and be governed by the general laws relating to such corporations.

In pursuance of article 9, section 20 *et seq.*, the city of Saint Louis in 1876 adopted a scheme and charter, one part of said charter providing for registration. This scheme and charter was never ratified subsequently by the Legislature of Missouri, but all subsequent elections in Saint Louis were held under this charter and its provisions until 1878. In 1878 the municipal assembly of Saint Louis passed a city ordinance regulating elections and providing for a complete system of registration in said city, by which and under which a large number of names were stricken from the registration list—enough, the Committee on Elections find, to govern and decide this case. If they are counted, the contestant is elected; if they are not counted, the contestee should retain his seat. Section 11 of said ordinance, as amended by the city assembly on August 20, 1878, is as follows:

SEC. 11. The mayor shall appoint a board of revision, consisting of one reputable citizen from each ward in the city who shall possess the qualifications of a member of the house of delegates, whose duty it shall be to meet with the recorder of voters, at his office, twenty days before each general, State, or municipal election, for the purpose of examining the registration, and making and noting corrections therein as may be rendered necessary by their knowledge of errors committed, or by competent testimony heard before the board; a majority of said board shall be necessary to do business, and the mayor shall be *ex officio* president thereof. They shall strike from the registration, by a majority vote, names of persons who have removed from the election district for which they registered, or who have died, and shall note the fact opposite the name of any person charged with having registered in a wrong name, or who for any reason is not entitled to registration under the provisions of this ordinance, which person shall be challenged by the judges of election when presenting himself to vote, and rejected unless he satisfy said judges that he was entitled to register, and said board shall also place on said books the names of such persons as in their judgment have been improperly rejected by the recorder of voters. They shall sit from day to day, not exceeding ten days, until they have completed their labors, and their proceedings shall be printed daily in the paper doing the city printing. They shall each be allowed the sum of $3 per day for their services.

It is true that the State Legislature of Missouri in 1877 enacted a general election law, three sections of which are as follows:

SEC. 4380. All cities and towns in this State containing 100,000 inhabitants or more shall be cities of the first class.

SEC. 4385. Any city or town in this State existing by virtue of the present general law, or by any local or special law, may elect to become a city of the class

to which its population would entitle it under the provisions of this article by passing an ordinance or proposition and submitting the same to the legal voters of such city or town at an election to be held for that purpose, not less than twenty nor more than thirty days after the passage of such ordinance or proposition; and if a majority of such voters, voting at such election, shall ratify such ordinance or proposition, the mayor or chief officer of such city or town shall issue his proclamation declaring the result of such election, and thereafter such city or town shall, by virtue of such vote, be incorporated under the provisions of the general law provided for the government of the class to which such city belongs, which class shall be determined by the last census taken, whether State or national.

SEC. 4389. Any city of the first class in this State may become a body-corporate, under the provisions of this article, in the manner provided by law, &c.

Then follow the provisions for governing cities of the first class and for registration and elections therein.

It is proper to state, however, that it has never been claimed by the contestee that Saint Louis ever elected to accept the provisions of this law or elected to become a city of the first class, or in any way designated its wish, desire, or intention to accept these provisions. It became a body-corporate by virtue of its scheme and charter adopted in 1876, and has continued so to act to this day.

Neither was it claimed that the provisions of the act of the Legislature of 1877 governed or controlled the election of 1880; nor were these provisions of the act of 1877, respecting registration, of any force or effect in said city. The last city ordinance was adopted subsequently to any act of the General Assembly. It contains forty and odd sections and prescribed an entire scheme regulating elections and providing for registration in the city, and was the only law by which registration was had in that city.

These views are supported by Mr. Bell, the city counselor, a man who is admitted to be of eminent legal ability. His views will be found on page 1814 of the record.

The Constitution of the United States, article 1, is as follows:

The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; but the Congress may, at any time, by law make or alter such regulations except as to the places of choosing Senators.

The question raised, therefore, in this case is: Was the registration law of Saint Louis, under which the election of 1880 was held, legally enacted; and were its provisions applicable to the election of a Representative in Congress? Could the people of Missouri by a constitutional provision delegate to the city of Saint Louis the authority to pass a registration law applicable to that city only? The Constitution of the United States having expressly declared that the manner of holding elections for Representatives shall be prescribed in each State by the Legislature thereof, could the State Legislature or the constitution of Missouri delegate its authority to any other power, to any other body?

That the election was held under the provisions of the charter was not denied. That the registration law by which a large number of voters were deprived of their right to exercise their franchise was enacted in 1878 was not disputed. That enough legal voters were thus stricken off to change the result is not in doubt. The committee believe that so much of the ordinance as made registration a prerequisite to voting was illegal, was unconstitutional, had no binding power, and that all legal votes rejected by virtue of this ordinance should be counted.

That there may be no mistake in regard to the exact situation of affairs, I shall run over in a half dozen sentences the exact situation, and shall leave it to any gentleman upon that side of the House who sees fit to examine the question whether or not the city of Saint Louis could by a city ordinance provide that registration should be a prerequisite to voting, when there was no law upon the statute-book providing such a regulation and applicable to Saint Louis.

The constitution provides that residence in the State for a given time and residence in the district for a given time entitles a citizen to vote, and not a word about registration, nothing except residence. The city of Saint Louis, under the constitutional provision authorizing it to enact a scheme and charter, passed a registry law making registration a prerequisite for voting.

It is true that that scheme and charter has been published in the laws of the State as compiled by a joint committee; but it was compiled by that committee without any authority of law. They placed the charter there not by direction of the Legislature, but because they thought it ought to go there; and the registration law, as passed by the city of Saint Louis under the scheme and charter, was never ratified by any legislative body other than by the municipal legislature of the city of Saint Louis.

But we are told that the State in 1877 passed a registration law, and that it passed one applicable to cities of the first class, and cities of 100,000 inhabitants were cities of the first class, and we are asked to take notice of the fact because Saint Louis has more than 100,000 inhabitants therefore she falls within the provisions of the general law.

But it is to be marked that the same enactment of the Legislature provides that a city must, in order to become a city of the first class, accept the provisions of the law providing for cities of the first class. Saint Louis is not a body corporate by virtue of that enactment, but it holds its charter by virtue of the constitutional provision permitting it to adopt the scheme and charter under which it has existed since 1876.

And as I remarked a moment ago, Mr. Bell, a man of eminent legal ability, who had been city counselor for two years prior to 1880, testified under oath that the election in the city in 1880 was held, not under any law of the State, but by virtue of the charter and of the amended ordinances passed in July and August, 1878.

Let me ask any Democrat, is it possible that a city of any class can pass a registration law making registration a prerequisite of voting? When the Constitution of the United States says that the Legislature of a State shall prescribe the manner of holding elections for Representatives, and when the Constitution of the United States delegated that power to the Legislatures, did it mean that the Legislature or the people of any State might redelegate that power to any city, to any town, or to any municipality?

I think there is no man upon the other side of the House who will go the length of saying that any city, by virtue of any State constitution or any legislative enactment can adopt a system of registration imposing upon voters regulations other than those imposed upon them by the constitution of their State or by the Legislature thereof.

The committee believe that the registry clause was illegal, was unconstitutional, had no binding effect, and that all legal votes rejected by virtue of the provisions of this clause should be counted.

But we hold that these names thus stricken off should be counted, even if the law was held to be constitutional and binding, for the further reason: At the first meeting of the board of revision it adopted the following resolution:

Resolved, That when a member of the board of revision presents a list of persons found on the list furnished him by the recorder of voters with dead, removed, not found, vacant house, duplicate, not a citizen, or any other word or phrase to indicate that the person is not entitled to vote, his name being on the books of the recorder, the board of revision shall take immediate action on such names and instruct the recorder of voters to erase such names from the registered list of voters in his office.

By this resolution that board delegated its exclusive power to each of its members, and in advance agreed that whatsoever names any of its members presented to be stricken off should be stricken off without any knowledge or testimony. The recorder of voters, who was *ex officio* clerk of the board, swears that the business was done as follows, namely:

The clerk called ward 1. When the reviser from that ward sent up a list of names, which was not even read, the clerk merely stated the number of names on the list, when, by virtue of the above resolution and without further action by the board, they were stricken off, no other member of the board but he from the first ward ever hearing the names read or knowing what names had been stricken off. The same action was had when ward 2 was called, and so on through the whole twenty-eight wards (record, page 131). This was also proved by nearly all the members of the board called by the contestee as witnesses in his behalf. (See record, pages 1792, 1824, 1825, and 1844). It is undisputed. The board sat from one to two hours each of the eight days, and in that time struck off over 12,000 names from a registration of about 60,000.

The fact also appears that the reviser for the fourth ward of this district, that ward in which most of the above disfranchised voters lived, left his entire work of revision to irresponsible deputies, whose work was sent in, and the names reported by them were stricken from the list of voters in the manner above described.

The testimony of one Michael Burke shows that he was one of these unsworn deputies, and reveals the frauds by which Republicans were intentionally stricken off the lists. He also swears—and his evidence is wholly uncontradicted—that there was an understanding and agreement between all these deputies that they should act together in practicing these frauds. (See record, page 71 and following.)

It will be borne in mind that the law not only does not recognize these deputies, but specifically provides that this work of determining the qualifications of voters should be done by these revisers, sitting as a court and acting judicially on "actual knowledge" or "competent testimony, and by a majority vote."

The testimony shows that one hundred and fifty-one of the men stricken off were legal and qualified voters, many of them being old residents, and that they did all in their power to entitle them to vote. The committee hold that their votes should be counted by the House. The said voters had done everything the law required of them; they had exhausted their remedy; they had registered and gone to the polls and offered to vote, but their names having been stricken off they were not allowed to vote.

The principle is well established, and was adopted by this committee in the case of Bisbee *vs.* Finley (present Congress), that where judges of election improperly refuse a qualified voter the right to vote, his vote will be counted here. We submit the reason of that rule will apply as well to this case, where the voter has done everything in his power and the primary wrongful act was committed by the registration officers.

McCrary on Elections, sections 10, 11, and 383, fully sustains this view in the following language:

A case may occur where a portion of the legal voters have, without their fault and in spite of due diligence on their part, been denied the privilege of registration. In such a case, if the voter was otherwise qualified and is clearly shown to have performed all the acts required of him by the law, and to have been denied regis-

tration by the wrongful act of the registering officer, it would seem a very unjust thing to deny him the right to vote. In elections for State officers, however, under a constitution or statute which imperatively requires registration as a qualification for voting, it may be that the voter's only remedy would be found in an action against the registration officer for damages. (See, also, sections 11 and 383.)

It will be observed that Judge McCrary, after stating the general doctrine, says that—

In elections for State officers, however, under a constitution or statute which imperatively requires registration as a qualification for voting, it may be that the voter's only remedy would be found in an action against the registration officer.

This refers exclusively to State officers, while the office for which it is intended to count these votes is not a State office—that the United States Constitution has given this body full control over the question as to who are its members; and in the State of Missouri neither the constitution nor any statute in force in Saint Louis makes registration an imperative prerequisite or qualification. (See constitution 1875, heretofore cited.)

The Constitution of the United States having declared that the Legislatures of the several States shall provide for choosing members of Congress, and the constitution of Missouri having authorized the General Assembly, and that alone, to enact a registration law, we hold that so much of the ordinance as made registration prerequisite to voting has no binding force or effect, and is invalid.

We therefore rely upon the language of McCrary, section 11, that—

In the absence of any positive law making registration imperative as a qualification for voting, it is a very plain proposition that the wrongful refusal of a registering officer to register a legal voter who has complied with the law and applies for registration ought not to disfranchise such voter. The offer to register in such a case is equivalent to registration. This would be held to be the law upon the well-settled principle that the offer to perform an act which depends for its performance upon the action of another person, who wrongfully refuses to act, is equivalent to its performance.

Furthermore these votes (151) thus illegally stricken off should be counted upon another ground, following a well-established principle of law.

The proof in this case shows that the board of revision by whom the above voters were disfranchised acted at the outset and throughout their entire proceedings in absolute violation of not only the spirit but the letter of the law which gave them authority. The ordinance explicitly says that this board shall meet—

For the purpose of examining the registration and making and noting corrections therein as may be rendered necessary by either their knowledge of errors committed or by competent testimony heard before the board, a majority of said board shall be necessary to do business.

By a resolution adopted at the beginning (heretofore cited) they declared they would neither hear testimony nor act upon the knowledge of the board. Thereafter names of voters were stricken off the list without even being read to the board, and merely upon the recommendation of an individual member who, in many cases, as the proof shows, adopted without question, knowledge, or examination the reports of his unsworn and unauthorized deputies.

When it is borne in mind that no actual notice was given to the voter thus stricken from the list, and that even if he had such notice there existed no remedy or law by which he could be reinstated, the necessity of holding this board to a strict execution of its powers will be apparent.

It will be observed that the ordinance conferred upon the board of revision the power to examine and revise the registration list prepared by the recorder of voters and making and noting corrections therein, to correct his errors or omissions, but the law nowhere empowered them to correct or revise their own.

It is a well-settled doctrine of law that as to courts not of record and other bodies having judicial functions no presumptions arise as to jurisdiction, or the regularity of their proceedings, and that any judgment rendered by such court or body not in strict conformity with the law is void.

This board of revision, as shown by the record, acted from the beginning to the end in utter disregard and violation of the law.

This ordinance gives the board power to strike from the registry lists, by a majority vote and either on the knowledge of the board officially or by competent testimony heard before the board, the names of those only "who have removed from the election district for which they registered or who have died." The resolution divested the board of all its functions; it gave each member individually the right to not only strike off the dead and removed, but it gave him the right to strike off those not found; it gave him the right to write "vacant house" against a man's name, and that man was disfranchised; it gave him the right to strike off duplicate names; it gave him the right to strike off all who were in his judgment not citizens; and, lastly, it gave him the right to strike off any one whom he thought for any reason ought not to vote—and to do all this without any testimony, without any knowledge as to whether it was right, and without any notice to him whose name he struck off. And then the board beforehand sanctioned all this; told each reviser to do whatever he would; it, as a board, would stamp it as the act of the board.

It will be seen by this ordinance that this board, besides striking off the names of those who had removed out of the precinct where they lived when they registered, and the names of those who had died, were required "to note the fact opposite the name of any person charged with having registered in a wrong name, or who for any reason is not entitled to registration under the provisions of this ordinance, which person shall be challenged by the judges of election when presenting himself to vote, and rejected unless he satisfy said judges that he was entitled to register." This board was precluded from striking off the names of these persons. Its only duty was to make note against them, and then the judges of election were to judicially examine into the qualifications of these voters. So the board not only violated and defied the law, but by its acts it prevented the judges of election from examining and determining the questions which the ordinance explicitly referred to them. If this board had been a court of general jurisdiction, even then its acts would have been absolutely void because of its failure to proceed in accordance with law.

We therefore hold that the action of this board in striking off the names of the above voters was illegal and absolutely void and of the same effect as if done by any unauthorized party.

Again, the proof shows that the action of the board of revision from its inception operated as a fraud upon all who were improperly stricken off by them, and that there was actual fraud on the part of some of those to whom were improperly delegated the duties and functions of the whole board, which fraud resulted in striking off and disfranchisement of these voters.

This opportunity for fraud is evidenced by the illegal resolution adopted, the manner in which the board did its work, and by the employment of unauthorized and unsworn deputies.

The actual fraud is shown in the uncontradicted testimony of Michael Burke, one of the above deputies in the fourth ward of this Congressional district, who unblushingly tells how he struck off of the list Republican voters; of his understanding that he was hired for that purpose, and agreement with other deputies to do the same work in their wards; in the fact that of the 12,000 names stricken off—the contestee after keeping in a conspicuous place in the leading Democratic paper of Saint Louis an advertisement for all Democrats who had been wrongfully stricken from the registration list to appear and give their testimony—only obtained three who were qualified voters; in the fact that in numerous instances, as shown by the testimony, some members of a family were stricken off said list and members of the same family left on, and in each of such instances the Republicans were stricken off and the Democrats left on; in the fact that five months after the election herein, as is shown by the testimony, another election was held in Saint Louis, before which a presumably fair registration was had, and at which every Republican candidate was elected by a very large majority, whereas at this election the Democratic candidates for President and governor each received a majority.

We therefore hold that, as fraud vitiates all things, the frauds above enumerated vitiated the action of said board of revisers.

For each and all these reasons, and because it seems just and right that where a legally-qualified voter has done all that the law requires of him in order to vote, but he has been deprived of the privilege by the default, neglect, or fraud of any officer of election, his vote should be counted, and because it seems to us that these voters were, in the eyes of the law, on the list of voters furnished the judges of election (having been stricken off by illegality and fraud), we hold that these votes should now be counted for contestant.

In addition the committee held that 35 other votes should be counted. If valid they had complied with the registration law of said city, having previous to the election registered their names before the proper officer; that on the day of election they offered their ballots at their respective and proper polling precincts in said city, all said ballots being for contestant; that their names were, each and every one of them, found on the poll-list at the precincts where they offered to vote, but for various trivial and insignificant reasons, such as, for instance, the misspelling of names or the incorrectness of numbers, and, in some instances, for no reasons whatever, the judges refused to receive their votes, and they were not received or counted.

The committee also counted 8 votes as follows: That they had never registered and voted in the city of Saint Louis; that on the day of election they were registered at the polls of their respective and proper precincts by the registering officer duly appointed for that purpose; that they offered their ballots for contestant for Representative in Congress from the third Congressional district of Missouri, but the judges refused to receive and count their votes, and they never have been counted.

The committee also counted 86 votes, as follows:

The Legislature of Missouri in 1877 adopted the following act, which both parties to this contest state was in force in Saint Louis in 1880, and so conceded by all parties:

An act to provide for the exercise of the right of voting by persons who have failed to register.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION 1. In all State, county, and municipal elections hereafter held in any city of this State having a population of 100,000 inhabitants or more, no person shall be deprived of the right of voting at such election by reason of having failed to register: *Provided*, That, in all cities where registration is required by law, the party offering to vote, but who from any cause has failed to register before he offers to vote, shall be, on the day of such election, registered by a special

registrar of election, appointed by the judges of election for that purpose at each precinct, as a qualified voter, in a book to be kept for that purpose; and the ballot of such voter shall be received and counted at such election; and such registrar shall return to the register of voters of such city the list of such voters so registered within ten days after such election, provided the said registrars shall be sworn as provided for the recorder of voters and the books shall contain the written or printed oath as required in the regular registration books.

Approved March 30, 1877.

The evidence shows that eighty-six citizens of Saint Louis were at the date of the election legal and qualified voters of the State of Missouri and city of Saint Louis and said third Congressional district; that they never had registered or voted in the city of Saint Louis; that on the day of election they offered at their respective and proper polling precincts, and before the officers appointed to register voters and receive and count the votes, to register under the above law and vote for the contestant, but the officers whose duty it was failed and refused to register them or to receive and count their ballots, and their ballots were not received and counted by the judges of election, and they never have been counted.

There were also 23 ballots cast for contestants, but not counted, having this caption, namely, "Chronicle Selected Ticket," a ticket made up of names of persons on both the Republican and Democratic regular tickets. The election officers threw these 23 votes out on the ground that the ticket was designed to deceive the voter, and in doing so claim to have acted in accordance and within the letter and spirit of the following law in force in Missouri:

Each ballot may bear a plain written or printed caption thereon, composed of not more than three words, expressing its political character, but on all such ballots the said caption or headlines, shall not in any manner be designed to mislead the voter as to the name or names thereunder. Any ballot not conforming to the provisions of this act shall be considered fraudulent, and the same shall not be counted.

The committee held that the words used in the caption were in no way calculated to mislead or deceive a voter, and accordingly counted the same.

Evidence on pages 952 and 897 of the record, which is uncontradicted, will be found, showing that 10 votes cast for contestant were thrown out and not counted by the judges, merely upon the ground that the contestant's given name was not on the ballots. The proof shows that no other man by the name of Sessinghaus was a candidate at that election in that district for any office.

Hence we follow the unbroken chain of authorities as cited by McCrary, and hold that these 10 votes should be counted for contestant.

At one precinct in the said district, it appears from the evidence (page 612 of record) there were cast by legally qualified voters fifteen ballots having the caption "Greenback Labor Ticket," but with the nominee of that party for Congress scratched out in pencil and the name of contestant inserted, none of which ballots were counted by the judges of election.

The evidence is wholly uncontradicted. We think the above votes should be counted for contestant, the intention of the voters being plain and the ballots being legal.

In precinct 148 the testimony shows that the board organized under the law to foot up returns made by the judges of election counted for contestant 141 and contestee 58, that appearing to be the figures on the poll-book of that precinct.

The undisputed positive testimony of a majority of the officers of election at that precinct is that contestant received 149 votes and contestee 52, and that those were the figures certified to and returned by the judges. The contestee called no witnesses to disprove this testimony, and if it had been false it could easily have been shown. We therefore conclude either that a mistake was made or the figures were intentionally changed after leaving the hands of the judges, and that in either event it should be corrected. This adds 8 votes to contestant and takes 6 from contestee. (See record, pages 1748, 674–'5, 823, and 668–'9.)

There was also voted at that election a ticket headed "Hancock Independent Ticket," upon which the name of contestee was printed but scratched out, and contestant's name inserted in pencil. This ticket was thrown out by the judges. (See pages 779 and 791.) It seems plain that it should be counted for contestant.

At precinct number 74 a ballot was cast (as shown by the evidence, page 985) which was made up of the tickets of the two parties, cut in the middle and pasted together, thus making a complete ticket with only one name thereon for each office. It had on it the name of contestant for Congress. This ballot was thrown out and not counted by the judges. We think it should be counted for him. The voter evidently knew what he was about, and it was his privilege to vote for whom he pleased.

As to precinct No. 39, the contestant urged persistently, and introduced much testimony to support his position, that this precinct should be thrown out; but we are constrained to differ with him. We find that the evidence of intimidation hardly comes up to the standard provided by the precedents cited by McCrary, and hence we conclude that it must stand. We find, however, that twenty men (all colored) who were qualified and legal voters, and duly registered, and who had done all that the law required of them, who were entitled to vote at that poll, went there and offered to vote, but were refused for various trivial reasons, many of them being frightened by abuse and driven from the poll.

It is admitted by contestee, and the proof is positive and uncontradicted, that a minor, Louis Hain, cast his vote for contestee, and that it was so counted. We therefore take one vote from contestee. (See record, pages 1232 and 1754.)

In conclusion, therefore, the committee found, and so reported, that these 358 votes should be added to those reported for contestant and 7 deducted from those returned for contestee, which leaves the net result as follows:

Votes as returned for contestant		9,290
Add		358
Total		9,648
Votes as returned for contestee	9,487	
Deduct	7	
Total		9,480
Majority for contestant		168

In arriving at this conclusion the committee gave the benefit of every doubt to contestee and arrived at the conclusion that the contestant should be seated.

I would inquire how much time I have remaining?

The SPEAKER. The gentleman has forty-five minutes.

Mr. MILLER. I will reserve the remainder of my time till later.

Mr. MOULTON. I now yield thirty minutes to the gentleman from Missouri [Mr. CLARDY].

Mr. CLARDY. Mr. Speaker, before attempting a reply to the speech of the gentleman from Pennsylvania [Mr. MILLER], I will, if the House will indulge me, very briefly state the facts in the case now pending before us, as I understand them.

At an election held in the third Congressional district of Missouri in November, 1880, R. Graham Frost, the contestee, received for the office of Congressman 9,487 votes, Gustavus Sessinghaus, the contestant, received 9,290 votes, and Daniel O'Connell obtained 266 votes, Mr. Frost having on the face of the returns a plurality of 197 votes. Within the time prescribed by statute Mr. Sessinghaus gave notice to Mr. Frost of his intention to contest the latter's right to a seat in this Congress, and he put his contest on the ground that certain qualified voters of the district, who had been duly registered and who offered to vote for him, were deprived by the judges of election of their franchise for the alleged reason that their names had been stricken from the registry lists by the board of revisers of the city of Saint Louis, within whose limits the third district is located, and on the further ground that certain other persons entitled to register and vote applied for registration at their respective voting precincts with the intention of voting for Mr. Sessinghaus, and were refused registration and not allowed to vote. There were other grounds stated in the notice of contest, but as they have been practically abandoned by the contestant, it is not necessary to state or to discuss them.

The contestee answered, putting in issue these allegations, after which testimony was taken by the parties in support of their respective right to a seat in this House, and these three volumes [holding them up], constituting a monument to their industry if not to their genius, are the result of their labors.

According to an assertion of the gentleman from Pennsylvania [Mr. MILLER], uttered to-day on this floor, the right of the contestant in this case to a seat in this body is dependent upon the invalidity of the election laws of the city of Saint Louis. In other words, it is conceded by him that if in 1880 there was a valid registration law in the city of Saint Louis, the contestee has an unquestionable right to his seat. If I can get the attention of the members of this House, I believe myself able to satisfy them that there was at that time a law requiring registration in the city of Saint Louis as a prerequisite to voting—a law as valid as any law which can be found upon the statute-books of the State of Missouri or of any other State in the Union; and if I am able to do this, I shall confidently expect the gentleman from Pennsylvania and his associates on the Committee on Elections to unite with us in defeating the recommendation of the committee, and in thus confirming Mr. Frost's title to an office to which he was fairly and honestly elected.

The report presented by the majority of the Committee on Elections in this case is so replete with misstatements of fact and misrepresentations of the law that I am sure I shall be unable in the time allotted to me by the House to call attention to all of its most glaring deceptions. In some instances, I regret to say, the committee has actually misquoted the statutes of Missouri, and in the attempt to arrive at a conclusion in this case it is evident that it has been grossly misled, as in one part of its report it says that the revisers of election in the city of Saint Louis were imposed upon by the agents employed by them.

The gentleman from Pennsylvania [Mr. MILLER] says that the city of Saint Louis had no right to enact an ordinance prescribing registration as a prerequisite of voting. Independently of any provision in the State constitution authorizing it, I agree with him. But that is a question we need not discuss here, because the State law in regard to registration for cities of the first class applied to the city of Saint Louis.

In 1875 there was a new constitution framed by a convention of the State of Missouri and adopted by its people. That constitution among

other things provided that within a certain time after its adoption the qualified voters of the city and of the county of Saint Louis should elect thirteen freeholders, at an election to be called by the council of the city and the county court of the county of Saint Louis, upon whom should devolve the duty of preparing a scheme for the enlargement and definition of the boundaries of the city, the reorganization of the government of the county, and the adjustment of the relations of the city thus enlarged and the residue of Saint Louis County, and of drafting for the city of Saint Louis a charter which should be in harmony with and subject to the constitution and laws of Missouri.

And it further provided that such scheme should be submitted to the people of the whole county of Saint Louis, and that the proposed charter should equally be submitted to the qualified voters of the city so enlarged; and upon the ratification by the people of this scheme and charter, the said scheme should become the organic law of said city and county, while the charter should exclusively become the organic law of said city.

The election thus provided for was held in conformity to the constitution, and the scheme and charter were ratified. About this there is no dispute.

The charter, adopted as it was by the qualified voters of the city of Saint Louis, provided a system of registration, which the committee informs us was of no binding force, but was invalid. Under this charter the election of 1878 took place, as well as the election of 1880 at which Mr. Frost and Mr. Sessinghaus were opposing candidates.

I can not understand why the majority of the Committee on Elections has labored in its report to show that the charter of the city of Saint Louis has been improperly and without authority given a place in the revised statutes of Missouri, for its validity is certainly not dependent upon its being found in the statutes. If the constitution of the State of Missouri delegated to the framers of the charter of the city of Saint Louis the power to enact registration laws, and if such laws are in harmony with the State constitution and the State laws, then without regard to their presence in or absence from the statutes they are valid.

Mr. RANNEY. The gentleman will allow me to ask whether the provision for the revision of the Missouri statutes did not declare expressly that the revisers should only codify, not change the law.

Mr. CLARDY. The revision of the Missouri statutes referred to by the gentleman was made by a committee appointed by the Legislature in 1879, in pursuance of a provision in the constitution of the State requiring the Legislature to revise, digest, and promulgate all laws in force in the State within five years after its adoption. The committee was not authorized to make or amend laws, and in no instance did it do either, as it has been intimated by the gentleman from Pennsylvania. But the Legislature at its session in 1879 amended section 23 of a former act so as to read as follows:

All elections in the city of Saint Louis shall be conducted, in all respects, as provided by the laws now in force regulating elections in said city.

Mr. MILLER. Will the gentleman state when that law was passed?

Mr. CLARDY. The law was amended in 1879; or, anyhow, it is in the revised statutes of 1879.

Mr. MILLER. Amended by whom?

Mr. CLARDY. By the Legislature of Missouri.

Mr. MILLER. The gentleman is utterly mistaken. I have examined the statutes of 1879, and I defy any man to find that amendment. It was put there by the revisers under their assumed authority to amend the law.

Mr. CLARDY. The revisers assumed no such authority. The amendment was adopted by the Legislature.

Mr. RANNEY. I have not yet heard the answer of the gentleman from Missouri to my question whether there was not in the law authorizing the revision an express provision that it should not change the law?

Mr. CLARDY. There was such a provision. I do not claim that the legislative committee alluded to by the gentleman had the right to make new laws.

Mr. MILLER. That is just what it did.

Mr. CLARDY. The gentleman is mistaken. The election of 1878 was held under the new charter of the city of Saint Louis and the Legislature, in order that the election laws of the city might not be questioned, adopted the amendment which I have above quoted. Will any gentleman now say that we have no laws in the city of Saint Louis for the government of elections?

The validity of the charter has been affirmed by all the courts of our State whenever questions have arisen requiring them to pass upon its provisions. I have here a case decided by the supreme court, the opinion in which is delivered by Judge Norton, whose distinguished service in this House and still more distinguished service on the supreme bench has made his name familiar to the people of the whole country, affirming that under the constitution of the State of Missouri the city of Saint Louis had the right to embrace in its charter such provisions of law as do not conflict with the fundamental law and the statutes of the State.

The Supreme Court of the United States would hold such a decision obligatory upon itself. The decisions of the tribunal of a State relative to its constitution or laws, unless they contravene some provision of the Constitution of the United States or some act of Congress, are considered by the Supreme Court as absolutely binding; and yet with a Republican Committee on Elections such a decision has not even the weight of persuasive authority.

Mr. RANNEY. Does that decision refer to elections at all?

Mr. CLARDY. I do not say, nor do I wish to be understood as saying, that there was any election case decided by the supreme court of Missouri in which the charter was passed upon. I could say, however, that recently there has been an election case passed upon by that court in which a member of this House was interested, and none of the judges called into question the election law of the city of Saint Louis.

But, Mr. Speaker, let me now direct the attention of the Committee on Elections to another principle of law bearing on this contest.

It is an old maxim that a statute can only be repealed by a statute. This maxim has, however, been qualified, and it is also held that a statute can be repealed by non-user. But it is claimed in this case that the provisions of the charter relating to registration have been enforced, and most rigorously so, and hence the doctrine of non-user is not invoked. And while it is held in this country that a statute may be repealed by being omitted from authorized revisions, yet if the assertion be true that the Legislature of Missouri did not intend that the charter of the city of Saint Louis should be placed in the revised statutes of the State, I am unable to understand how its absence from them can affect its validity. But the truth is that the committee appointed by the General Assembly had the express authority of the Legislature for collecting and publishing in the appendix to the revised statutes of Missouri all laws specially applicable to the city of Saint Louis, and in this appendix may be found the charter of that city and its system of registration. It has been stated, however, that this charter has never had the sanction of the Missouri Legislature. In answer to that assertion I can only appeal to the constitution of Missouri, which, as I have before indicated, authorized the city of Saint Louis to adopt a charter containing the fundamental laws necessary for its own government, and such other laws as may be in harmony with the constitution and laws of the State, and I can not but insist that no legislative adoption was necessary to the validity of the charter beyond the action taken by the Legislature in directing the committee of revision to collate and publish the same in the appendix to the statutes, and, indeed, it was not even necessary that this publication should be made.

But I desire besides to direct the attention of the House to a provision of the constitution of Missouri (and I wish that the members of the Committee on Elections would give me their attention) which declares that the Legislature shall make provision for the registration of all the voters of cities having more than 100,000 inhabitants. That provision is referred to in the report of the Committee on Elections, and in this report it is argued that the law which the Legislature enacted in pursuance of the mandate of the constitution of Missouri can not possibly have anything to do with this case. It is evident, however, that if the charter of the city of Saint Louis was invalid, the law of the State of Missouri, enacted in pursuance of a constitutional provision, was then in force, and upon examination it will be found that that law was complied with in every particular by the city of Saint Louis in the election of 1880.

The constitution of Missouri provides that the General Assembly shall enact a registration law for all cities having over 100,000 inhabitants. Of course the Legislature can not be coerced into the enactment of such a registration law, but the framers of the constitution indicated the wish of the people to have the voters in cities containing 100,000 or more inhabitants provided with the safeguard of a registration law. When the Legislature met in 1877, after the adoption of this constitution, what did it do? Under the provision of the constitution directing it to classify cities into four classes, it provided that all cities of over 100,000 inhabitants should be denominated cities of the first class, and that those of a less number of inhabitants should respectively belong to the second, third, or fourth class. But the Committee on Elections has been misled by a subsequent section of the above-mentioned statute which declares that any city or town of the State of Missouri existing by virtue of the general law, or by any local or special law, may elect to become a city of the class to which its population entitles it by submitting a charter to the approval of the qualified voters, and which further provides that in the case of the adoption of such charter the mayor should issue a proclamation declaring such city or town a city of the class to which its population entitles it.

And what was done in the case of the city of Saint Louis? The members of the Committee on Elections entirely overlooked the statutes. What was done? This charter was submitted to the qualified voters of the city of Saint Louis in pursuance of an express constitutional provision and was adopted by the city of Saint Louis, and it contains the identical provision which this statute in another section declares shall be in the ordinance which is to be submitted for ratification under this statute to the voters of cities when they elect to become cities of a particular class.

Mr. MILLER. What is the date?

Mr. CLARDY. Eighteen hundred and seventy-seven.

Mr. MOULTON. Before this election.

Mr. MILLER. What year?

Mr. CLARDY. In 1877 this law was passed.
Mr. MILLER. When was this charter adopted?
Mr. CLARDY. In 1876.
Mr. MILLER. One year before the law was passed.
Mr. CLARDY. But if it is found that there has been a literal compliance with the law, as it appears upon the statute-books, can it be said that, because there was upon the statute-books before that time a law which was of no binding force and validity this law is not to be regarded? But I have shown, and I think to the satisfaction of any lawyer, that there has been a literal compliance with the statutes of Missouri, to say nothing about this charter, in the election in which the contestee and the contestant appeared as candidates. Regarding the validity of the charter, I hold that it matters little what we think about the powers of a municipality in the city of Saint Louis if we find a constitutional provision delegating such powers. It matters little whether the charter was valid or invalid, as there was a law on the statute-books relative to registration, a law which the Committee on Elections undertakes to skim over, and which was of binding force and validity.
Mr. BUCKNER. Let me ask my colleague a question.
Mr. CLARDY. Certainly.
Mr. BUCKNER. I ask my colleague whether the election of last year in the city of Saint Louis was not conducted under the same law?
Mr. CLARDY. No; the law has been changed. But let me call the attention of the members of the majority of the Committee on Elections to another of their inconsistencies in this case. The gentleman from Pennsylvania [Mr. MILLER] has stated to the House, and in its report the majority of the Committee on Elections expresses this view, that there was no law upon the statute-books which required the registration of voters in the city of Saint Louis. And yet the Legislature of the State of Missouri, just anterior to this contested election, in the spring, I believe, of 1880, enacted what was known as the O'Neill act. Under the registration law as it existed up to that time voters were required to register previous to the election and at the office of the recorder of voters. They could not register at the polls. By this registration law enacted in 1880 it was provided, however, that persons who had failed to register could avail themselves of that privilege on election day at the polls; and the majority of the Committee on Elections, in order to get in some voters, undertakes in one case to avail itself of that law. It admits that that law applies to the city of Saint Louis and to all cities where registration is required. The city of Saint Louis must have possessed a valid registration law, else how could the O'Neill act, being an amendatory act, apply to it? Here is an enabling act. Here is a remedial statute. Here is a statute enacted to remedy defects in an existing law. But the Committee on Elections says that there is no existing law. Well, if there be no existing law, to what law does the O'Neill act apply?

That, Mr. Speaker, is one of the inconsistencies of the gentleman who framed the report of the majority of the committee. But the gentleman from Pennsylvania [Mr. MILLER] says that the registration law under which the Congressional election of 1880 was held is unconstitutional. I do not know whether he means the law which is to be found on the statute-books of the State of Missouri, or whether he refers to what is known as the scheme and charter.
Mr. MILLER. I referred to the registration act passed in 1878.
Mr. CLARDY. Passed by the Legislature of the State of Missouri, do you mean?
Mr. MILLER. By the city of Saint Louis.
Mr. CLARDY. The act the gentleman talks about is a copy of the registration law which is to be found upon the statute-books of Missouri. The city of Saint Louis at that time enacted an ordinance in harmony with this statute.

The majority of the Committee on Elections in its report further quotes the registration ordinance of the city of Saint Louis, the eleventh section of which it invokes in this case in order to exclude one hundred and fifty-five voters. It quotes that statute and dwells upon its incongruity with the law. But it misquotes the statute.
Mr. MILLER. What statute?
Mr. CLARDY. It misquotes the eleventh section of the registration ordinance of the city of Saint Louis. It recites here that the board of revisers must meet twenty days before the day of election, and it says that the law requires thirty days and that the charter also requires thirty days, but that the ordinance calls only for twenty days and it holds it invalid on that account. The registration ordinance offered in evidence on page 1684 is in the precise language of the law as it exists upon the statute-books, and is in conformity with the charter of the city of Saint Louis. I know that the gentlemen of the committee did not intentionally misquote this ordinance; but it is misquoted nevertheless, and it is adduced as one of the grounds why they are to turn out a man from this House who was honestly elected by the people and to put in here a man who was never elected. Here we have an ordinance, changed not intentionally by the committee, I am sure, because I find this change in the brief of counsel for contestant, and I presume, of course, that the committee relied upon that brief; but it was nevertheless a mistake, and a mistake against the interests of the contestee in this case.

But, Mr. Speaker, the majority of the committee has not only been mistaken as to the law governing elections in the city of Saint Louis, but mistaken as well in regard to the general election law of this country.
The SPEAKER. The gentleman's time has expired.
Mr. HOOKER. I will take the floor, and yield my time to the gentleman from Missouri.
The SPEAKER. The gentleman can not now be recognized, as debate has been limited.
Mr. MOULTON. I will yield five minutes more of my time to the gentleman.
Mr. CLARDY. Mr. Speaker, the committee in its report quotes from McCrary on Elections this sentence:

A case may occur where a portion of the legal voters have, without their fault and in spite of due diligence on their part, been denied the privilege of registration. In such a case, if the voter was otherwise qualified and is clearly shown to have performed all the acts required of him by the law, and to have been denied registration by the wrongful act of the registering officer, it would seem a very unjust thing to deny him the right to vote. In elections for State officers, however, under a constitution or statute which imperatively requires registration as a qualification for voting, it may be that the voter's only remedy would be found in an action against the registration officer for damages.

The Committee on Elections admits the validity of this doctrine, but it says that it does not apply to the election of a Representative in Congress.

When Mr. McCrary laid down the above proposition he supposed, as is shown by the first edition of his work on the American law of elections, that the statute enacted in May, 1870, regulating Congressional elections would be held by the courts of this country to be applicable to the voters of all the States in this Union. But he also affirms that if Congress does not pass enactments for the regulation of Congressional elections, they are governed by the laws prevailing in the different States relative to elections.

The Supreme Court decided in the case of the United States *vs.* Cruikshank, and in the case of the United States *vs.* Reese, that the third section of that statute, quoted in the brief of counsel, and upon which the argument turned—the identical argument made here by the Committee on Elections—the Supreme Court said in those two cases that that statute was unconstitutional. The court said that it should at least provide for nothing further than what was contemplated by the fifteenth amendment. And yet the Committee on Elections insists upon the validity of that statute in this case, and talks about the prerequisites of the voter and the right of Congress to interfere in elections and to control them.

In the absence of any Congressional statute relative to the election of members of Congress, the exercise of the franchise is dependent upon State regulation; and if there were such a statute containing provisions other than those contained in the fifteenth amendment I think the clear intimations in the case of *Ex parte* Seebold are that it would be held unconstitutional. The right to vote in this country is derived from laws. The right to vote is not a natural right; it is not a right which inheres in and attaches to the person; but it is a purely political right, and it owes its existence to positive law.

The States of this Union confer the elective franchise upon the citizens and under a constitutional provision prescribe the qualifications of voters as well for electors for President and Vice-President and Representatives in Congress as for the officers necessary to their own government. Whatever privilege a sovereignty may grant, it can prescribe the terms upon which it shall vest in the grantee.

The Supreme Court says, in the case to which I have referred, that except as limited by the fifteenth amendment of the Constitution the right of the States to prescribe the qualifications of voters is absolute. But, Mr. Speaker, who ever heard before of registration being a qualification? Mr. McCrary, in his work on the law of elections, expressly declares that it is not a qualification.
Mr. MILLER. We do not claim that it is.
Mr. CLARDY. The majority of the Committee on Elections talks about registration as a qualification for voting, and argues that as such it added to the qualifications of voters as they are prescribed by the constitution of Missouri, and that hence it was unconstitutional. There is no proposition of election law better settled than that registration is not a qualification, but a regulation.
[Here the hammer fell.]
Mr. MILLER. Now, let me take the floor in my own right while I ask the gentleman from Missouri [Mr. CLARDY] a question, in order that we may have a clear understanding about this case. We have quoted in the majority report section 11 of the registration law, and state that it was passed by a city ordinance of Saint Louis in 1878. Do I understand the gentleman to deny that?
Mr. CLARDY. Did you say 1878?
Mr. MILLER. Yes, sir.
Mr. CLARDY. It was passed prior to that year.
Mr. MILLER. And does not that law require that the board of revisers shall meet twenty days before the election?
Mr. CLARDY. No, sir.
Mr. MILLER. I refer you to pages 1701 and 1702 of the testimony.
Mr. CLARDY. Very well.
Mr. MILLER. And they show that the ordinance was amended——
Mr. CLARDY. What is the page?
Mr. MILLER. Pages 1701 and 1702. They show that the ordi-

nance was amended on the 20th day of August, 1878, and that it provided that the revisers should meet twenty days before election, while the scheme and charter and the act of 1877 which the gentleman from Missouri [Mr. CLARDY] has spoken of provide that they shall meet thirty days before the election. So that there is a marked difference between the ordinance of 1878 and the statute of 1877 and the city ordinance of 1876. Now, does the gentleman say that ordinance was not passed?

Mr. CLARDY. The gentleman from Pennsylvania is quoting a law which was passed subsequent to this election. I say, however, that in the city of Saint Louis, at the November election of 1880, under a provision of the law of the State the revisers met thirty days before the election.

Mr. MILLER. Now, the evidence shows that they met twenty days before. And the law is the same.

Mr. CLARDY. The law will be found on page 1684 of the record in this case. It was introduced by the counsel for Mr. Sessinghaus. It says that the board of revisers should meet thirty days before the election, and it is introduced in evidence by the contestant as the law governing that election; and I never heard it disputed in the State of Missouri.

Mr. MILLER. Do you deny that the ordinance printed on pages 1701 and 1702 is the city ordinance?

Mr. CLARDY. Of course I do. It is only an amendatory section.

Mr. MILLER. Do you deny that it was adopted in 1878?

Mr. CLARDY. I do.

Mr. MILLER. Did it not fix the time at twenty days?

Mr. CLARDY. It did.

Mr. MILLER. Then the law was twenty days.

Mr. CLARDY. No; the law was thirty days. I speak of the law which was in force at the election when Sessinghaus and Frost were the candidates.

Mr. MILLER. I speak of that also. Now, in addition to that I call the attention of the gentleman to the evidence of Mr. Bell, the city solicitor of Saint Louis, on page 1814.

Mr. CLARDY. I have read that evidence. At the time when Mr. Bell was testifying, an amendatory ordinance had been passed. This ordinance conformed with a State statute on the subject of registration, and both were passed after this election had been held.

Mr. MILLER. Yes; the charter provided thirty days; but on page 1702 of this record there is an amendment to that. What do you do about that?

Mr. CLARDY. The law which the gentleman from Pennsylvania quotes was passed after the election of 1880.

Mr. MILLER. I will retain the balance of my time. How much time have I left?

The SPEAKER. The gentleman has forty minutes.

Mr. CLARDY. The House can judge of the magnitude of this case from the fact that the entire ninety days provided by law for the taking of testimony were consumed by both the contestant and the contestee. Three thousand pages of testimony have been printed for the perusal of the Committee on Elections and of the House, and in this testimony the contestant's counsel attempt in vain to substantiate the claim of their client to a seat in this House. In vain do we look for evidence which would be deemed sufficient by a judicial tribunal for the unseating of the contestee. No facts are brought forth which could invalidate the election of Mr. Frost, and in order that that end may be accomplished the election laws of the city of Saint Louis are now to be declared unconstitutional. The majority of this House is ever ready to cover its disregard of justice and right by constitutional quibbles and petty subterfuges.

Within the space of an hour the contestant will be awarded on the floor of this House a seat to which he was never elected and to which he has signally failed to establish a claim. The emoluments attached to a seat here will, however, thus come within his reach, and while he may probably in no manner be able to catch the Speaker's eye during the expiring hours of the Forty-seventh Congress, he will on the contrary, and oddly enough, succeed in obtaining the eye of the Sergeant-at-Arms with regard to the question of compensation for services which he has never had an opportunity nor right to render. And succeeding in this latter undertaking, he will no doubt be content. But the party to whose votes he will owe his seat will by its arbitrary decision of this case establish a further instance of its rabid partisanship and of its reckless abuse of power and utter disregard of justice, and thus it will fitly close in this House a supremacy which has been replete with profligacy and recklessness.

[Here the hammer fell.]

Mr. FROST. I do not desire—or rather I would prefer not to address the House at this time. I trust that before this case comes to its final adjudication the House will be willing to listen to me for a few moments. I will not trespass very far upon its patience; but I hope I will not be condemned without having had some brief opportunity for a hearing.

As my colleague [Mr. CLARDY] remarks, this case is one of great magnitude, as shown by the 3,000 pages of recorded testimony and the three or four points of law upon which we have not yet touched. That would indicate that we should have some reasonable time for its discussion. I ask for very little time, in order that the case may be presented fairly before members of this House; but I do not wish to be heard now.

Mr. MOULTON. I now yield two minutes to the gentleman from Alabama [Mr. WHEELER].

Mr. WHEELER addressed the House. [See Appendix.]

Mr. MOULTON. Mr. Speaker, it would be impossible to discuss even a single phase of this question in the short time for this debate limited by order of the House. And I look upon an argument or an attempt at an argument under the circumstances that surround us as almost if not quite futile. The temper of the House and the hurry of the business in these closing days disqualify members for impartial and calm consideration of questions of this kind.

I desire to call the attention of gentlemen for a few moments to a phase of the question that has been discussed. It is claimed by the gentleman from Pennsylvania [Mr. MILLER] that the only question they propose to consider in this case is in regard to 155 votes. Here are 155 voters who, as is claimed by the contestant, were entitled to vote and have been improperly deprived of their right by reason of having been improperly stricken from the registration list. He admitted that if these 155 votes are not counted for contestant then he fails in his contest.

The returns of the election give Mr. Frost 197 votes majority, and he has the certificate of election and the seat.

These 197 votes must be overcome by legitimate proof.

The burden of proof is upon the contestant. He claims that he is entitled to the seat; and he is to make out his case by a clear preponderance of testimony. Nobody is to be deprived of his seat upon mere guesses or surmises. If a man is to be turned out of this House, the evidence ought to be clear and conclusive, such as to satisfy the mind of any reasonable man.

Let us look at this question. The main point, the gravamen of the argument of the gentleman from Pennsylvania, [Mr. MILLER,] is simply that the city of Saint Louis made a registration law whereby it was provided that before a man should be entitled to vote his name should appear upon the registration list; and the conclusion of the gentleman is that Saint Louis possessed no power, no authority to prescribe that condition to a man's vote. Now, I want to call your attention to this controlling and significant fact. Here in this case before the Committee on Elections was the ablest attorney in the city of Saint Louis, and an ex-member of Congress, appearing for Mr. Sessinghaus. This case was argued at extraordinary length before the committee; every question in the case was evolved; and Mr. Pollard, who argued the case on behalf of the contestant before the Committee on Elections, never raised that question; never pretended for a moment that the city of Saint Louis had not the right to pass this registration law. Elections for members of Congress and State officers for years have been held under that same scheme and charter, yet no lawyer, high or low, ever questioned the validity of that registration law. I repeat that the counsel of the contestant never made the point. It came out in this way: It was casually suggested by one of the members of the committee during the very last stages of the hearing that perhaps Saint Louis had not the right to pass a registration law. That suggestion was at once seized upon, and is now made the turning point in this case.

The contestant had failed in every other part of his case, but like a drowning man he seized upon this straw to save his case.

I want to state another fact. Almost every provision in the charter of Saint Louis, under the constitution of 1875, has been before the highest tribunal, the supreme court of the State of Missouri, and in more than twenty-five cases, involving the liberty of the citizen, right to office, personal property, and almost every other right, the validity of that charter has been sustained.

The authority to frame this "scheme and charter" is derived not from the *Legislature*, but from the *constitution* of the State of Missouri, adopted by the people of that State in the year 1875. (See Constitution of Missouri, Revised Statutes of Missouri, 1879, section 20, Article IX.

SAINT LOUIS.

SEC. 20. The city of Saint Louis may extend its limits * * * and frame a charter for the city thus enlarged. * * * Such scheme shall become the organic law of the county and city, and *such charter the organic law of the city.*

Thirteen freeholders were to frame this charter, and the only *limitation* made by the constitution as to what provisions it should contain is to be found in the following section:

ART. IX, SEC. 23: "Such charters and amendments shall always be in *harmony* with, and subject to, the constitution and laws of Missouri." * * *

If the registration law above quoted and embraced in the charter thus authorized is in harmony with the constitution and laws of Missouri, wherein can such law be unconstitutional?

If there is any want of harmony it can be readily pointed out. It is certainly not in conflict with any registration law passed by the General Assembly of Missouri. Compare the sections of the charter above quoted with sections 4391, 4393, 4399, 4401 of the general registration law passed by the General Assembly of Missouri for all cities of over 100,000 inhabitants, and the most perfect harmony is apparent. In fact, they are almost identical in phraseology.

The city of Saint Louis also adopted an ordinance which contains the same provisions embraced in the charter.

See page 1681 and following of the Record.

The ordinance, the charter, and the law passed by the General Assembly are substantially copies of each other.

If, then, there is no want of harmony, what other reason can be urged to declare the law invalid?

We find it on page 6 of the majority report of the sub-committee:

"True it is the ordinance of Saint Louis provides that a voter 'shall not vote elsewhere than in the district where his name is registered and whereof he is

registered as a resident;' but it is to be remembered that this ordinance was never passed, accepted, or adopted by the Legislature of Missouri, and that the constitution of 1875, which authorized the city of Saint Louis to adopt a charter, also, in another provision, authorized the General Assembly to pass a law for the registration of voters in cities having over 100,000 inhabitants. The power under the constitution to pass such a law was vested exclusively in the General Assembly. An attempt on the part of any other body to make such a law, ordinance, or charter, is, to say the least, of very questionable authority."

The section referred to is as follows:

"ART. VIII, SEC. 5. The General Assembly shall provide by law for the registration of all voters in *cities and counties* having a population of more than 100,000 inhabitants, and may provide for such registration in cities having a population exceeding 25,000 inhabitants, and not exceeding 100,000, but not otherwise."

If you will observe, the constitution, in thus providing for "cities and counties," does not include or refer to the city of Saint Louis. Saint Louis is made an exception from all other cities; and in Article IX, which refers to "counties, cities, and towns," special sections are adopted for the "city of Saint Louis."

In the case of the City of Saint Louis *vs.* Sternberg, 69 Missouri Reports, on page 297, Judge Norton says:

"It will be observed that in Article IX of the constitution, under the head of 'counties, cities, and towns,' Saint Louis is singled out from all other cities and towns in the State, and sections 20, 21, 22, 23, 24, and 25 of the article contain provisions relating exclusively to it."

The fact that the General Assembly was ordered to frame a registration law for "cities and counties" of over 100,000 inhabitants was clearly not intended as a restriction of the full power given to Saint Louis to also frame a registration law, provided it was not in conflict with State legislation.

In the same case Judge Norton continues: "The general purpose that the city might have the power to enlarge its limits and separate itself in a governmental point of view from the county, and have the right as a municipality *to govern itself*, provided its government should be in subordination to and consistent with the constitution and laws of the State of Missouri, *is manifested* throughout the above sections." * * *

"It is clear, we think, from these sections, that it was the intention of the framers of the constitution that the city of Saint Louis might adopt as its *organic law* a charter containing any and all the provisions then in its charter, and such other provisions as would not be *inconsistent* with the constitution and laws of the State."

In re Charles Dunn, volume 9, Missouri Appeal Reports, page 255, the court says:

"An ordinance passed under authority of such a charter must of course be equally in harmony with the constitution and laws of the State; otherwise it will, in so far as it fails of such harmony, be invalid.

"By the word *harmony* in this connection is not to be understood an *exact coincidence* in all possible points of comparison.

"Its meaning is clearly that no regulation established by the charter, nor any made by its authority, *shall do violence* either to the declared laws or to the policy or manifest governmental purposes of the State, as shown in her constitution and statutory enactments."

As has been observed, instead of there being any want of harmony, any inconsistency, any violence to statutory enactments, the charter ordinance and statutory enactments are in perfect accord.

Besides the registration law embraced in the charter of Saint Louis is by special enactment of the General Assembly adopted and recognized as the law governing elections in that city.

Revised Statutes of Missouri, 1879, volume 11, page 1082.

"SEC. 5503. Elections in Saint Louis—conducted how. All elections in the city of Saint Louis shall be conducted in all respects as provided by the laws now in force regulating elections in said city."

What does the General Assembly mean by "the laws now in force governing elections in said city," and why does the statute *single out* Saint Louis, and as to it make such a special provision?

Saint Louis had a registration law of its own; that was in its charter; other cities did not have registration laws of their own, and hence it was necessary to single out Saint Louis.

If there is any further doubt that the registration laws of Saint Louis is what is meant by the "laws *now in force* regulating elections in said city," it is but necessary to turn to the Revised Statutes of Missouri, where the charter of the city of Saint Louis is published with the State laws.

Revised Statutes of Missouri, volume 11, page 1575.

This publication was incorporated in the revised statutes of the State of Missouri not by chance, but by direction of the General Assembly.

Revised statutes, vol. 1, title "Laws," section 3158.

There can be no question that when they use the language, "*laws* now in force," in section 5504, and "except as *otherwise provided by law*," in section 5363, the registration laws of Saint Louis as contained in the charter and printed with the revised laws of the State, were referred to as existing laws.

This being the case, instead of there being want of harmony, there is not only perfect harmony, but a legislative adoption of these very laws in question.

We must, therefore, conclude that these registration laws are valid.

My friend from Pennsylvania says, at the time of the election in 1880, there was no law prescribing registration, and the city of Saint Louis prescribed registration which was a qualification *not* required by the constitution. To this point I reply that the charter of Saint Louis requiring registration of a voter is not considered in a constitutional sense as adding any qualification at all. It has been decided not only in Pennsylvania, but in every State of the Union, that the right to vote is not a natural right, but is a right which depends upon law. Mr. McCrary and all the other writers on this subject say that requiring registration on the part of the voter is nothing more than adopting a rule or regulation. That is the decision in all the States.

McCrary, in his Law of Elections:

"The right of suffrage is not a natural right, nor is it an absolute unqualified personal right. It is a right derived in this country from constitutions and statutes. It is regulated by the States, and their power to fix qualifications of voters *is limited only* by the provisions of the fifteenth amendment to the Constitution, which forbids any distinction on account of *race, color*, or *previous condition* of *servitude*."

41 Mo., Frank P. Blair *vs.* Ridgley, page —.
Huber *vs.* Reilly, 53 Penn. State R., 115.
Ridley *vs.* Sherbrook, 3 Cold., 569.
Anderson *vs.* Baker, 23 Md., 531.
Brightly Election Cases, 27.
See also sec. 3, page 9.

And again:

"Subject to the limitation contained in the fifteenth amendment to the Constitution of the United States, the power to fix the qualifications of voters is vested in the States. Each State fixes for itself these qualifications, and the *United States adopts the State law upon the subject as the rule in Federal elections.*"

Sec. 1, chap. 1, page 7.

It was strongly urged in his behalf that the law requiring registration was in violation of the constitution of the State of Missouri, because it was adding an additional qualification.

In Capen *vs.* Foster, 12 Pick, 485, and Brigalley's Election Cases, 51, and McCrary, sec. 7, page 11, in discussing the power to provide for the orderly exercise of the right of suffrage, and the power to enact registry laws, and to prohibit those not registered from voting, it is decided that such laws *do not add to qualifications* of voters; they are simply rules *regulating* voters.

And McCrary says, sec. 7, page 11: "It is *now generally admitted* that those laws *do not add* to the *constitutional qualifications* of voters, and are therefore not invalid."

It was also urged that the law requiring registration was not "*imperative*" or positive, within the meaning of the rule laid down in McCrary.

The language of the law could not be more positive. It reads thus:

"But *shall not vote* elsewhere than in the district where his name is *registered* and whereof he is *registered* as a resident."

Revised Statutes, vol. 11, page 1576.

Now, here is the constitution of Missouri conferring on cities of the first class having over one hundred thousand inhabitants the right to govern themselves in everything not in conflict with the constitution of the State. I ask gentlemen upon the other side to show me how the requirement of registration is in contravention of that constitution, when registration is not regarded as a qualification at all, any more than the requirement in the charter that a man shall reside in his precinct 10 or 20 days before the election is a qualification. It is a rule or regulation, simply, and not a qualification.

These 155 men lived in the city of Saint Louis, and had no right to vote there, except by complying with the provision of law regulating that matter. It is admitted that they did not do so. Here was a board of registration, whose duty was to examine the registration lists and correct them, and their action was judicial, and these 155 names were struck off. There was no fraud in this respect. The men never used the means provided by law for replacing their names upon the list. Therefore they had no right to vote. This alone should end this case.

Mr. BRUMM. Does the gentleman contend that a city council can by its ordinance regulate the mode of election of State officers as against a State law conflicting with such ordinance?

Mr. MOULTON. Nobody claims any such thing, or has said any such thing. My proposition is that the constitution of Missouri granted to the city of Saint Louis ample and complete power to require registration. That is the point I make. The city derived its full power from the constitution of the State.

Mr. BRUMM. Does it grant power to pass an ordinance in conflict with a State law with regard to the election of State officers? Does it go that far?

Mr. MOULTON. It does not. I wish to say, Mr. Speaker, that the charter and law of the State are in absolute harmony. So much for that. Now it remains alone for the Elections Committee of this House to say to the able judges and lawyers of the State of Missouri that they did not know their own law. This charter is published in the authorized edition of the laws of Missouri. It is recognized as law, absolutely and completely as any statute of the Legislature, not having its power from an act of the Legislature, but from the very highest source, the Constitution itself. It never has been questioned till now.

I desire now to call the attention of this House to another great fact developed in this case. The only value that a deposition has as evidence is its integrity. If its integrity is destroyed no court of justice will regard it as evidence. Now look at the testimony and facts concerning this case. Here are 3,000 pages of testimony taken by the notary public, and it has been shown by the affidavits of parties, and not denied, that after it was transcribed the whole of that evidence went into the hands of Sessinghaus's attorney. The notary public swears, in his affidavit appended here to the minority report, (and he also appeared before the committee,) that the papers showed on their return to him that various and sundry changes had been made in names, dates, numbers, and the like. The gentleman from Missouri, [Mr. DAVIS,] a member of the committee, pointed out to the committee and made a memorandum of over one hundred changes in the handwriting of Sessinghaus's attorney. My friend from Ohio [Mr. RICHEY] on the committee, also showed, on a partial examination, forty or fifty changes in the spelling of names and places and in dates.

Now, this whole case turned on names, dates, numbers, and streets. Did such a man live in such a house at such a time in such a street and such a number. I wish to direct your attention particularly to this fact. The notary public was called and requested to bring his original stenographic notes, so as to compare the evidence. That notary public swore that, notwithstanding he knew this case was being considered by the House and undetermined, and that the integrity of the depositions were in question, nevertheless he absolutely destroyed every particle of the original stenographic notes. His notes were a part of that testimony, and yet every single particle of it he destroyed.

Mr. HOOKER. I should like to ask the gentleman from Illinois a question.

Mr. MOULTON. Certainly.

Mr. HOOKER. Do I understand that the testimony taken in this

case was in the custody of the representative of the contestant after it was taken?

Mr. MOULTON. Yes; every word of it was in his custody.

Mr. HOOKER. And altered by him?

Mr. MOULTON. Yes; altered in hundreds of places in the handwriting of Sessinghaus's attorney. When the notary public was called before the committee he was asked to bring his original memorandum. He came before the committee and swore that he had burned the whole of it. This evidence appears in our report. He burned it so that we could not examine it, and determine what was true and what was false. Yet upon that testimony you are called upon to turn out Mr. Frost, who has 197 majority, by reason, as you say, that these 155 were improperly deprived of their votes. How do you know? The integrity of this evidence has been disputed, and no court, not even a justice of the peace, would, in the trial of the smallest and most trivial case in the world, allow it to come in. Here this notary public swears that the opposite party had the record in his possession and made these changes in it, and, furthermore, that he himself destroyed his original memorandum, and yet you are called upon to vote Mr. Frost out and Mr. Sessinghaus in for the purpose of giving the latter $10,000 salary and $1,000 mileage.

Now, one word as to the law bearing on the question of tampering with the deposition or evidence.

It is quite clear that the law is scrupulously particular in demanding that the spotless integrity of depositions shall be preserved. It is sensitive to the highest degree in considering a complaint such as we find here. Even in mere *matters of form* it demands the most exact compliance with such formalities as the various statutes may require.

We cite a few cases in which motions to suppress depositions were sustained where mere formal rules were disobeyed:

"2 Washington Circuit Court Report, p. 356: 'A commission which had been executed and returned was set aside because it had been opened by one of the officers of the government before it came into the hands of the clerk.' (United States *vs.* Price's Administrator.)

"Shankwiker *vs.* A. Reading (4 McLean's Reports, p. 240): 'The law requires the deposition taken under act of Congress to be retained by the officer until he deliver the same into court, or shall, together with a certificate of the reasons for taking it,' &c.

"Read *vs.* Thompson (8 Cranch, 70—J. Story): 'Independently of all other grounds, the court are of the opinion that the fact of the depositions not having been opened in court is a fatal objection.'"

1 Brown's Admiralty Reports, p. 66: "Though a deposition be taken under a stipulation, waiving all objections as to the form and manner of taking, it must still be returned to court in all respects as required by law."

The charge of the motion, however, goes not only to form but to substance, and claims that the worst of bad faith was exhibited by the attorney of the party in whose interest the depositions were taken. The court in Beverly *vs.* Burke (14 Georgia, 70), says:

"In deciding as we do, we establish no new rule. We hold that the case presented to us falls within a rule already well settled, and that rule simply is that there must be no circumstances of unfair advantage obtained by one party over the other in having testimony taken by depositions. * * * Many written cases may be found in which it has been held that such depositions should always be taken in good faith. I content myself with referring to but one. In Beau *vs.* Quinby, 5 New Hampshire, 98, the court says: 'The invariable rule by which this court is governed in the admission of depositions is not to receive any which have not been taken fairly and with the utmost good faith.'"

The law does not permit depositions to be drawn by any attorney interested in a cause. The reason of the rule is well stated in these cases following a special statute:

"Hurst & Co. *vs.* Larpim (21 Iowa, p. 484, Lowe, C. J.). Appeal from the order of the court suppressing certain depositions for the reason that they had been written by the counsel for the party in whose favor they were to be read as testimony, instead of its being done by the commissioner designated in the notice. The objection was well made and properly sustained, and that, too, without the slightest imputation on the counsel who officiated as scribe. It was simply a legal impropriety which it was competent for the court to correct and enforce by rule, if need be. The notary is supposed to stand at all times indifferent to the parties, whilst the lawyer, having made himself a partisan, is sufficient to feel a bias in favor of his client. Should he act as scrivener in taking and in after reading it over himself to the witness for correction or approval, contrary, as we think, to the spirit of the statute, however honestly done, it would nevertheless subject him to criticism and suspicion. To relieve him of this left-handed compliment, we hold the court did not err in suppressing depositions."

Again in Allen *vs.* Rand (5 Cond., 522):

"The law will not trust an agent to draw up a deposition for his principal, as by the insertion of a word, the meaning of which is not correctly understood, or by the omission of a fact that ought to be inscribed, the testimony thus garbled and discolored will be false and deceptive. Nor is there a possible argument in favor of such a proceeding.

"The statute, even when strictly construed, is sufficiently lax, when *ex parte* depositions are taken at least, not unfrequently to admit of the poisoning of justice in the very foundations, for if the evidence is untrue or partial the result can never be conformable to right. * * * As the witness ought to be disinterested, so must the evidence be impartial, comprising the whole truth, as well as nothing but the truth, and that never can be rationally expected when a deposition is drawn up by an attorney or agent. * * *

"It is much preferable that, in particular instances, the party should even be deprived of testimony than a principle leading to a widespread mischief should be adopted. It is true that an agent may draw up a deposition impartially, and there is no reason to doubt that the young lady in the case acted with the most delicate integrity. But the statute was made in contravention of wrong and intends not in any case to place confidence where it may be abused."

Such are reasons given for the rule in cases where, in the language of the court, "there is no reason to doubt that the young lady in the case acted with the most delicate integrity."

But this case is broader, and shows that the same disposition and the same delicacy which the court attributes to the party in that case, in which the depositions were suppressed, cannot, under the affidavit of the notary in this case, be given to the attorney who wrote the "marginal suggestions."

We think that the charter of Saint Louis authorized a registration law such as was shown to exist.

That the 155 names stricken from the registration list were in accordance with law, and that the integrity of the deposition in this case has been wholly destroyed, and that Frost is entitled to his seat.

Mr. FROST. I rise for the purpose of asking, by unanimous consent, that the House will hear me for a few minutes before it shall proceed to vote on this case.

Mr. MILLER. How much time does the gentleman want?

Mr. FROST. Half an hour will be sufficient.

Mr. MILLER. If he wants half an hour I prefer he should go on now.

Mr. FROST. For myself, Mr. Speaker, as it is now near the time for taking a recess, I should prefer to be heard when we meet again this evening.

Mr. MILLER. The gentleman has the floor, and let him go on now.

Mr. FROST. If it is not objectionable, I should much prefer to begin my remarks after the recess.

Mr. PAGE. I hope that will be granted, because it is now so near the hour when we are to take the recess the gentleman could not possibly conclude his remarks.

The SPEAKER *pro tempore* (Mr. HITT in the chair). If there be no objection, it will be ordered accordingly.

Mr. MILLER. I have reserved my time, and do not wish to proceed until I have heard from the other side.

Mr. PAGE. Let us take a recess now.

Mr. SPARKS. Mr. Speaker, I hardly think that gentlemen will object to allowing the gentleman whose seat is contested the modest length of time that he asks, thirty minutes, to explain his own case, and to give it to him at the time when he can have some assurance that the gentlemen who are to vote upon and decide his case will be present. There is hardly anybody here now; and there is a principle of fairness underlying this matter which should not be lost sight of.

Mr. MILLER. I have no objection to the gentleman proceeding, as the House has given him consent, if the time is occupied now.

Mr. HOOKER. I rise to a question of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. HOOKER. I think it has been usual in all contested-election cases, after the debate has been closed both pro and con on the part of the Committee on Elections making the report to the House, to then allow the contestant and the contestee to be heard after the conclusion of the debate. Therefore, I think the request of my friend Mr. FROST, from Missouri, is not at all unusual or out of order, but on the contrary it is in perfect conformity with the precedents, all of which establish the principle that he has a right to be heard before his case is decided in this House.

The SPEAKER *pro tempore*. That, of course, can only be done by unanimous consent.

Mr. HOOKER. But it is governed by precedents, let me say to the Speaker with all deference, rather than by unanimous consent.

The SPEAKER *pro tempore*. But it has been done by consent in each case.

Mr. HOOKER. The precedents are all in the direction that I have cited.

The SPEAKER *pro tempore*. If there is no objection, of course the gentleman can occupy the time now.

Mr. VAN VOORHIS. I want to inquire if by unanimous consent we can not take a recess now, and give Mr. FROST the time that he asks after the recess shall have expired?

The SPEAKER *pro tempore*. It can be done now, if that is the desire of the House.

Mr. PEIRCE. I object.

Mr. CALKINS. Then I ask unanimous consent that we take a recess now until half past 7 o'clock.

Mr. BROWNE. Before that is done I desire to make an observation. By a special order of the House, Friday evenings have been set apart for the exclusive consideration of such business as is reported from the Committee on Pensions of the House. I am willing that this arrangement shall be made, if by unanimous consent the House may meet to-night for business generally.

Mr. HAMMOND, of Georgia. Oh, no.

Mr. BROWNE. And with the understanding that the few cases pending here for consideration, probably occupying the attention of the House not more than thirty minutes, may be taken up and disposed of at some time during the session.

Mr. SPRINGER. Would not the gentleman have the time between now and 5.30 o'clock, the hour fixed for the recess, to take up and dispose of the pension cases on the docket?

Mr. CALKINS. If in order, I make the motion for a recess now.

The SPEAKER *pro tempore*. It is in order to make that motion.

Mr. HISCOCK. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman from New York will state it.

Mr. HISCOCK. Mr. Speaker, if I understand the statement of the gentleman from Indiana that the business of the House is limited by the order of the House to pension business, and that no other business can be transacted, I certainly hope that order will be vacated, because we shall probably desire to present some conference reports this evening which will have to be acted upon.

The SPEAKER *pro tempore*. The Chair did not understand the gentleman from Indiana as insisting upon the special order to the exclusion of all other business.

Mr. HISCOCK. I move to suspend the rules and vacate the order making this evening a special order for pensions, unless it can be vacated by consent.

Mr. HATCH. I demand the regular order.

The SPEAKER *pro tempore*. The regular order is the motion for a recess.

Mr. HISCOCK. We may desire to present some conference reports.

Mr. HATCH. The interruption of this case is all out of order. I demand the regular order.

Mr. HISCOCK. I make the motion which I have indicated, that we vacate the special order for this evening.

Mr. PAGE. I rise to a parliamentary inquiry.

(Here the Speaker resumed the chair.)

Mr. HISCOCK. I have been informed, Mr. Speaker, that there is a special order for this evening limiting the business to be transacted to that of pensions only. If such is the case, then I desire to move to vacate that special order so far as it is limited to pension cases. I repeat it is likely we shall desire to present some conference reports.

Several MEMBERS. And other business.

The SPEAKER. Is there objection to vacating the special order?

Mr. WHITE. I rise to a question of order. I object to vacating the special order to that extent. I object to any other business than conference reports.

Mr. HATCH. I object to vacating the special order.

Mr. CLARK. Regular order.

The SPEAKER. The Chair will state that the special order would not interfere with the consideration of an election case.

Mr. HISCOCK. Would it interfere with the consideration of conference reports?

The SPEAKER. It would not.

Mr. PAGE. I wish to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. PAGE. I do not know but what it has been already answered in response to the suggestion made by the gentleman from New York; but I want to know if to-night when the House meets it can not by a majority vote control the business of this evening's session?

The SPEAKER. It can.

Mr. WASHBURN. To any subject?

Mr. RAY. I ask unanimous consent to introduce a report from the Committee on Claims for reference to the Calendar.

Mr. CLARK. The regular order, as I understand it, is the motion made to take a recess until half past 7 o'clock.

The SPEAKER. The Chair is not advised of that. The Chair will recognize the gentleman from New Hampshire if there be no objection.

ALEXANDER SWIFT & CO.

Mr. RAY, from the Committee on Claims, by unanimous consent, reported back the bill (H. R. 1304) for the relief of Alexander Swift & Co., partners, and Alexander Swift & Co. and the Niles Works; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ORDER OF BUSINESS.

Mr. WHITE. I rise now to a question of order. I wish to ask if I understood the Chair to say a moment ago that by a majority vote we can take up any business this evening?

The SPEAKER. The Chair did not say anything of the kind. That was not the question presented to the Chair.

Mr. VAN VOORHIS. A motion had been made to take a recess.

The SPEAKER. The present occupant of the chair knows nothing of that motion.

Mr. CALKINS. I had submitted the motion.

Mr. WHITE. What is the order for this evening's session?

The SPEAKER. It will be time enough to determine that when we reach it. The Chair can not undertake to decide all possible and imaginary questions before they arise.

ENROLLED BILLS SIGNED.

Mr. ALDRICH, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 719) for the relief of the representatives of Sterling T. Austin, deceased;

A bill (S. 826) for the relief of Powers & Newman and D. & B. Powers; and

A bill (S. 1829) to amend an act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts.

Mr. PEIRCE, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled a joint resolution and bills of the following titles; when the Speaker signed the same:

Joint resolution (H. Res. 359) to print 5,000 copies of the report of the board on behalf of the United States Executive Departments at the international exhibition of 1876;

A bill (H. R. 7597) to admit free of duty articles intended for the national mining and industrial exposition to be held at Denver, in the State of Colorado, during the year 1883;

A bill (H. R. 7049) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1884, and for other purposes;

A bill (H. R. 7623) relative to the Southern exposition to be held in the city of Louisville, State of Kentucky, in the year 1883.

ORDER OF BUSINESS.

Mr. SPRINGER. I desire to present a report from the Committee on Printing.

The SPEAKER. Some gentleman moved to take a recess till half past 7 o'clock.

Mr. CALKINS. I submitted that motion before its present occupant resumed the chair.

The SPEAKER. Does the gentleman from Indiana insist on his motion?

Mr. CALKINS. Several gentlemen desire to present reports, &c., and if there be no objection to entertaining their requests I will withdraw the motion.

FEES OF REGISTERS AND RECEIVERS.

Mr. STRAIT. I ask unanimous consent to take from the Speaker's table for present consideration the bill (S. 171) in relation to certain fees allowed registers and receivers.

The bill was read, as follows:

Be it enacted, &c., That the fees allowed registers and receivers for testimony reduced by them to writing for claimants in establishing pre-emption and homestead rights and mineral entries, and in contested cases, shall not be considered or taken into account in determining the maximum of compensation of said officers.

SEC. 2. That registers and receivers shall, upon application, furnish plats or diagrams of townships in their respective districts, showing what lands are vacant and what lands are taken, and shall be allowed to receive compensation therefor from the party obtaining said plat or diagram, at such rates as may be prescribed by the Commissioner of the General Land Office; and said officers shall, upon application by the proper State or Territorial authorities, furnish, for the purpose of taxation, a list of all lands sold in their respective districts, together with the names of the purchasers, and shall be allowed to receive compensation for the same not to exceed 10 cents per entry; and the sums thus received for plats and lists shall not be considered or taken into account in determining the maximum of compensation of said officers.

Mr. HISCOCK. I object.

JOHN P. GREGSON.

Mr. WATSON, by unanimous consent, from the Committee on Naval Affairs, reported back with an adverse recommendation the bill (H. R. 153) for the relief of John P. Gregson; which was laid upon the table, and the accompanying report ordered to be printed.

FEES OF REGISTERS AND RECEIVERS.

Mr. HISCOCK. I withdraw my objection to the consideration of the bill called up a moment ago by the gentleman from Minnesota [Mr. STRAIT].

Mr. HOLMAN. I ask whether or not any gentleman is informed how much the fees are in the aggregate that the registers and receivers under this law would receive which they are not required to account for?

Mr. MAGINNIS. They are required to account for all of them.

Mr. HOLMAN. Yes; but by this bill they are released from that.

Mr. STRAIT. Not at all.

Mr. HOLMAN. These fees do not go into the salaries at all; they are that much extra. And my question is, how much will these fees amount to for the various plats they furnish?

Mr. STRAIT. The fees are very inconsiderable. This bill is recommended by the Committee on Public Lands and by the Commissioner of the General Land Office.

Mr. WASHBURN. Let me say to the gentleman from Indiana that it is more in the interest of the general public than of any individuals.

Mr. HOLMAN. It is very desirable to know how that is. This is merely an addition to the salaries of the registers and receivers, and I think some gentleman would know how much of an addition it would be.

Mr. WASHBURN. You can not tell. You do not know what the call may be for the copies of these papers.

Mr. HOLMAN. Oh, yes; inasmuch as these fees have been heretofore taken into account and to the extent these officers furnished copies. If they furnished copies they charged for them, and that charge was a part of their salary.

Mr. STRAIT. I have said this is recommended by the Commissioner of the General Land Office. There can be nothing exorbitant in it. This is asked in the interest of the settler.

Mr. HOLMAN. I apprehend if we abolish the pre-emption laws and nobody takes up the public lands except those entitled to them under the homestead law, this will be of little consequence. I believe the chief benefit will accrue to speculators. But I will not urge the objection.

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

Mr. STRAIT 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.

ORDER OF BUSINESS.

Mr. HUTCHINS. I ask unanimous consent to take up for present consideration House bill No. 6754.

Mr. JACOBS. I object.

WILLIAM ANDERTON.

Mr. TOWNSEND, of Ohio, by unanimous consent, introduced a bill (H. R. 7683) granting a pension to William Anderton; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

INDIAN TREATY AT BUFFALO CREEK, NEW YORK.

Mr. SPAULDING, by unanimous consent, from the Committee on Indian Affairs, reported back with a favorable recommendation the bill (H. R. 7559) providing for a settlement with the Indians who were parties to the treaty concluded at Buffalo Creek, in the State of New York, on the 15th day of January, 1838, for the unexecuted stipulations of that treaty; which was referred to the House Calendar, and the accompanying report ordered to be printed.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. DIBRELL, for the remainder of this day's session, because of indisposition.

To Mr. JOYCE, indefinitely, on account of sickness.

LEAVE TO PRINT.

By unanimous consent, leave was granted as follows:

To Mr. ROSECRANS, to print in the RECORD remarks prepared by him upon the Pacific Railroad consolidation bill. [See Appendix.]

To Mr. CASSIDY, to print in the RECORD remarks upon the Pacific Railroad consolidation bill. [See Appendix.]

WITHDRAWAL OF PAPERS.

By unanimous consent, leave was granted for the withdrawal of papers, as follows:

To Mr. BURROWS, of Missouri, in the case of Abraham Buckholder, now before the Committee of Invalid Pensions; no adverse report.

Also, in the case of John Dickson, for relief (H. R. 3708) now before the Committee on Claims; no unfavorable report.

To Mr. MURCH, in the case of M. Wilber.

To Mr. WAIT, in the case of William Carruthers.

To Mr. HOUK, the commission of Isaac Risenden, as late captain United States volunteers.

JOSEPH C. IRWIN.

Mr. CLARK. I ask unanimous consent to take from the Speaker's table and pass at this time Senate bill No. 964 for the relief of Joseph C. Irwin.

The SPEAKER. The bill will be read.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Joseph C. Irwin, of Kansas City, Missouri, $8,378.46, in payment and full satisfaction of all claims under contract, and for eighty cavalry horses delivered by the said Joseph C. Irwin to Major J. M. Moore, quartermaster at Fort Leavenworth, Kansas, February 2, 1872, upon the contract of Andrew J. Williams, and for which payment in whole or in part has never been made.

The SPEAKER. Is there objection to the present consideration of the bill which has been read?

Mr. ALDRICH. I desire to reserve the right to object until the report has been read.

The SPEAKER. There will not be time for reading the report before the hour for taking the recess. If the reading of the report is insisted on the bill had better be withdrawn.

Mr. VAN HORN. I can explain it in a minute. This man had a contract to supply horses, and he supplied eighty of them. The Government has used them; but the man has not been paid because he did not fulfill his whole contract. This bill has passed both Houses at different times, and is recommended by the committee.

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

Mr. CLARK 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.

LOSS OF THE JEANNETTE.

The SPEAKER laid before the House a letter from the Secretary of the Navy, transmitting the record of the proceedings of the court of inquiry in regard to the loss of the Jeannette and the death of Lieutenant-Commander DeLong and others; which was referred to the Committee on Naval Affairs and ordered to be printed.

JUDGMENTS OF THE COURT OF CLAIMS.

The SPEAKER also laid before the House a letter from the chief clerk of the Court of Claims, transmitting a statement of the judgments rendered by the Court of Claims for the year ending December 3, 1882; which was referred to the Committee on Appropriations and ordered to be printed.

The SPEAKER. The hour of half-past five having arrived, in pursuance of a previous order the Chair declares this House in recess until half-past 7 o'clock this evening.

EVENING SESSION.

The recess having expired the House reassembled at half past 7 o'clock p. m., the Speaker in the chair.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had passed without amendment a joint resolution of the House of the following title:

Joint resolution (H. Res. 324) providing for deficiencies in the appropriations for salaries of officers, clerks, messengers, and others in the service of the House of Representatives for the fiscal year ending June 30, 1883.

The message further announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate disagreed to by the House to the bill of the House of the following title:

A bill (H. R. 7077) making appropriations for the support of the Army for the fiscal year ending June 30, 1884, and for other purposes.

The message also announced that the Senate insisted upon its amendments disagreed to by the House to the bill (H. R. 7595) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1884, and for other purposes, agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed as conferees on the part of the Senate Mr. ALLISON, Mr. HALE, and Mr. BECK.

The message further announced that the Senate had passed a resolution, in which the concurrence of the House was requested, to print the report of the Commissioner of Education for the year 1881, 4,000 copies for the use of the Senate, 8,000 copies for the use of the House of Representatives, and 20,000 copies for the use of the Commissioner of Education.

CHARLES H. TOMPKINS.

Mr. DAVIS, of Illinois. I ask consent to take from the Private Calendar and pass at this time Senate bill No. 729 for the relief of Charles H. Tompkins, of the United States Army.

The SPEAKER. The bill will be read.

The bill was read, as follows:

Be it enacted, &c., That the accounting officers of the Treasury be, and they are hereby, authorized and directed to settle the accounts of Charles H. Tompkins, a lieutenant-colonel and deputy quartermaster-general in the Army, for reimbursement of the moneys actually expended by him in providing himself with quarters and fuel while awaiting orders at San Francisco during a part of the year 1874; and the necessary amount to pay any balance found due to the said Charles H. Tompkins is hereby appropriated out of any moneys in the Treasury not otherwise appropriated: *Provided*, That the said Tompkins, in the settlement of such accounts, shall not be credited with the amount of any actual expenditure in any one month, or part thereof, greater than was then and there expended by the United States in providing quarters and fuel for officers of like grade.

The SPEAKER. Is there objection to considering the bill which has just been read?

Mr. HOLMAN. Without waiving objection, I hope the gentleman from Illinois [Mr. DAVIS] will state the reason for this bill.

Mr. DAVIS, of Illinois. This bill has passed the Senate, and comes from the Committee on Military Affairs of the House with their unanimous report in its favor.

It simply provides for the payment of the actual cost of quarters and fuel by General Tompkins, of the United States Army, while awaiting orders in San Francisco. The Treasury Department has not paid this amount, because at that time officers of the Army were not entitled to commutation for quarters and fuel, only in kind. General Tompkins having been under orders the Department declined to furnish him in kind with quarters and fuel. It is understood by the War Department and Treasury Department; but there is not any law to pay this money, from the fact that at that time quarters and fuel were not allowed officers in the service, although they are to-day.

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

Mr. DAVIS, of Illinois, 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.

DR. JOHN B. READ.

Mr. HEWITT, of Alabama. I ask unanimous consent that the Committee of the Whole on the Private Calendar be discharged from the further consideration of House resolution No. 338, and that it be now passed.

The Clerk read as follows:

Joint resolution in relation to the claim made by Dr. John B. Read against the United States for the alleged use of projectiles claimed as the invention of said Read, and by him alleged to have been used pursuant to a contract or arrangement between him and the War Department, and for which no compensation has been made.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he is hereby, authorized and directed to organize a board of officers, of not less than three in number, selecting the same from the ordnance and artillery arms of the United States service, who shall examine all the facts relative to the said claim of Dr. J. B. Read, and ascertain whether the United States have made any use of any invention of the said Read in projectiles; whether the same, if so used, were used under any contract, express or implied; to what extent, if any, his invention was so used, and whether such use was valuable to the United States, and if so, what sum, if any, under the circumstances of the use, the United States ought in justice to pay for the same; and that such board do make their report thereon with all convenient speed to Congress for its action in the premises; and that such report be accompanied by a statement of all the proofs submitted to and considered by them.

There being no objection, the Committee of the Whole on the Private Calendar was discharged from the further consideration of the joint resolution; which was thereupon ordered to be engrossed for a third reading, was accordingly read the third time, and passed.

Mr. HEWITT, of Alabama, 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.

ORDER OF BUSINESS.

Mr. LYNCH. I move to suspend the rules——

The SPEAKER. The gentleman will not be recognized at this time to make a motion to suspend the rules.

Mr. LYNCH. Then I ask unanimous consent to take from the Private Calendar and put upon its passage Senate bill No. 1939, which has been favorably reported from the Committee on War Claims.

The SPEAKER. The Clerk informs the Chair that the bill is not at the desk.

Mr. GUENTHER. I ask to have taken up for present consideration Senate bill No. 2060.

Mr. COX, of New York. I call for the regular order.

The SPEAKER. The regular order is the further consideration of the election case of Sessinghaus *vs.* Frost.

Mr. BELFORD. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BELFORD. I understand that under the rule——

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. BELFORD. I want to state it, because I want to understand this question. I understand that under the rules of this House, restrictive and damnable as they are, any member during the last six days of the session, if he can catch the Speaker's eye and receive recognition, has a right to move to pass a bill under a suspension of the rules. I want to know whether that rule is in operation now.

The SPEAKER. It is; but there is now pending before the House a question of the highest constitutional privilege, which for the time being is entitled to preference. The gentleman from Pennsylvania [Mr. MILLER] is entitled to the floor.

MISSOURI ELECTION CONTEST.

The House resumed the consideration of the contested-election case of Sessinghaus *vs.* Frost.

Mr. MILLER. Mr. Speaker, I understand that the gentleman from Missouri [Mr. FROST], the contestee in this case, wishes to occupy thirty minutes. If he desires that time, I wish him to proceed now.

Mr. FROST. Mr. Speaker, I will proceed at this time to occupy my thirty minutes, if that is the understanding; but within my experience in this House, running over six years, the contestee in all cases has been allowed to have the conclusion of the debate. As, however, the gentleman from Pennsylvania [Mr. MILLER] objects to that in this case, I shall have to proceed now, allowing him the advantage of both the opening and the closing speech.

Mr. PAGE. Mr. Speaker, how long does this debate run?

The SPEAKER. The Chair does not know. The gentleman from Missouri [Mr. FROST] is entitled to the floor for 30 minutes by consent of the House.

Mr. FROST. Mr. Speaker, it must be a gratifying circumstance for any lawyer to have an opportunity of discussing during 30 minutes a record covering three volumes of this size [exhibiting a volume]. Further, Mr. Speaker, it is always gratifying to a lawyer to address a jury that will not give him its attention. Unless I can have the attention of this House, I do not propose to speak at all. I have something to say and shall say it as briefly as possible; but if members of the House do not desire to listen to me, if they do not come here with the idea that they are going to allow themselves to at least hear the argument which may be brought before them, I shall sit down now, and allow the edict which has gone forth to be enacted. But, sir, I know that if this House is appealed to in the proper spirit, as I propose to appeal to it, I shall at least gain its attention so long as I speak to the point.

Any gentleman who has had the slightest experience of election cases in this House is perfectly aware that for some reason this House never does sit upon an election case in the same manner as a court sits when it hears the claim of one individual against another.

Now, sir, I intend no reproach against the majority of this House. I speak generally with reference to the whole system of the trial of election cases as they have been conducted in this House since the initiation of our form of government, and as they have been conducted in the British Parliament, from which we deduce our rules and methods of procedure.

Sir, during two or more centuries contested-election cases in the British Parliament were decided by the King or his ministers. In a contested election from Cornwall, the King or his ministers decided upon the returns of the sheriff of that county. Then the House, the lower House of the British Parliament, asserting its prerogatives, gradually gathered to itself the right of deciding upon the qualifications and returns of its own members; and after a period of two or more hundred years, having gone through the same experience that we have gone through, the House of Parliament discovered that the returns were always made from the Committee on Elections according to the views of the majority in power and the sentiment that was controlling at the time. Now, sir, when the House of Parliament had become fully aware of that fact, as we are aware of it to-day, they then introduced a new rule, which was, that every election case that came before the House should have appointed for its consideration a special committee. And then, under the impression that by that means they could get an opportunity to act in a judicial frame of mind, they determined to appoint this special committee, brought them before the bar of the House, and the Speaker administered to them a special oath that they would adjudicate in a judicial frame of mind upon questions submitted to them. That, as may well be imagined, was a failure, as it had been before.

The Parliament of Great Britain having become satisfied that it was not that kind of a tribunal which, by its very nature and quality could judicially entertain these subjects, it determined by law to attempt at least to go down to the constituencies and to give them a fair opportunity to be heard and to pass upon all questions of fact and law bearing upon the matter of a disputed election, and thus the lower house of Parliament decided that two judges should go down from Westminster Hall into the constituencies and hear the evidence and to decide as they would in any other litigation that might come before them.

Were I a member of the next House my first duty, sir, should be, and I call attention of gentlemen on this side who may be and will be interested in that question, to induce the House to make provision for sending all contested-election cases from the House of Representatives to the district courts of the United States for adjudication. Let them be tried there where we will have an opportunity to be heard. an opportunity to have our evidence presented in a judicial form and that evidence passed upon. And I hope that there will be some gentlemen on our side of the House who will, during the next Congress, be willing to take up that question at the very beginning of its session, and send it to the courts where there may be a fair, impartial, judicial hearing of each election case upon its merits.

Now, Mr. Speaker, by what I say when I speak of a fair and impartial hearing I do not intend to reflect upon the integrity of the members of the Committee on Elections of this House. I have no such idea. I do not intend to impeach their fairness; but I assert, as a matter of fact known to all, that under the system which is now in vogue in this House with regard to the management of cases of contested elections, it is impossible for the Committee on Elections to fairly adjudicate upon every case that comes before it. Not through any fault of the individual members of that committee, but through the fault of the necessary circumstances by which they are involved and which they are unable to control.

Let me put the point to the House, inasmuch as I am momentarily unable to secure the ear of the Speaker. Was there ever a lawyer who, when he found in the course of the trial of a case before a jury that a member of that jury was absent or asleep and had not heard a large portion of the testimony—I ask, was there ever a lawyer who failed to file a motion for a new trial under such circumstances? And I assert that the members of the Committee on Elections have never heard evidence in this case. Nor have they ever read the evidence. I assert, furthermore, that not all the members of that committee have heard fully the argument which has been presented in this case by counsel, if a majority of them heard it at all. They submit the matter to a subcommittee, and they take the opinion of that subcommittee, and the subcommittee never hears the testimony. Sir, we have talked about the questions of law involved in this case to-day, and I hesitate not to assert that if the testimony had ever been listened to by a jury of twelve men, it would be found that my opponent did not have any ground whatever upon which to stand. But it never has been investigated at all.

There is not a single member of the Committee on Elections who knows anything about the testimony taken in this case, excepting so far as it was communicated to him by the briefs of counsel. When our courts decide cases they write judicial opinions. Let any gentleman in this House take up the reports in this case—and I am not talking about this case especially, but about all election cases—let any gentleman take them up and ask himself if that is the kind of a decision that a judge would render. Why, sir, they are but the briefs

of counsel. They are not judicial decisions. They do not make any pretense to be judicial decisions.

Of course in the time at my command I can have no opportunity to read the testimony or to bring it before the attention of this House. But, sir, I am in a fortunate predicament in my case; I have one proposition that I believe will settle this case in the mind of every gentleman upon this floor who has ever read Blackstone. We cannot, as a general proposition, go into the discussion of questions of fact. We have not the time. We have not the opportunity; it is impossible that gentlemen should attend to their business upon this floor and investigate these cases.

But, sir, I have the proposition here which every man who has ever read Blackstone must recognize as being perfectly impregnable. It is in evidence that when this case was first tried, after ninety days, and I will say ninety nights, of testimony, after several bulky volumes of testimony had been taken, the notary who had been employed in the taking of the depositions handed that testimony over to one of the attorneys for my contestant. And here I desire to say that in any remarks I make I do not intend to reflect upon the contestant in this case, Mr. Sessinghaus. Our relations have been perfectly friendly and amiable, and will be whatever may be the termination of this cause. He is a gentleman. But, sir, one of his attorneys, Mr. Lyne S. Metcalfe, jr.—I have to mention his name; I wish I did not have to do it, but the record compels me to do it—went to the notary, asked him to deliver to him the testimony in this cause, had it in his possession, and altered it. Two gentlemen who were on the subcommittee having charge of this case, [Mr. RITCHIE and Mr. LOWNDES H. DAVIS,] investigated the condition of the record, and they reported that they had not examined everything, but that they had found on it two hundred marginal alterations, which had been adopted by the notary. I employed a gentleman in this city who found eighteen hundred alterations made by Mr. Metcalfe in this testimony.

Mr. CLARDY. Changing the numbers of the houses, and thus making or unmaking voters.

Mr. FROST. The question in this case turned on registration. If a man lived, for instance, at 1810 Franklin avenue, he was in my district and entitled to vote. If he lived at 1811, he was across the street in another district, and was not entitled to vote. And the alteration from a zero to 1 made the difference whether he was a voter in my district or had fraudulently intruded himself. Eighteen hundred alterations were made in that testimony by Mr. Metcalfe, and, according to the sworn testimony of the notary, adopted by him as evidence. As to the good faith of this man Metcalfe I can suppose that the attorney in the cause might have had some reason to get possession of the depositions for perfectly honorable and honest purposes. But sir, in the office of my counsel, I met Mr. Metcalfe, and here is the affidavit which I made, corroborated by the affidavit of my counsel, an affidavit which Mr. Metcalfe has never dared to contradict. I will read it to the House. Or I will ask the Clerk to read it.

The Clerk read as follows:

GUSTAVUS SESSINGHAUS, CONTESTANT,
vs.
R. GRAHAM FROST, CONTESTEE.

In the matter of contest in the third Congressional district of Missouri.

R. GRAHAM FROST, being duly sworn, on his oath states that:

I was present at the office of Donovan & Conroy, in the city of Saint Louis, on the 10th day of November, 1881.

Mr. Donovan informed me that he had heard that all the depositions given on behalf of Gustavus Sessinghaus in his contest had, since they were taken by Notary Kraft, been in the possession of his counsel, Lyne S. Metcalfe, jr.; that also all depositions taken on behalf of myself had, at the request of Lyne S. Metcalfe, jr., been delivered to him by Notary Kraft.

We were conversing about this extraordinary proceeding when Lyne S. Metcalfe, jr., entered the office.

Mr. Donovan said to him, "Mr. Metcalfe, you must have your brief on the contest already prepared, for I understand that you have during the summer read over all of the testimony."

His reply was, "Oh, no! I did not have the testimony; I had only my depositions of one day, and that was the day the city ordinances were introduced. I wanted to see if the ordinances were reported correctly."

I made a note of this answer just as it fell from Mr. Metcalfe's lips; and when Mr. Donovan talked with him again about having understood that he had had the testimony, he positively denied that such was the truth.

R. GRAHAM FROST.

Mr. FROST. Now, sir, he denied positively to my attorney that he had had that testimony. And the record shows, by the letters written by him to the notary, that he had had all of it. Sir, when he told me and my counsel that he had not had that testimony, he had actually had it all in his possession. He had mutilated it; he had altered it. And the notary himself admits that he had adopted the marginal notes suggested by the counsel for the contestant. And further, he had erased in the face of absolute objection, made during the trial, important testimony in relation to certain witnesses.

After we had come here and after we had offered here the motion to suppress that evidence, because it was not evidence that any court would have entertained for a moment; after we had notified the notary that we wanted his original notes, so as to compare them with the testimony; and when the committee finally subpœnaed him, he came forward and declared that he had destroyed his notes in the interim between the time when we had impeached their authenticity and the time when he was called before your committee to substantiate their authenticity.

Now, sir, do we not then have here the fullest evidence of bad faith? But apart from the question of bad faith, if I had time to talk here about questions of law I could quote authority after authority. The reports of the courts of this country, of the Supreme Court of the United States, and of the courts of the States are full of decisions insisting upon the absolute necessity of the integrity of depositions, that they shall be guarded with the most sedulous care.

I should like to read some of them, but I have not time. It is unnecessary to take up the time of the House upon an elementary proposition of law like that.

Easily we may get into a cavil or a dispute about a fact. The gentleman from Pennsylvania [Mr. MILLER] may get up and dispute with me as to a question of fact, and honestly we may differ. The House having never heard it, gentlemen may properly vote with their respective parties.

But I bring before you a proposition which no lawyer and which no court would fail for a moment to sustain. You heard to-day the eloquent speech of my colleague and friend from Saint Louis [Mr. CLARDY], and of my friend from Illinois [Mr. MOULTON], upon the registration laws. You heard the statement made by them that the attorney of the contestant, Mr. Pollard, an ex-member of this House, a member of the Forty-fifth Congress, never raised in his brief any question upon that point; never thought of it. There is not a lawyer in the city of Saint Louis to-day, I undertake to say not a lawyer in the State of Missouri, who would attempt to attack the validity of the registration laws of that State.

When the Committee on Elections had, however, failed to substantiate any of the extravagant declarations contained in the petition in this case, when the committee had got itself into that condition that it could find no foothold from which to make a favorable report in behalf of my friend, Mr. Sessinghaus, having tied a knot so tightly that it could not unloosen it, its majority was mindful, I doubt not, of that maxim which you, Mr. Speaker, may remember, if you are only listening to me, from the *Ars poetica* of Horace—*nec intersit deus, nisi sit dignus, vindice nodus*—never call upon a divinity, unless the knot itself requires for its untangling divine interference. In the Latin, *Deus* meant either a divinity from above or a divinity from below; and there was no way of distinguishing between the two. I do not know from what region this divinity came. But as the committee had got itself thoroughly entangled, a divinity was wanting. And the great constitutional lawyer from Pennsylvania, [Mr. MILLER] arose, and like Alexander, when he would not untie the knot, he cut it with his trenchant sword.

That great constutional lawyer suggested to Mr. Pollard and to my contestant a point which they had never thought of, a point which no lawyer in the State of Missouri had ever thought of, for our supreme court and our bar have not had those unique advantages of instruction in constitutional law which are possessed by the gentleman from Pennsylvania.

If I were to attempt to obtain justice in this case, as I would before any court in the land, I should require at least two or three hours. But I do not propose to detain the House any longer; simply in closing I wish to say that from my experience, from what I have seen in this House, I know the fiat has gone forth. My head is in the hangman's noose, and the only question is, when shall the drop fall?

Several MEMBERS. No. No.

Mr. FROST. I can congratulate myself upon the fact, however, that my exit from this Hall will be a matter which will concern the public very little. But you, too, Mr. Speaker, in a few short hours, will quit that chair, and your party will quit this floor, and this to the satisfaction of all, not by the decision of a malignant partisan tribunal which has not heard your case, or pretended to hear it, but by the impartial, well considered verdict of the public which has judged you, sir, and judged your party. A decision has gone forth against you and your party which I hope will keep—not against you personally, Mr. Speaker, because to you I wish every prosperity in life, and everything that may be happy and felicitous—but the edict has gone forth from the American people that neither you nor your party shall hold power in this country for at least the next two years; and this edict is more powerful than any which the majority of this House may yet proclaim during its short term of power.

If I have any time to spare I will yield it to my friend from Mississippi, [Mr. HOOKER].

The SPEAKER. The gentleman has two minutes of his time remaining.

Mr. HOOKER. I will not take those two minutes now. I hope to get something added to them. If the gentleman from Pennsylvania [Mr. MILLER] will put fifteen minutes more on, I shall then like to speak.

Mr. MILLER. I have not enough time to do so, or I would.

Mr. HOOKER. Then put on ten minutes after you speak.

Mr. MILLER. If I can I will do so. I will now yield ten minutes to the gentleman from Texas.

Mr. JONES, of Texas. I shall occupy the attention of the House but a few moments, and in that time I will endeavor to call attention to the real issue in that case. That issue can be best presented by stating the facts out of which it arises.

This contest grows out of the rejection of the ballots of certain persons who had been duly registered, but whose names had been stricken

from the registration-list by the board of revisers in the city of Saint Louis a few days before the election took place.

The question is not whether the parties were registered voters or not. They had registered. That fact being kept in mind, this case is relieved of a great deal of unnecessary legal learning and technical quibbles. The ordinance under the authority of which these names were dropped provided that the board of revision should strike from the list the names of persons who had died or removed. These names, among others, were stricken from the list. Bear in mind, the only two cases in which names could be thus stricken from the list were removal and death.

On the day of the election these persons whose names had been stricken from the list presented themselves at the polls and tendered their ballots, having complied fully with all the requirements of the law or the ordinance of registration, having done everything that the law required them to do. But on presenting themselves at the polls to vote in virtue of their right, they having fully complied with all the conditions precedent to the exercise of that right under the laws of the State of Missouri as well as the ordinance of the city of Saint Louis, they were surprised to find their votes challenged. They proposed then and there to qualify anew under the laws; in other words, to comply with the law providing for registration at the ballot-box. But they were denied the right to do this upon the ground that their names had been stricken from the list, and therefore, and therefore only, they could not, as voters might do who had never been registered, qualify then and there and vote.

The ordinance did not provide for cases of this sort. The authority given the board of revision to drop names was to be exercised when a man was dead or had removed. If he was not dead, if he had not removed, if in fact he was still alive and a resident, what was the legal effect of the act of the board in striking his name from the registration-list? Is there a lawyer here or elsewhere who would have the hardihood to deny the proposition that the act of the board of revision was simply and absolutely null and void? If this act was based upon the assumption or hypothesis that the man was dead, when in fact he was not dead, the legal sequence inevitably is that he was qualified to vote and could not thus be deprived of his right.

That is all there is in this entire case. There is no question that the men were qualified to vote, no question that they had complied with the law, had done everything that the law prescribed. They had been registered and came to the polls to vote. If they had never registered they were entitled to be registered at the polls; but they were solemnly told, "You are dead; notwithstanding you are here in person the decree of this high tribunal, emanating from that divinity below referred to by the contestee, has declared you dead, and as dead you shall be treated."

I understand from this testimony that there were about 12,000 of the 60,000 registered voters in that city stricken off at that time. Who ever heard of such slaughter in ten days? It surpasses Samson with his bone killing the Philistines. Why, sir, if this be law, what an easy matter to disfranchise whole communities! Whether the ordinance be valid or invalid, it amounts to nothing. There is the naked question. Taking the ordinance and assuming its validity by the statutes of Missouri, still these men were qualified under the ordinance and had the right to vote. Hence all this discussion of constitutional and other questions amounts to nothing in the world. Stripping the case of all sophistry and coming down to the point, it is just this: Was this extraordinary board of revision endowed with such superhuman power that it could sit in the recesses of dark chambers and kill 12,000 freemen at a single dash of the pen? [Laughter.] Why, sir, if such a thing could be accomplished there were 12,000 homicides perpetrated—nay, murders, because the testimony shows it was done deliberately and with malice aforethought. [Laughter.]

Mr. FROST. Will the gentleman allow me a question?

Mr. JONES, of Texas. Yes, sir.

Mr. FROST. Is the gentleman aware of the fact that since the time to which he alludes we have elected my very excellent friend, Mr. Ewing, Republican mayor of the city of Saint Louis, who appointed a revising board, and that in the last election that republican revising board struck off 15,000 names? Is the gentleman aware of that?

Mr. JONES, of Texas. Well, what does that prove? If it proves anything it simply proves that Republicans are sometimes as bad as Democrats; and so far as I am concerned, the Lord deliver me and mine from both. [Laughter.]

Mr. FROST. No, sir; it proves that the gentleman lives upon a broad prairie country and not in a large city.

[Here the hammer fell.]

Mr. JONES, of Texas. As I have been interrupted, I would like a minute or two more.

Mr. MILLER. I yield the gentleman five minutes more.

Mr. JONES, of Texas. Now, Mr. Speaker, after a discussion of these points it is hardly worth while to take up any other question, because I think the points I have presented supersede the necessity of considering others.

I want to present this point. The statute of Missouri providing for registration in its application to cities of the first class, and the city of Saint Louis is one of them, requires the board of revisal to meet thirty days before the election, and sit ten days, and ten only. So the term fixed by the statute expires twenty days before the election. By the ordinance of the city the board in that city meets twenty days before, sits ten, and then expires. What follows? If the law of Missouri is paramount to that of the city regulating Federal and State elections the time for revision had expired before the city board met, and their proceedings, to use legal parlance, was *coram non judice*, and not worth the snap of your finger because of want of jurisdiction. That is all I have to say. [Laughter and applause.]

Mr. MILLER. I now yield for five minutes to the gentleman from Missouri [Mr. DAVIS.]

Mr. DAVIS, of Missouri. Mr. Speaker, I did not intend to say anything in this case. And why? Because I have argued this matter, I thought, once before this House, and they did not pay any attention to it, and therefore I did not propose to say anything this time. And what point did I make then? It was that the man who was interested in the case had the testimony in his hands, not only for one day and one week, but for months, and did just as he pleased with it. I said, as I understood the law in this country, that any court would suppress that testimony and never permit it to be read. But this House decided differently.

Now, every man who is acquainted with the facts in this case knows that this man—I believe his name is Metcalf, or something like that—had this testimony in his hands not only for one day but for weeks and months; and after having testified that he did not have all of it, and what he had only for one day, it was proved on him he had all of the testimony all the time.

I say, Mr. Speaker, I did not intend to say anything about this, but if there is one conviction in my mind it is that these election cases should be decided according to law. Whenever we leave that course we leave everything to be decided according to political predilections and feelings.

But there is one thing which occurs to me in this matter, and that is that this notary public had permitted the attorney on the other side to take this testimony, and as a member of the sub-committee which examined it I found one hundred and eighteen changes made by that attorney, every one of which was adopted by the notary public, as he stated, without comparison with his original notes. I said that was sufficient for me in this case.

But what happened after that? On the investigation of this matter it came out that he had burned all his original notes—destroyed them—thereby leaving the committee in doubt as to what should be done in the matter. He thereby left us without the means of testing whether he had testified to the truth or not.

One more point and I am through. This case has been fought point after point and day after day, and finally it all settled down to one thing, and that is whether the city of Saint Louis had a registration law or not. How do they determine that matter? Simply by denying they had any registration law. We all know this, that when you cite a decision of the Supreme Court of the United States you take a report of the decisions of that court; whenever you cite the law of a State you take the statutes of that State. Here the statutes of the State of Missouri show that registration was provided by the city of Saint Louis, and yet when apprised of that fact they say there was no registration provided by the State of Missouri, when the statute itself says there was such a law.

But I do not rest this case on that one point. If we have any law in this country, if we are to be governed by laws which guide us in other matters, let us not seat a man here on testimony handled by the attorney on the opposite side and changed to suit his own purpose.

[Here the hammer fell.]

Mr. MILLER. How much time have I left?

The SPEAKER. Eighteen minutes.

Mr. MILLER. Mr. Speaker, I shall spend but a moment in answering one or two questions which have been raised by the contestee and by the gentleman from Missouri who has just preceded me.

And first, as it has been spoken of by two gentlemen, relative to the testimony, let me say that the committee, in order to assure itself that the testimony had not been tampered with, summoned the stenographer who took all the evidence in the case from Saint Louis before it, examined him in the committee-room, and he testified that after he had gone over his stenographic notes and compared the testimony as transcribed by him and his clerks, and signed it and sealed it, that it was never out of his hand until it came to this House and got into the hands of the Clerk of the House. He said that naturally in the transcription of the testimony there were some blanks and errors that had crept into the stenographic notes of his assistants who had transcribed the copy which had to be supplied; for you may well imagine that when we have this mass of testimony, comprising as it does 3,000 printed pages, and which had been dictated from the notes of the stenographer to five clerks or amanuenses and afterward rewritten from their shorthand notes, that some errors would inevitably creep in.

The clerks in taking down in shorthand from dictation and then in transcribing their notes made some omissions, according to the stenographer's testimony, and made mistakes which he discovered and testified to, and which he had found on comparison with his notes had been made and which he corrected. It is true that the attorney in going over the testimony marked on the margin of the paper what he thought the cor-

rections were, but the stenographer swears that he never adopted a suggestion made by the attorney until after he had compared it with his own original stenographic notes, and saw that the correction suggested was proper. When that suggestion was right the stenographer swears that he adopted it. When it was not right he swears that he did not adopt it; and after he had done that he corrected it page by page with his original stenographic notes. No man tampered with it; no man wrote on it; no man inserted anything in it, and the committee found that the facts are as I have stated, and his testimony is printed with the record of this case, where any man can see it for himself.

Now they say he destroyed his stenographic notes. Why? Because, according to his own testimony he was told that the case was decided. He had gone out of the business, and found, in cleaning up his office, the notes in this case, together with all of his work for ten years past, making a large mass of papers which was lumbering up his room, and he burned not only these notes but everything else of that kind that he thought useless, and that, too, six months before he was summoned to come before this committee.

Mr. WILLIS. As one of the jurymen in this case let me ask——

Mr. MILLER. I cannot yield for a question. There was not a single gentleman who heard the testimony or who knows the facts who doubted the veracity of the stenographer.

Mr. WILLIS. I say as one of the jurymen in this case, Why were those notes destroyed? They should be produced.

Mr. MILLER. I must decline to yield the floor. I have given the gentleman an answer. I repeat what I was saying, that any man who reads his testimony will have no doubt either of the integrity, the intelligence, or the veracity of that man to whose testimony I am now referring.

Enough for that. The gentleman from Missouri stated that they might have acted in revising this list of voters under the law of the State of 1877. Ah, they might! But the fact is the city of Saint Louis, by an ordinance published in this testimony, adopted on the 12th day of July, 1878, provided differently. They passed an ordinance, which is published in this testimony from page 1681 to 1700, in this volume which I hold in my hand, containing a complete system of registration, and they amended one section of it afterward, on the 20th day of August, 1878. That ordinance differs from the general law of Missouri as applicable to other cities and to other localities in that it requires but twenty days before election for the meeting of the revisory board, while the general law requires them to meet thirty days before for this purpose. And the evidence is, as is shown by the record on page 134, that the clerk of the board of revisers swears that they met twenty days before the election and adjourned ten days before the election, showing that they followed letter for letter the ordinance of Saint Louis of July and August, 1878. Will some Democrat tell me that a city council can pass a law providing a system of registration, providing that registration shall be a prerequisite to voting, when the Constitution of the United States provides that the Legislature of the State, and the Legislature alone, shall determine the manner of holding elections for Representatives? It is absurd.

They might have acted under the law of 1877, said the gentleman from Missouri. Ah, but the clerk of the board of revisers swears that they did not. But the attorney for the city of Saint Louis testifies in this case that he prepared the rules and regulations which were issued to every board of election officers, swears on page 1814 that they followed the ordinance, and that he knows of no other law than the ordinances of Saint Louis which govern elections in that city.

I shall not go, Mr. Speaker, into the question as to the manner in which the names were stricken from the list. Suffice it to say that the first thing they did was to pass a resolution that each member of the board should make out a list of names of persons that he thought ought to be stricken off, and that having written them and without reading them to the other twenty-seven members, without having submitted them to the other twenty-seven members of the board at all, they were sent up and the clerk was instructed by the board to strike them out.

Mr. HOOKER. If that ordinance is void, how is Mr. Sessinghaus elected?

Mr. MILLER. The committee does not claim that the entire ordinance is void; only so much as requires registration as a prerequisite to voting. He was elected by virtue of the ordinance, laws, and the constitution of the State of Missouri. We counted the vote of every man that had been in the State one year and was a native-born or legally naturalized citizen and who had resided in the election district the number of days provided by the constitution of Missouri. And we counted no man's name unless we were satisfied that he had the constitutional requirements to authorize him to exercise the right of franchise.

But, sir, if the registry law was legal that was in force then, I charge that the board of revisers acted so carelessly, so illegally, so fraudulently, as appears by the testimony in this case, in striking these names off, that those votes should be counted on the principle that parties did all they could to qualify themselves to cast their votes at the November election of 1880.

Why, sir, I remember one case of a man who was born in Saint Louis, who had lived there all his life, who had lived in the same house for five years. He had been registered by this board. He had never moved his residence. His name was stricken off. He went to the polls to vote. The election officer knew that that man had lived in the same house for five years; he knew he had lived in the city for twenty years, but he could not receive his vote. But that man's son who lived in the same house with him and who slept in the same house with him, voted the Democratic ticket and his name had not been taken off, and he voted. Do you say that the father's vote should not be counted when he had done all the law required him to do granting it to be constitutional; when he had gone and registered, when he had lived in the same house for five years and never moved out? Yet his name was stricken off, although the section provides that no man's name shall be stricken off unless he has moved from the election district or died. Had he moved? No. I need not ask if he had died. Was not his name illegally stricken off? Had he not done all he could? Ought this House not to count that vote? If not, why not?

Of the one hundred and fifty-one names some of the cases are not so strong as that. But they are names of men who had lived in the city some of them all their lives, some of them for ten years; some for five years; all of them citizens; and when they came to vote the only reason their votes were not taken was because this board had illegally, if not fraudently, stricken their names from the list. We counted those votes.

Now, Mr. Speaker, I have said all I desire to say. I have presented this case to the House as I found it. I have presented it as it was found by eleven members of the Committee on Elections. The gentleman from Missouri thought I originated this plea. If I did, it was argued before the full Committee on Elections by two eminent lawyers of Saint Louis, each of them being given one hour. The contestee's attorney was given an hour to point out wherein that position was wrong, if it was wrong. He presented his case to the full committee with eminent ability; and after he had presented it, after he had argued the legal proposition, then other members of that committee, Mr. JONES of Texas, Mr. RANNEY of Massachusetts, Mr. CALKINS, the chairman of the committee, Mr. PAUL of Virginia, and other members of this committee to the number of eleven, counting myself, agreed that the conclusion was irresistible. And it is not my report, it is the report of the eleven members of the Committee on Elections. And if it is something new that the lawyers of Saint Louis never thought of, they can think of it from this time on; and if there is anything wrong in it, they can pick it to pieces.

Mr. SPRINGER. Will the gentleman from Pennsylvania allow me to ask on what ground he claims Mr. Sessinghaus is elected if the ordinance was void and Mr. Frost could not be elected?

Mr. MILLER. On the ground that the men who voted for Mr. Sessinghaus or offered to vote, making a majority of 168, were legal voters of Saint Louis under the constitution of the State of Missouri, authorized to exercise the elective franchise by virtue of the constitution and laws of that State, and we believe that the Congress of the United States has authority and power to inquire into the fact as to what the constitution of the State is, as to what the qualifications of voters are, as to what their conduct was at the election, and for whom they voted. And I say if a majority of the legal voters of a district, qualified by the constitution, cast their votes for a given man, and there was no law to prevent them from being cast, their votes ought to be counted. I have never claimed that the entire ordinance was void; only so much of it as made registration a prerequisite for voting.

Mr. HOOKER. How much time is the gentleman from Pennsylvania going to give me?

Mr. MILLER. How much time have I left?

The SPEAKER. Three minutes.

Mr. MILLER. I yield the balance of my time to my friend from Mississippi [Mr. HOOKER], all but the last half minute. I yield him two and one-half minutes.

Mr. HOOKER. I have simply to say to the House that if the argument of the gentleman from Pennsylvania [Mr. MILLER] is worth anything it knocks the bottom out of his own case as he has reported it to the House; because if he insists that the direction by the city of Saint Louis as to the method of registration and revision was wrong, then the very man for whom he reports was elected under this same system of registration and revision. Is not that so?

Mr. MILLER. Not at all; he was elected by virtue of the constitution and the laws of Missouri.

Mr. HOOKER. Ah, was he, indeed? But he lived in the city of Saint Louis, and his friends voted for him under the law of the city of Saint Louis precisely as did the friends of my friend from Missouri, [Mr. FROST].

But I have one thing to say in reference to this whole matter, that upon the very threshold of this case, Mr. Speaker—or gentlemen of the House, for as I have not the attention of the Speaker, I will address myself to you—on the very threshold of this case the honorable gentleman from Pennsylvania [Mr. MILLER], the chairman of the Committee on Elections [Mr. CALKINS], and all the other members of the committee, came before this House acknowledging the fact that the chief witness in this case, as to the merits of this election, as to whether it was honestly and fairly conducted or dishonestly and unfairly con-

ducted—they came before this House with the admitted fact that the chief witness, the stenographer who took the testimony, after the evidence had been closed and in contravention of every principle of law which prevails with reference to the taking of testimony before courts of justice or before tribunals which have to decide law questions, allowed the attorney of the contestant to make marginal notes directing the stenographer what he considered to be the true rendition of the testimony of the witnesses.

Is not that the fact, gentlemen of the House of Representatives? The stenographer swears that he burned the original notes and adopted the suggestions of the attorney of the contestant and made them a part and parcel of the evidence which was transmitted to the House of Representatives in regard to the mode and method of this election. Is not that true? Can anybody deny it on the part of the Committee on Elections? Does the gentleman making this report from the committee or the chairman of that committee deny it?

It is like burning the Bible and trusting to hearsay as to what it contains. It is like burning up the records of a court and then trusting to the hearsay of witnesses. I am sure that my distinguished and learned friend from Massachusetts [Mr. RANNEY], who I understand is on that committee, would never be heard to say before any tribunal sitting in the grand old Bay State of Massachusetts that they should listen to a witness who would swear that he had burned up the evidence he had taken to prove the facts in a case and had taken the marginal notes of an attorney as to those facts.

The SPEAKER. The gentleman from Pennsylvania has half a minute of his time remaining.

Mr. MILLER. And I now yield that half a minute to the gentleman from Indiana [Mr. CALKINS], the chairman of the committee.

Mr. CALKINS. I move the previous question.

The previous question was ordered.

The SPEAKER. The Clerk will now read the resolutions which have been reported from the Committee on Elections.

The Clerk read as follows:

I. *Resolved*, That R. Graham Frost was not elected as a Representative to the Forty-seventh Congress of the United States from the third Congressional district of Missouri, and is not entitled to occupy a seat in this House as such.

II. *Resolved*, That Gustavus Sessinghaus was duly elected as a Representative from the third Congressional district of Missouri to the Forty-seventh Congress of the United States, and is entitled to his seat as such.

The question was taken upon adopting the resolutions; and upon a division there were—ayes 92, noes 86.

Before the result of this vote was announced,

Mr. ATHERTON, Mr. CALKINS, and others called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 126, nays 110, not voting 55; as follows:

YEAS—126.

Aldrich,	Farwell, Chas. B.	Lindsey,	Sherwin,
Anderson,	Farwell, Sewell S.	Lord,	Shultz,
Barr,	Fisher,	Lynch,	Smalls,
Bayne,	George,	Mackey,	Smith, A. Herr
Belford,	Godshalk,	Mason,	Smith, Dietrich C
Bingham,	Grout,	McCoid,	Smith, J. Hyatt
Bisbee,	Guenther,	McLean, Jas. H.	Spaulding,
Bowman,	Hall,	Miles,	Spooner,
Brewer,	Hammond, John	Miller,	Steele,
Briggs,	Harmer,	Moore,	Stone,
Browne,	Harris, Benj. W.	O'Neill,	Strait,
Brumm,	Haseltine,	Pacheco,	Taylor, Ezra B.
Buck,	Haskell,	Paul,	Taylor, Joseph D.
Burrows, Julius C.	Hazelton,	Payson,	Thomas,
Calkins,	Heilman,	Peelle,	Townsend, Amos
Campbell,	Hepburn,	Peirce,	Tyler,
Cannon,	Hill,	Pettibone,	Valentine,
Carpenter,	Hiscock,	Pound,	Van Aernam,
Chace,	Hitt,	Prescott,	Van Horn,
Crapo,	Horr,	Ranney,	Van Voorhis,
Cullen,	Houk,	Ray,	Wait,
Cutts,	Hubbell,	Reed,	Ward,
Darrall,	Hubbs,	Rice, John B.	Washburn,
Davis, George R.	Humphrey,	Rice, Theron M.	Watson,
Dawes,	Jacobs,	Rich,	Webber,
Deering,	Jadwin,	Richardson, D. P.	West,
De Motte,	Jones, Geo. W.	Ritchie,	White,
Dingley,	Jones, Phineas	Robeson,	Williams, Chas. G.
Doxey,	Jorgensen,	Robinson, Geo. D.	Willits,
Dunnell,	Joyce,	Robinson, Jas. S.	Wood, Walter A.
Dwight,	Lacey,	Ryan,	
Errett,	Lewis,	Shallenberger,	

NAYS—110.

Aiken,	Caldwell,	Curtin,	Hardy,
Armfield,	Camp,	Davidson,	Harris, Henry S.
Atherton,	Cassidy,	Davis, Lowndes H.	Hatch,
Atkins,	Chapman,	Dowd,	Herbert,
Barbour,	Clardy,	Dunn,	Hewitt, G. W.
Beach,	Clark,	Ellis,	Hoblitzell,
Belmont,	Clements,	Ermentrout,	Hoge,
Beltzhoover,	Cobb,	Evins,	Holman,
Berry,	Colerick,	Flower,	Hutchins,
Blackburn,	Converse,	Forney,	Jones, James K.
Blanchard,	Cook,	Fulkerson,	Kenna,
Bliss,	Covington,	Garrison,	King,
Blount,	Cox, Samuel S.	Geddes,	Knott,
Bragg,	Cox, William R.	Gunter,	Ladd,
Buchanan,	Cravens,	Hammond, N. J.	Leedom,
Buckner,	Culberson,	Hardenbergh,	Le Fevre,
Manning,	Murch,	Singleton, Otho R.	Upson,
Martin,	Mutchler,	Skinner,	Vance,
Matson,	Randall,	Sparks,	Wadsworth,
McCook,	Reese,	Speer,	Walker,
McKenzie,	Richardson, J. S.	Springer,	Warner,
McMillin,	Robertson,	Stockslager,	Wellborn,
Mills,	Rosecrans,	Talbott,	Wheeler,
Money,	Ross,	Thompson, P. B.	Willis,
Morrison,	Scales,	Townshend, R. W.	Wilson,
Morse,	Scoville,	Tucker,	Wise, Morgan R.
Moulton,	Simonton,	Turner, Henry G.	
Muldrow,	Singleton, Jas. W.	Turner, Oscar	

NOT VOTING—55.

Black,	Ford,	McClure,	Rice, Wm. W.
Bland,	Frost,	McKinley,	Robinson, Wm. E.
Burrows, Jos. H.	Gibson,	McLane, Robt. M.	Russell,
Butterworth,	Henderson,	Morey,	Scranton,
Cabell,	Herndon,	Mosgrove,	Shelley,
Candler,	Hewitt, Abram S.	Neal,	Thompson, Wm. G.
Carlisle,	Hooker,	Nolan,	Updegraff,
Caswell,	House,	Norcross,	Urner,
Cornell,	Kasson,	Oates,	Whitthorne,
Crowley,	Kelley,	Page,	Williams, Thomas
Deuster,	Ketcham,	Parker,	Wise, George D.
Dezendorf,	Klotz,	Phelps,	Wood, Benjamin
Dibrell,	Latham,	Phister,	Young.
Dugro,	Marsh,	Reagan,	

So the resolutions reported by the Committee on Elections were adopted.

Mr. HOOKER. Mr. Speaker, I have inadvertently voted in the case, and of course voted according to my convictions of what is right. I regret very much that I feel myself necessitated on account of a pair which I made with the gentleman from Massachusetts [Mr. RUSSELL] to withdraw my vote.

The following pairs were announced:

Mr. NEAL with Mr. BLAND.

Mr. KASSON with Mr. HEWITT of New York.

Mr. MARSH with Mr. DIBRELL.

Mr. MOREY with Mr. NOLAN.

Mr. RUSSELL with Mr. HOOKER.

Mr. KETCHAM with Mr. BLACK.

Mr. CORNELL with Mr. BUCKNER.

Mr. RICE, of Massachusetts, with Mr. WISE, of Virginia.

Mr. KELLEY with Mr. WHITTHORNE.

Mr. BURROWS, of Missouri, with Mr. ROBINSON, of New York.

Mr. URNER with Mr. MCLANE of Maryland.

Mr. CANDLER with Mr. GIBSON.

Mr. CASWELL with Mr. OATES.

Mr. HENDERSON with Mr. REAGAN.

The result of the vote was announced as above stated.

Mr. CALKINS moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. CALKINS. I ask that Mr. Sessinghaus be now sworn in.

Mr. GUSTAVUS SESSINGHAUS presented himself at the Clerk's desk and was duly qualified by taking the "test oath" prescribed by section 1756 of the Revised Statutes.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses upon the amendments of the Senate to the bill (H. R. 7482) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1884, and for other purposes.

ENROLLED BILLS SIGNED.

Mr. HARDY, 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 (H. R. 1410) to amend the pension laws by increasing the pensions of soldiers and sailors who have lost an arm or a leg in the service, and for other purposes;

A bill (H. R. 1443) granting a pension to Edgar B. Lamphier;

A bill (H. R. 1860) granting a pension to Daniel M. Morley;

A bill (H. R. 3743) granting a pension to Miss Amanda Stokes;

A bill (H. R. 5103) granting a pension to Margery Nightengale;

A bill (H. R. 5558) granting a pension to Mrs. Susan Bayard; and

A bill (H. R. 6923) granting a pension to Mrs. Helen M. Thayer.

REPORT OF COMMISSIONER OF EDUCATION FOR 1881.

The SPEAKER laid before the House the following resolution of the Senate; which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That of the report of the Commissioner of Education for 1881 there be printed 4,000 copies for the use of the Senate, 8,000 copies for the use of the House of Representatives, and 20,000 copies for distribution by the Commissioner.

CONTESTED-ELECTION CASE.

Mr. CALKINS. I desire to give notice that as soon as the conference report on the legislative appropriation bill, which the gentleman from Illinois [Mr. CANNON] is about to present, shall have been disposed of I intend to call up the contested-election case of Cook *vs.* Cutts, from the State of Iowa. I ask members, if they wish these election cases

disposed of, to stay here and dispose of them to-night, as this will be the last chance.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. CANNON. I rise to submit the report of the committee of conference on the legislative appropriation bill, which I send to the desk.

The report is 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. 7482) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1884, 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 22, 23, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 44, 45, 46, 57, 58, 59, 72, 73, 87, 88, 94, 96, 97, 98, 101, 102, 104, 106, 107, 109, 119, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 145, 146, 150, and 152.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, 21, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 60, 61, 62, 63, 64, 65, 66, 67, 70, 71, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 99, 103, 108, 110, 112, 113, 116, 118, 120, 121, 123, 124, 125, 141, 142, 143, and 144, and agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with amendments as follows: At the end of the amended paragraph insert the following; "For clerk to Committee on Military Affairs for balance of current fiscal year, at the rate of $2,000 per annum, $666.67;" and in lieu of the sum stated in lines 10, 11, and 12, on page 7 of the bill, insert the sum of "$364,694.87;" and the Senate agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: Strike out "twelve" and insert "ten;" and the Senate agree to the same.

Amendment numbered 25: That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: In lieu of the sum proposed insert the sum of "$112,350;" and the Senate agree to the same.

Amendment numbered 42: That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment as follows: Strike out the word "sixty" and insert the word "fifty-five;" and the Senate agree to the same.

Amendment numbered 43: That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$183,610;" and the Senate agree to the same.

Amendment numbered 68: That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by said amendment, insert "one clerk of class 2, who shall be a stenographer;" and the Senate agree to the same.

Amendment numbered 69: That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$54,100;" and the Senate agree to the same."

Amendment numbered 89: That the House recede from its disagreement to the amendment of the Senate numbered 89, and agree to the same with an amendment as follows: In lieu of the number proposed insert "thirty-three;" and the Senate agree to the same.

Amendment numbered 90: That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment as follows: In lieu of the number proposed insert "forty-six;" and the Senate agree to the same.

Amendment numbered 91: That the House recede from its disagreement to the amendment of the Senate numbered 91, and agree to the same with an amendment as follows: In lieu of the number proposed insert "fifty-seven;" and the Senate agree to the same.

Amendment numbered 92: That the House recede from its disagreement to the amendment of the Senate numbered 92, and agree to the same with an amendment as follows: In lieu of the number proposed insert "fifty-eight;" and the Senate agree to the same.

Amendment numbered 93: That the House recede from its disagreement to the amendment of the Senate numbered 93, and agree to the same with an amendment as follows: In lieu of the number proposed insert "forty-seven;" and the Senate agree to the same.

Amendment numbered 95: That the House recede from its disagreement to the amendment of the Senate numbered 95, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$417,650;" and the Senate agree to the same.

Amendment numbered 100: That the House recede from its disagreement to the amendment of the Senate numbered 100, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$88,620;" and the Senate agree to the same.

Amendment numbered 105: That the House recede from its disagreement to the amendment of the Senate numbered 105, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment, insert "$337,230;" and the Senate agree to the same.

Amendment numbered 111: That the House recede from its disagreement to the amendment of the Senate numbered 111, and agree to the same with an amendment as follows: Before the word "dollars" insert the words "five hundred;" and the Senate agree to the same.

Amendment numbered 114: That the House recede from its disagreement to the amendment of the Senate numbered 114, and agree to the same with amendments as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"Chief of salary and allowance division and chief of appointment division, at $2,000 each; one;" and on page 70 of the bill, in line 25, strike out the word "clerks" where it first occurs in said line, and insert the word "clerk;" and the Senate agree to the same.

Amendment numbered 115: That the House recede from its disagreement to the amendment of the Senate numbered 115, and agree to the same with an amendment as follows: In lieu of the number proposed by said amendment insert "sixteen;" and the Senate agree to the same.

Amendment numbered 117: That the House recede from its disagreement to the amendment of the Senate numbered 117, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$100,000;" and the Senate agree to the same.

Amendment numbered 122: That the House recede from its disagreement to the amendment of the Senate numbered 122, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$230,780;" and the Senate agree to the same.

Amendment numbered 126: That the House recede from its disagreement to the amendment of the Senate numbered 126, and agree to the same with amendments as follows: In lieu of the number proposed insert "four;" and on page 72 of the bill, in line 24, strike out the word "seven" and insert "eight;" and the Senate agree to the same.

Amendment numbered 127: That the House recede from its disagreement to the amendment of the Senate numbered 127, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$67,120;" and the Senate agree to the same.

Amendment numbered 147: That the House recede from its disagreement to the amendment of the Senate numbered 147, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert: "$9,840;" and the Senate agree to the same.

Amendment numbered 148: That the House recede from its disagreement to the amendment of the Senate numbered 148, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "$3,280;" and the Senate agree to the same.

Amendment numbered 149: That the House recede from its disagreement to the amendment of the Senate numbered 149, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert:

"SEC. 2. That the Secretaries, respectively, of the Departments of State, of the Treasury, War, Navy, and of the Interior, and the Attorney-General, are authorized to make requisitions upon the Postmaster-General for the necessary amount of official postage-stamps for the use of their Departments, not exceeding the amount stated in the estimates submitted to Congress; and upon presentation of proper vouches therefor at the Treasury the amount thereof shall be credited to the appropriation for the service of the Post-Office Department for the same fiscal year. And it shall be the duty of the respective Departments to inclose to Senators, Representatives, and Delegates in Congress, in all official communications requiring answers, or to be forwarded to others, penalty envelopes addressed as far as practicable, for forwarding or answering such official correspondence."

And the Senate agree to the same.

Amendment numbered 151: That the House recede from its disagreement to the amendment of the Senate numbered 151, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out insert the following:

"SEC. 4. That hereafter it shall be the duty of the heads of the several Executive Departments, in the interest of the public service, to require of all clerks and other employés of whatever grade or class, in their respective Departments, not less than seven hours of labor each day, except Sundays and days declared public holidays by law or Executive order: *Provided*, That the heads of the Departments may by special order, stating the reason, further extend or limit the hours of service of any clerk or employé in their Departments, respectively, but in case of an extension it shall be without additional compensation; and all absence from the Departments on the part of said clerks or employés in excess of such leave of absence as may be granted by the heads thereof, which shall not exceed thirty days in any one year, except in case of sickness, shall be without pay."

And the Senate agree to the same.

J. G. CANNON,
FRANK HISCOCK,
Managers on the part of the House.

W. B. ALLISON,
H. L. DAWES,
F. M. COCKRELL,
Managers on the part of the Senate.

The statement accompanying the conference report was read, as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the legislative, executive, and judicial appropriation bill submit the following written statement in explanation of the conference report:

The bill as agreed upon in conference appropriates $20,464,296.22, being $80,566.17 greater than as it passed the House, $175,033.33 less than as it passed the Senate, and $115,110.68 more than the appropriations for the current year, and $966,663.86 less than the estimates for 1884.

The principal items of increase made by the Senate and agreed to by the House managers of the conference are as follows:

House of Representatives, $4,666.67; State Department, $1,320; Register's Office, Treasury, $13,500; Navy Department, $1,400; Secretary Interior, office of, $7,980; Attorney-General, Interior Department, $6,350; General Land Office, $34,400; Indian Office, $3,000; Civil Service Commission (contingent), $5,000; Post-Office Department, $8,340.

J. G. CANNON,
FRANK HISCOCK,
Managers on the part of the House.

Mr. THOMPSON, of Kentucky. I wish to inquire of the gentleman submitting this report what the conferees have done in regard to the provision of the House reducing the number of internal-revenue collectors.

Mr. CANNON. The bill as passed by the House reduced the number of those collectors to eighty-two. Under the present law there are one hundred and twenty-six. The Senate struck out the provision making the reduction, and after a full and free conference the Senate conferees refused to recede. A majority of the House conferees, if not all of them—and I certainly think I speak for those who signed the report—became satisfied that the Senate would not yield the point, and we yielded.

Mr. THOMPSON, of Kentucky. Then I understand you give up that point altogether?

Mr. CANNON. Certainly, we give up the point.

Mr. THOMPSON, of Kentucky. Then I hope the House will not agree to this report.

Mr. CANNON. It is but just, however, that I should say for my colleagues and myself that whatever our own convictions were about the matter (and I am frank to say in my opinion the action of the House was not wise), yet without reference to my individual opinions I have done what I could, and so did the other members of the conference committee, to carry out the wish of the House in this matter.

Mr. ATKINS. I have declined to sign the conference report, the main reason being that indicated by the gentleman from Illinois [Mr. CANNON]—the fact that the Senate struck out the provision adopted by the House reducing the number of internal-revenue collectors from

one hundred and twenty-six to eighty-two. I did not feel that I could sign the report, because I would do violence to the feelings of the minority side of the House, which I had the honor to represent on the conference committee. For that reason I refused to sign the report.

I may say that I voted for the amendment of the House, and my judgment is now the service would be better if we had reduced the number to eighty-two instead of letting them remain at one hundred and twenty-six. For that reason and some other minor ones I failed to sign the report.

Mr. CANNON. I will yield now to the gentleman from New York [Mr. HISCOCK].

Mr. HISCOCK. Mr. Speaker, I believe the Senate amendments increased this bill in the neighborhood of $260,000. We compromised on an increase of $80,000; that is, we reduced the increase by the Senate to that sum. And so far as the Treasury Department was concerned, the only basis of agreement which we could establish was that we would appropriate with reference to the law for the current year. The increase by the Senate was largely with reference to the Treasury Department. They insisted we ought not to attack the law of the present year, and when the day of adjournment was so near at hand, and with the absolute necessity there must be time for the enrollment of this very long bill or there would be a failure to pass it and therefore an extra session imminent, while we supported the view of the House on this question of collectors of internal revenue, we believed it was our duty to unite in this conference report and concur with this amendment in view of the large reduction made in the amounts carried by the Senate amendments. An extra session was altogether too threatening for us to hesitate on this question.

ENROLLED BILL AND JOINT RESOLUTION SIGNED.

Mr. SPAULDING, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill and joint resolution of the following titles; when the Speaker signed the same:

A bill (H. R. 2156) for the relief of certain owners of the steamer Jackson; and

Joint resolution (H. Res. 324) to provide for the deficiencies in the appropriations for salaries of officers, clerks, messengers, and others in the service of the House of Representatives for the fiscal year ending June 30, 1883.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. CANNON. I now yield for five minutes to the gentleman from Kentucky [Mr. THOMPSON].

Mr. THOMPSON, of Kentucky. Mr. Speaker, the House after due consideration of the subject of these internal-revenue collectors, compromised with the opponents of the measure, and instead of reducing the number as contemplated by the original amendment, they accepted a compromise in the House fixing the number at eighty-two. Now, there does not seem to be any reason given why the Senate does not concur with us. The number of collectors is evidently too large, and I do not think the rejection of the conference report and the fact that the House insists upon its amendment will necessitate an extra session. I remember seven years ago, in 1876, when the number of internal-revenue collectors was reduced by the House we had the same trouble then and the same experience with the Senate we are undergoing now. The amendment was put on in the House, disagreed to by the Senate, and finally compromised and agreed to in the conference committee. Now, if the House means to stand by its action we can reject this conference report and ask for another conference. The Senate is bound to yield in this matter if we insist. And therefore I hope the House will insist and will reject this conference report, and insist on the Senate agreeing to our reasonable demands in the reduction of these internal-revenue collectors.

If I have any time left I will yield it to the gentleman from Pennsylvania [Mr. BAYNE].

Mr. BAYNE. Mr. Speaker, I hope the House will insist on this amendment. I think it is somewhat singular that the power of the House should be disregarded in this instance, and especially by the Senate, when the Senate passes upon each one of these officers who may be nominated by the President, and each one of them is confirmed or rejected by the Senate; and the Senate, therefore, becomes, to a certain extent, a part of the appointing power. If it were not, moreover, for the fact which may be added to that, that it is well known that potent influences are exerted by Senators, with reference to the appointment of these officers as well as their confirmation, it might not be so indelicate on the part of the Senate to insist on this matter. But when we come to know, as we do know, that the House is the body which has the right to originate revenue measures; that it has in that connection to prescribe the mode by which that revenue may be raised; that it has in connection with that the greater interest of the two bodies in seeing that the raising of that revenue is adequately provided for—in the face of all these facts and in the face of the fact of supreme and certain necessity that these men are not necessary to the service, I think it is the duty of the House to stand by the proposition which it adopted and to refuse to consent to this amendment.

Mr. CANNON. I now yield for two minutes to the gentleman from Kentucky [Mr. WHITE].

Mr. WHITE. Mr. Speaker, I desire to express my entire approval of what has just been uttered by the gentleman from Pennsylvania [Mr. BAYNE] and my colleague from Kentucky [Mr. THOMPSON]. We have here, sir, a great political power of large proportions, and it is growing larger daily. Its head is the Commissioner of Internal Revenue. We have in the last few months seen him taking a lively interest in making United States Senators. We see in the United States Senate to-day men, millionaires almost every one of them, who dictate to the President whom he shall appoint as collectors in their several States; and in terms they might also be said to dictate to the President, because they will not confirm one appointment unless he will make another appointment to suit this or that Senator. The time has come if we are going to have any real practical civil-service reform that we should begin the work of cutting down this army of useless internal-revenue collectors who are bossed by the Commissioner of Internal Revenue.

Mr. HOGE. Will the gentleman yield to me for a question. If we reduce the revenues $40,000,000 should we not reduce also the collectors of revenue in the same proportion?

Mr. WHITE. I have no objection to that. I think the great mistake of this Congress is that we have not wiped out the entire internal-revenue tax except upon whisky, and reduced the number of collectors to one-half the present force.

[Here the hammer fell.]

Mr. CANNON. A single word, Mr. Speaker, before I ask the previous question upon this conference report. I know there is much conflict in the House about internal-revenue taxation. I know there is much feeling in some parts of the country about the propriety of collecting the tax. I know further that the House did express the wish that these collectors should be reduced in number. I am not here to discuss the question as to whether the House was right or wrong. Gentlemen will recollect my own views about the matter when it was under discussion, and I need not stop to repeat those views at this time.

There is one difficulty, however, about gentlemen having their way in the House on everything in the shape of legislation. I am frank to say that I agree and ask sympathy with the views of the House. I am a part and a parcel of it, and want to enforce its views and wishes. But unfortunately, so far as having our own way is concerned in everything, the Constitution provides that there shall be a co-ordinate branch of the Legislature—the Senate.

It may be that the fathers when they made the Constitution made a great mistake in that; nevertheless we are living under that Constitution, and it is after all a fact that it requires the Senate to agree with the House before you can legislate. We have under the law one hundred and twenty-six internal-revenue collectors. The House says, "Let us cut them down." The Senate says, "We won't agree to it in any event." Now, then, it may be that it would be wise to send this report back and let the bill fail. I have frequently heard talk of that kind here. I have heard gentlemen in the last four days "thundering in the index" about letting bills fail, and yet I have seen them on the yea-and-nay vote take the back track when they were brought face to face with the question of letting it fail. I want to say that under the law the President has the power to consolidate these districts in the event we should amend the internal-revenue law, and he has the power anyhow when the good of the public service requires it.

Mr. BAYNE. But he will not do it.

Mr. CANNON. The gentleman says he will not do it. If my friend from Pennsylvania was the House or Senate or the President, then things would be fixed about right. [Laughter.] I demand the previous question upon the report.

The previous question was ordered.

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

The question was taken,

Mr. THOMPSON, of Kentucky. Let us have a division.

Mr. WHITE. I demand tellers.

Mr. RANDALL. We had better have the yeas and nays.

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

The yeas and nays were ordered.

The question was taken; and there were—yeas 121, nays 111, not voting 59; as follows:

YEAS—121.

Aldrich,	Crapo,	Godshalk,	Hubbs,
Anderson,	Cullen,	Grout,	Humphrey,
Barr,	Cutts,	Guenther,	Jacobs,
Bisbee,	Darrall,	Hall,	Jones, Geo. W.
Bowman,	Davis, George R.	Hammond, John	Jorgensen,
Brewer,	Dawes,	Harmer,	Joyce,
Briggs,	Deering,	Harris, Benj. W.	Kasson,
Browne,	De Motte,	Haseltine,	Ketcham,
Brumm,	Dezendorf,	Hazelton,	Lacey,
Burrows, Julius C.	Dingley,	Heilman,	Lewis,
Butterworth,	Doxey,	Henderson,	Lindsey,
Calkins,	Dunnell,	Hepburn,	Lord,
Camp,	Dwight,	Hill,	Lynch,
Campbell,	Errett,	Hiscock,	Mackey,
Cannon,	Farwell, Chas. B.	Hitt,	Mason,
Carpenter,	Farwell, Sewell S.	Horr,	McCoid,
Caswell,	Fisher,	Houk,	McCook,
Chace,	Ford,	Hubbell,	McLean, Jas. H.

Miller,	Reed,	Spaulding,	Wait,
Moore,	Rich,	Spooner,	Ward,
Morey,	Richardson, D. P.	Steele,	Washburn,
O'Neill,	Robeson,	Stone,	Watson,
Page,	Robinson, Geo. D.	Strait,	Webber,
Parker,	Robinson, Jas. S.	Taylor, Joseph D.	West,
Paul,	Ryan,	Thomas,	Williams, Chas. G.
Peelle,	Sessinghaus,	Townsend, Amos	Willits,
Peirce,	Shallenberger,	Tyler,	Wood, Walter A.
Pound,	Sherwin,	Updegraff,	Young.
Prescott,	Smalls,	Valentine,	
Ranney,	Smith, Dietrich C.	Van Aernam,	
Ray,	Smith, J. Hyatt	Van Horn,	

NAYS—111.

Aiken,	Cox, Samuel S.	Holman,	Ritchie,
Armfield,	Cox, William R.	House,	Robertson,
Atherton,	Covington,	Hutchins,	Rosecrans,
Atkins,	Cravens,	Jadwin,	Ross,
Barbour,	Culberson,	Jones, James K.	Scales,
Bayne,	Curtin,	Kenna,	Simonton,
Beach,	Davidson,	King,	Singleton, Otho R.
Belford,	Deuster,	Klotz,	Skinner,
Belmont,	Dowd,	Knott,	Smith, A. Herr
Beltzhoover,	Dunn,	Ladd,	Sparks,
Berry,	Ellis,	Leedom,	Springer,
Blackburn,	Ermentrout,	Manning,	Stockslager,
Blanchard,	Evins,	Martin,	Talbott,
Bliss,	Flower,	Matson,	Thompson, P. B.
Blount,	Forney,	McKenzie,	Townshend, R. W.
Bragg,	Fulkerson,	McMillin,	Tucker,
Buchanan,	Garrison,	Mills,	Turner, Henry G.
Buckner,	Geddes,	Money,	Turner, Oscar
Caldwell,	Gunter,	Morrison,	Upson,
Cassidy,	Hammond, N. J.	Morse,	Walker,
Chapman,	Hardenbergh,	Moulton,	Warner,
Clardy,	Hardy,	Murch,	Wellborn,
Clark,	Harris, Henry S.	Mutchler,	Wheeler,
Clements,	Hatch,	Randall,	White,
Cobb,	Herbert,	Reese,	Willis,
Colerick,	Hewitt, G. W.	Rice, John B.	Wilson,
Converse,	Hoblitzell,	Rice, Theron M.	Wise, Morgan R.
Cook,	Hoge,	Richardson, J. S.	

NOT VOTING—59.

Bingham,	Haskell,	Neal,	Shelley,
Black,	Herndon,	Nolan,	Shultz,
Bland,	Hewitt, Abram S.	Norcross,	Singleton, Jas. W.
Buck,	Hooker,	Oates,	Speer,
Burrows, Jos. H.	Jones, Phineas	Pacheco,	Taylor, Ezra B.
Cabell,	Kelley,	Payson,	Thompson, Wm. G.
Candler,	Latham,	Pettibone,	Urner,
Carlisle,	Le Fevre,	Phelps,	Vance,
Cornell,	Marsh,	Phister,	Van Voorhis,
Crowley,	McClure,	Reagan,	Wadsworth,
Davis, Lowndes H.	McKinley,	Rice, Wm. W.	Whitthorne,
Dibrell,	McLane, Robt. M.	Robinson, Wm. E.	Williams, Thomas
Dugro,	Miles,	Russell,	Wise, George D.
George,	Mosgrove,	Scoville,	Wood, Benjamin.
Gibson,	Muldrow,	Scranton,	

So the report of the committee of conference was agreed to.

The following additional pairs were announced:

Mr. JONES, of New Jersey, with Mr. VANCE.

Mr. RICHARDSON, of New York, with Mr. SCOVILLE.

Mr. MILES with Mr. SINGLETON of Illinois.

Mr. MOREY with Mr. NOLAN.

Mr. CANNON. I ask unanimous consent that the reading of the names be dispensed with.

There was no objection.

The result of the vote was then announced as above stated.

Mr. CANNON moved to reconsider the vote by which the report of the committee of conference was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

NAVAL APPROPRIATION BILL.

Mr. ROBESON. I rise to present a privileged report. I present the report of the committee of conference on the naval appropriation bill.

The report is 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. 7314) "making appropriations for the naval service for the fiscal year ending June 30, 1884, 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, 3, 20, 30, 35, 42, and 68.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 4, 5, 6, 8, 9, 10, 11, 13, 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, 25, 29, 31, 33, 34, 36, 37, 38, 39, 40, 41, 43, 45, 47, 48, 49, 50, 51, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 69, 70, 71, 73, and 75, and agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by said amendment insert the following:

"Hereafter only one-half of the vacancies in the various grades in the staff corps of the Navy shall be filled by promotion until such grades shall be reduced to the numbers fixed for the several grades of the staff corps of the Navy by the act of August 5, 1882, making appropriations for the naval service for the fiscal year ending June 30, 1883, and for other purposes."

And the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: Restore the matter proposed to be stricken out by said amendment, and at the end of the amended paragraph insert the following:

"*And provided further*, That nothing herein contained shall be so construed as to give any additional pay to any such officer during the time of his service in the volunteer army or navy."

And the Senate agree to the same.

Amendments numbered 26, 27, and 28: That the House recede from its disagreement to the amendments of the Senate numbered 26, 27, and 28, and agree to the same with amendments as follows: In lieu of the amended paragraph insert the following:

"For the purchase and manufacture after full investigation and test in the United States under the direction of the Secretary of the Navy of torpedoes adapted to naval warfare, or of the right to manufacture the same, and for the fixtures and machinery necessary for operating the same, $100,000: *Provided*, That no part of said money shall be expended for the purchase or manufacture of any torpedo or of the right to manufacture the same until the same shall have been approved by the Secretary of the Navy after a favorable report to be made to him by a board of naval officers to be created by him to examine and test said torpedoes and inventions."

And the Senate agree to the same.

Amendment numbered 32: That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment as follows: On page 12 of the bill, in line 12, after the word "dollars," insert the words: "of which sum $64,000 shall be immediately available;" and the Senate agree to the same.

Amendment numbered 44: That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment as follows: At the end of the amended paragraph insert the following:

"But nothing herein contained shall prevent the repair or building of boilers for wooden ships, the hulls of which can be fully repaired for 20 per cent. of the estimated cost of a new ship of the same size and material."

And the Senate agree to the same.

Amendment numbered 46: That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: After the word "dollars," insert the following:

"The execution of no contract shall be entered upon for the completion of the engines and machinery of either of these vessels until the terms thereof shall be approved by said board, who shall approve only contracts which may be to the best advantage of the Government, and fair and reasonable according to the lowest market price for similar work."

And the Senate agree to the same.

Amendment numbered 52: That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment as follows: On page 18, strike out all after the word "report," in line 9, down to and including the word "under," in line 10 of the bill; and in lieu thereof insert the following:

"And in the event that such vessels or any of them shall be built by contract, such building shall be under."

And the Senate agree to the same.

Amendment numbered 72: That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with amendments as follows: On page 26, in line 12, before the word "ranges," insert the word "and;" and in the same line strike out the words "and so forth;" and the Senate agree to the same.

Amendment numbered 74: That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment as follows: On page 27, in line 22 of the bill, after the word "and," insert the word "he;" and the Senate agree to the same.

GEO. M. ROBESON,
J. H. KETCHAM,
Managers on the part of the House.

EUGENE HALE,
JOHN A. LOGAN,
H. G. DAVIS,
Managers on the part of the Senate.

The statement accompanying the report was read, as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the naval appropriation bill submit the following written statement in explanation of the effect of the report, if adopted:

On amendments 1, 2, 3, 4, 5, and 6: Except some verbal changes, leaves the first paragraph of the bill as it passed the House, dropping out the following:

"*Provided*, That when vacancies occur hereafter in the Paymaster's Corps there shall be no original appointments to fill such vacancies, but promotions may be made according to existing regulations from those remaining in said corps. Officers in the line shall be detailed to perform the duties of paymasters under the same rules and regulations as are now required of paymasters, but such officers shall not be entitled to increased compensation in consequence of performing such duties."

On amendment 7: In lieu of the legislation in the bill in reference to examinations for promotion and filling vacancies in the line and staff of the Navy, provides that one-half of the vacancies in the staff corps may be filled by promotion until said corps is reduced below the number fixed by law.

On amendments 8, 9, 10, 11, 12, and 13: Strikes out provision relative to promotions to the rank of rear-admiral and abolition of the grade of commodore, makes some verbal changes in the text of the bill, and provides for the care of Paul Hamilton's grave.

On amendments 14 to 21, inclusive: Verbal changes are made to perfect text of the bill.

On amendments 22 to 25: Provides for a board of six officers to examine and report to Congress which of the navy-yards is best adapted for a Government foundery, and makes verbal changes in text of the bill.

On amendments 26, 27, and 28: In lieu of the paragraph in the bill in reference to torpedoes inserts the following:

"For the purchase and manufacture, after full investigation and test, in the United States, under the direction of the Secretary of the Navy, of torpedoes adapted to naval warfare, and for the fixtures and machinery necessary for operating the same, $100,000: *Provided*, That no part of said money shall be expended for the purchase or manufacture of any torpedo until the same shall have been approved by the Secretary of the Navy, after a favorable report to be made to him by a board of naval officers to be created by him to examine and test said torpedoes and inventions."

On amendments 29 and 30: Provides $800,000 for Bureau of Equipment and Recruiting, and restores the clause relative to life-saving dress.

On amendments 31 to 37, inclusive: Appropriates $264,000 for maintenance of yards and docks, and makes $64,000 of the sum immediately available; gives $20,000 for contingent expenses and $24,000 for the civil establishment of the Bureau of Yards and Docks; appropriates $25,000 for contingent expenses of the Bureau of Medicine and Surgery, and makes certain necessary verbal corrections in the text of the bill.

On amendments 38 to 41: Appropriates $1,100,000 for Bureau of Construction and Repair, and limits repairs on wooden ships to 20 per cent. of estimated cost of new ships.

On amendments 42 to 44: Limits cost of repairs to engines and machinery to 20 per cent. of estimated cost of new engines and machinery, except in wooden vessels, the hulls of which can be repaired for 20 per cent. of estimated cost of new ships of same character and size.

On amendments 45 and 46: Is an increase of $350,000 to complete the engines and machinery of all the double-turreted monitors, to which the House managers acceded with the proviso that the contracts for the same should be first approved

by the naval advisory board and should be found to be for the advantage of the Government and fair and reasonable according to the lowest market price for similar work.

On amendments 47, 48, 49, 50, 51, and 52: Makes certain necessary verbal corrections in the text of the paragraph relative to the construction of the new steel cruisers, and provides that in the event they, or any of them, are built by contract, such building shall be under contracts with the lowest and best responsible bidders.

On amendments 53, 54, and 55: Provides for payment of civilian expert members of the naval advisory board, and that the appropriation for testing deflective turrets be immediately available.

On amendments 56 to 72, inclusive: Make slight verbal and other unimportant changes in the provisions relative to the Naval Academy and Marine Corps, which in the main decrease the appropriations for both.

On amendments 73 to 75: Makes verbal changes in section 2 of the bill and drops out the third and last section of the bill as it passed the House.

The total of the bill as agreed upon is $15,894,434.23, being $1,063,957.43 greater than the appropriations for the current year and $7,494,453.31 less than the estimates.

GEO. M. ROBESON,
J. H. KETCHAM,
Managers on the part of the House.

The SPEAKER. The gentleman from New Jersey [Mr. ROBESON] moves that the House concur in the conference report.

The question was put on concurring in the report.

Mr. HISCOCK and Mr. HOLMAN rose.

Mr. HISCOCK. I desire to be heard on this motion.

The SPEAKER. The gentleman rose too late.

Mr. HISCOCK. No, sir.

Mr. HOLMAN. I hope the gentleman from New Jersey [Mr. ROBESON] will give an explanation. And I hope the House will not concur in this report, at least until an explanation is given.

Mr. HISCOCK. I ask to be heard on the motion.

Mr. ATKINS. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ATKINS. I desire to know who moved to concur in the conference report?

The SPEAKER. The conference report was submitted by the gentleman from New Jersey [Mr. ROBESON].

Mr. ATKINS. Did the gentleman from New Jersey make any motion after the statement was read?

The SPEAKER. No, sir.

Mr. ROBESON. If I can be heard for a moment I wish to say, at the time the reading of the statement was concluded I was conversing with my friend from Tennessee [Mr. ATKINS]. Neither of us knew the Clerk had concluded the reading. I desire the vote shall not be taken until an explanation is made.

The SPEAKER. The gentleman from New Jersey is entitled to the floor.

Mr. ROBESON. A large majority of the amendments in this conference report are merely verbal. In some cases the Engrossing Clerk was not very accurate in his spelling, and errors of that kind have been corrected.

With regard to the legislation on the bill, the conferees on the part of the House receded from their disagreement to the Senate amendment striking out our provision with regard to commodores. The conferees on the part of the Senate receded from their provision with regard to the promotions. And we provided by an amendment that the engineers and staff corps should have the same rights of promotion that the line officers had.

With regard to the torpedo corps, Mr. Speaker, we have provided that no torpedo shall be purchased without full experiment and test in American waters. We have stricken out from the bill the name of Mr. Weeks, but we have given him a chance to compete and have a test; and if his torpedo is found to be the best, he will get the provision the House made for him.

The important change with regard to this bill is this: That whereas we in the House provided for the completion of the engines and machinery for one of the monitors, while the Senate thought we should not be particular, as they said, and select but one, in favor perhaps of one special contractor, and that parties in California, in Delaware, and in Philadelphia had equal rights, we agreed to provide an addition of $550,000 to complete the engines and machinery of all of them.

I now yield such time as he may desire to the gentleman from Tennessee, my colleague on the committee of conference [Mr. ATKINS].

Mr. ATKINS. I desire only two or three minutes.

I declined to sign the conference report, because I did not feel I was justified in doing so after the decided vote of the House upon the monitors. The engines and machinery of only one monitor were provided for, and $450,000 was appropriated for that purpose. This bill appropriates $1,000,000 to finish the engines and machinery of three of the monitors.

Mr. HOLMAN. Three?

Mr. ATKINS. Yes, sir; three. It will take $350,000 or $375,000, on an average, to complete the engines and machinery for each monitor. I do not feel at liberty, representing the minority side of this House upon that bill, knowing as well as I did the opinions of the minority upon that subject, to sign this report. But for the fact that this appropriation is increased to $1,000,000 I should have signed the report so far as anything else in the bill is concerned. But, sir, I was not willing myself to sign the report, nor did I feel I would represent the wishes of the minority on this side of the House if I should do so. Consequently I withheld my signature.

I shall not argue the question. It is not necessary I should argue it.

Mr. RANDALL. How will you vote?

Mr. ATKINS. The question has been time and time again argued exhaustively in the House. It is for the House to decide now what it will do. So far as I am concerned, I shall not vote for the conference report, for the reason I have assigned; and that is the increase of the appropriation to the amount of $1,000,000 for the completion of the engines and machinery of three of the monitors.

Mr. ROBESON. I now yield to the gentleman from New York. How much time does he want?

Mr. HISCOCK. Five minutes.

Mr. ROBESON. I yield to the gentleman for five minutes.

Mr. HISCOCK. I believe that so important a matter as the increase proposed of the appropriations in this bill of $550,000 for the completion of the engines and the machinery of the monitors is entitled to some little consideration from this House.

After the fullest discussion of this question, when this subject was under consideration in the House, it was resolved that we would give $450,000 for the completion of the engines and the machinery of one monitor. It was then asserted on the floor that to some extent this work was experimental. It was also said here that a certain amount ought to be given for the maintenance of the Navy; but there was no need that this work should proceed in connection with the other.

Now, the conference report comes in here seeking to start the work upon two, and I do not know but upon all the monitors, and the proposition is to increase the appropriation for that purpose $550,000. I for one am opposed to it. I believe that this proposition has never had the consideration of the Committee on Appropriations. It has only had such consideration as could be given to it by two members of the conference committee; or I should say two members of the committee of conference on the part of the House have concurred in it.

I do not complain of that, because it is usual upon questions of this kind for the conferees to take the responsibility of deciding. But I do say that because of the reason that it has had the consideration of only three members of this House, and as it involves an expenditure of $550,000, it should now receive a passing moment's consideration from the entire House.

I do not know but what upon this question we may be compelled to recede. I will say that I do not believe there is any danger of the failure of this bill if we pause a moment to consider this question. And I do not believe there is any danger of the failure of this bill if we do not adopt this conference report. The subject will then go back to the Senate and there will be a further consultation on it.

Although the finances of the country are now in a good condition, I believe that upon this branch of the service the money which the House bill originally appropriated for expenditures for that purpose is all that is required, or at least all that should be given for the next year. I am not entirely sure that all of that money can be expended during the next fiscal year; I doubt very much if it can be.

But I repeat what I said once before on this floor, that I am opposed to making appropriations for any branch of the service for fear that the party which will come into power in the next Congress may fail to give it.

Mr. ROBESON. I now yield five minutes to the gentleman from Massachusetts [Mr. HARRIS], the chairman of the Committee on Naval Affairs.

Mr. HARRIS, of Massachusetts. I did not intend at any time during this session to participate in any controversy about the monitors. Rather than the monitors shall remain any longer, as they are and have been, a stumbling block to the American Navy, I would be willing, if the Committee on Appropriations think they know all about it, to have them bring in a bill providing that the monitors shall be taken out into mid-ocean and sunk out of sight forever.

Mr. HISCOCK. That is right.

Mr. HARRIS, of Massachusetts. But when the gentleman from New York [Mr. HISCOCK] rises here in his place and says that only three members of this House, and they members of the Committee on Appropriations, know anything about that matter, I beg to differ with him.

Mr. HISCOCK. The gentleman will allow me to correct him. I said that only three members of this House, so far as I know, were consulted with reference to this increase of appropriations.

Mr. HARRIS, of Massachusetts. I beg to say that the gentleman stated, as I understood him, that only three members of this House had investigated this subject.

Mr. HISCOCK. Oh, no.

Mr. HARRIS, of Massachusetts. I say that the Committee on Naval Affairs, though entitled to very little consideration here I know and feel, understand this subject quite as well as does the Committee on Appropriations.

Mr. HAZELTON. And a great deal better.

Mr. HARRIS, of Massachusetts. In regard to these monitors, there has been a great deal of odium cast upon them, and in consequence of that odium they have been heretofore an obstruction to the progress of the American Navy. But I stand here and say that I believe that no

better vessels were ever constructed in the world. They are perfect in workmanship; they have cost a vast sum of money, and they ought to be completed or entirely removed from sight; and I do not care personally which way you put it.

Mr. HISCOCK. Does the gentleman think it a matter of any consequence?

Mr. HARRIS, of Massachusetts. Yes, I do; for we have now no coast defense. We have fourteen little, weak, single-turreted monitors, mounted with fifteen-inch smooth-bore guns, hardly worthy the name of coast defenders. These monitors when finished may be found to be among the very first ships in the world. And yet during eight or ten years this Congress has been haggling over the question whether they should be finished or not. This report of the committee of conference proposes an appropriation of a million of dollars, and no more, for their engines and machinery. Do we need the vessels? Ought we as a nation to be prepared for our own defense? There is not a gun mounted in the American Navy worthy the name of a gun, and no ships to carry guns, even if we had them.

Yet when we come here after so long a consideration of the subject of these monitors, after having finished one and put it afloat and found that she was no experiment, after we have launched the Puritan and found that she is a better vessel than she was thought to be, that she floats higher out of the water than was expected, that she floats more armor than she was designed to carry, it seems to me to be too late for any gentleman to feel called upon to get up here and defend these vessels simply because popular clamor has assailed them heretofore.

Mr. Speaker, I have suffered personally in my relations to the Naval Committee on account of these vessels; I have no personal love for them; but if it were the last act of my official life I would declare that in my opinion they are worthy to be finished in the best possible-manner, and they ought to be finished as soon as possible.

Mr. ROBESON. Mr. Speaker, I desire to say that the House committee provided for the sum which was thought to be necessary for finishing the engines and machinery of the Puritan. When that provision went to the Senate Senators on both sides of the Chamber said, "That is not right; you must treat all these men in the same way; it is not right at this time, with an overflowing treasury, that you should single out a particular ship and appropriate apparently in the interest of a particular contractor. California and the Pacific Coast need a monitor; the gentlemen in Philadelphia and the gentlemen from Wilmington have had these ships on their hands as long as other people." No less than six boards have reported that they were all right; no member of any one of the boards has ever reported or said that the engines and machinery of any of them were not right.

Criticisms have been made by some one or two members of some of the boards as to whether these monitors would float, whether they were to be efficient; but every board and every expert that has examined any of them has said that the engines and machinery were perfect in workmanship, of good material, would accomplish the purposes for which they were designed, and that the prices were moderate. The Senate believed, and they insisted for two days, that this was the right thing to do. This amendment was put on in the Senate by the united votes of Democrats and Republicans, Senators from Delaware, from California, from Indiana, and other Democratic Senators voting for it. It was carried in the Senate two to one. Now, if we are to finish these monitors at all, let us be fair to everybody. I am willing to do it. I have for myself no personal feeling or pride about it in any manner. I have passed——

Mr. HOLMAN. I wish to ask the gentleman a question for the purpose of avoiding a misapprehension.

Mr. ROBESON. Certainly.

Mr. HOLMAN. Does not the amendment as reported by the conference committee strike out the word "completing" as applicable to one of the monitors and provide for the construction of the engines and machinery of all the monitors, adding a million dollars for that purpose?

Mr. ROBESON. I do not understand that the word "completing" is struck out; possibly it may be, but there was no intention of doing that. We may as well be frank about this matter; there is no dispute about it; this provision is intended to finish the engines and machinery of all the monitors. It adds $550,000 out of an overflowing Treasury to complete the engines and machinery of these vessels which are necessary for our defense and power on both coasts—work which will take a year to do, which, unless we commence it now, may not be done in time of need; whereas the more expensive but far more expeditious part of the work, the putting on of the armor, can be done in sixty days. That is not attempted at all under this provision.

Mr. PAGE. I wish to ask the gentlemen whether, if this amendment be adopted, it will complete the Monadnock on the Pacific coast?

Mr. ROBESON. Yes, sir. That is included in the estimate.

Mr. ATKINS. May I call the attention of the gentleman from New Jersey to the report of Commodore Shufeldt and the other officers of the naval board, who made the estimate of the cost of the engines and machinery of these monitors? The board fixes the amount, for instance, for the Amphitrite——

Mr. ROBESON. The whole amount estimated is $1,110,000.

Mr. ATKINS. That is true.

Mr. ROBESON. That is the whole amount. The Senate conferees said, "If this is not enough, we have given $1,000,000 for the construction fund; let the Secretary of the Navy take the money out of that fund and finish the work."

Mr. HOLMAN. This is not an appropriation for the completion of any one, but is to continue the work on all.

Mr. ROBESON. It is for completing such of them as the advisory board may recommend to be completed. The House conferees insisted upon the insertion of a provision that the execution of no contract for these engines and machinery should be entered into except——

Mr. ATKINS. The gentleman will allow me to say I believe there is no law that allows the taking of any part of the construction fund and applying it to these engines and machinery.

Mr. ROBESON. I think the Secretary of the Navy would have perfect liberty to use that fund for this purpose.

Mr. ATKINS. I should think not. It would be clearly a violation of the law.

Mr. ROBESON. That may be. He would only finish such as the advisory board might recommend. We have provided that the execution of none of these contracts shall be entered upon unless the naval advisory board find that they are fair and reasonable for the Government and at the lowest market price for similar work, the object being to prevent any combination on the part of a few ship-builders of the country to put up the price on the Government. No provision could be more carefully guarded. No appropriation is more needed. If it should turn out that these engines and machinery should not be needed for these monitors they will be suitable for any ship that we may have of that size.

Mr. HISCOCK. I desire to say to the gentleman that I advised with the Secretary of the Navy on that subject and he told me this machinery and these vessels would be constructed—I can not tell how, but for vessels of this size there would be the concentration in the space in which they could be used.

Mr. ROBESON. All naval engines and machinery are concentrated in space.

Mr. HISCOCK. I have the authority of the Secretary of the Navy.

Mr. ROBESON. I consulted the Secretary of the Navy, too. I know he knew it exactly. These engines and this machinery, the more concentrated they are the better. The less room they take, the more concentrated and compact they are to develop power, so much the better. Then they are superior to others, and they will fit any ship and can be used in any ship of the same size. I know all about that thoroughly. This is just the sum that this House voted last year for these things, $1,000,000; and then the Senate said "No; we will not vote it now. We will send it to the advisory board to examine and wait until they report." And when the thing came back into the House I, on consultation with the Appropriations Committee, its chairman, and all its members, agreed to that, and I said in my place on the floor I did not care anything about it; it might be submitted to a thousand boards if necessary; but when that report came in approving of them, I would stand by it. It has come in approving them unqualifiedly, pronouncing them the best ships of their kind in the world, pronouncing these engines perfect and available for all naval purposes.

Now, Mr. Speaker, I demand the previous question.

Mr. HISCOCK. I ask the gentleman to yield to me for one moment.

Mr. ROBESON. I yield to the gentleman from New York.

Mr. HISCOCK. The gentleman's remarks to the committee this evening convey to me the first intimation I have ever had this appropriates any money to build the engines and machinery of any one ship. I did understand we appropriated money to build a ship, but I did not understand there was anything in the bill which designated any one.

Mr. ROBESON. There is nothing in the bill, and I did not say so. I said that was the claim of the Senate.

Mr. HISCOCK. I see no reason why that should be made,

Mr. ROBESON. I said it was made and that is all. I now demand the previous question.

The previous question was ordered.

The question recurred on the adoption of the report.

The House divided; and there were—ayes 75, noes 54.

Mr. HISCOCK demanded tellers.

Tellers were refused.

Mr. HISCOCK. No quorum has voted.

Mr. HOLMAN. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 103, nays 91, not voting 97; as follows:

YEAS—103.

Aiken,	Burrows, Julius C.	Dezendorf,	Grout,
Anderson,	Butterworth,	Dunnell,	Guenther,
Barr,	Calkins,	Ellis,	Hall,
Belford,	Campbell,	Errett,	Hammond, John
Bingham,	Caswell,	Evins,	Harmer,
Bisbee,	Crowley,	Farwell, Chas. B.	Harris, Benj. W.
Bowman,	Darrall,	Fisher,	Haskell,
Brewer,	Dawes,	Garrison,	Hazelton,
Briggs,	Deering,	George,	Henderson,
Brumm,	De Motte,	Godshalk,	Hepburn,

Hill,	Lord,	Rich,	Taylor, Jos. D.
Hitt,	Lynch,	Richardson, J. S.	Thomas,
Horr,	Mackey,	Ritchie,	Valentine,
Houk,	McLean, Jas. H.	Robeson,	Van Aernam,
Hubbell,	Miller,	Robinson, Geo. D.	Van Horn,
Hubbs,	Moore,	Robinson, Jas. S.	Wait,
Humphrey,	Morey,	Ryan,	Walker,
Jacobs,	O'Neill,	Sessinghaus,	Ward,
Jadwin,	Page,	Sherwin,	Washburn,
Jorgensen,	Paul,	Shultz,	Watson,
Joyce,	Peirce,	Smalls,	West,
Kasson,	Pound,	Spaulding,	White,
Ketcham,	Prescott,	Speer,	Wilson,
Lacey,	Ranney,	Spooner,	Wood, Walter A.
Lewis,	Ray,	Steele,	Young.
Lindsey,	Rice, John B.	Strait,	

NAYS—91.

Armfield,	Cox, William R.	Jones, James K.	Scales,
Atherton,	Cravens,	Kenna,	Shallenberger,
Atkins,	Culberson,	Klotz,	Simonton,
Barbour,	Davis, George R.	Knott,	Singleton, Otho R.
Beach,	Davis, Lowndes H.	Ladd,	Skinner,
Belmont,	Dowd,	Latham,	Smith, J. Hyatt
Beltzhoover,	Dunn,	Leedom,	Sparks,
Blackburn,	Dwight,	Le Fevre,	Springer,
Blanchard,	Farwell, Sewell S.	Manning,	Stockslager,
Bragg,	Flower,	Matson,	Stone,
Buchanan,	Gunter,	McCook,	Talbott,
Buck,	Hammond, N. J.	McMillin,	Thompson, P. B.
Caldwell,	Hardenbergh,	Mills,	Townshend, R. W.
Carpenter,	Hardy,	Morse,	Turner, Henry G.
Cassidy,	Harris, Henry S.	Muldrow,	Turner, Oscar
Chapman,	Hatch,	Mutchler,	Wadsworth,
Clark,	Herbert,	Parker,	Warner,
Clements,	Hiscock,	Peelle,	Welborn,
Cobb,	Hoblitzell,	Randall,	Wheeler,
Colerick,	Holman,	Reese,	Whitthorne,
Cook,	House,	Rice, Theron M.	Willits,
Covington,	Hutchins,	Robertson,	Wise, Morgan R.
Cox, Samuel S.	Jones, Geo. W.	Ross,	

NOT VOTING—97.

Aldrich,	Dibrell,	McKenzie,	Scoville,
Bayne,	Dingley,	McKinley,	Scranton,
Berry,	Doxey,	McLane, Robt. M.	Shelley,
Black,	Dugro,	Miles,	Singleton, J. W.
Bland,	Ermentrout,	Money,	Smith, A. Herr
Bliss,	Ford,	Morrison,	Smith, Dietrich C.
Blount,	Forney,	Mosgrove,	Taylor, Ezra B.
Browne,	Fulkerson,	Moulton,	Thompson, Wm. G.
Buckner,	Geddes,	Murch,	Townsend, Amos
Burrows, Jos. H.	Gibson,	Neal,	Tucker,
Cabell,	Haseltine,	Nolan,	Tyler,
Camp,	Heilman,	Norcross,	Updegraff,
Candler,	Herndon,	Oates,	Upson,
Cannon,	Hewitt, Abram S.	Pacheco,	Urner,
Carlisle,	Hewitt, G. W.	Payson,	Vance,
Chace,	Hoge,	Pettibone,	Van Voorhis,
Clardy,	Hooker,	Phelps,	Webber,
Converse,	Jones, Phineas	Phister,	Williams, Chas. G.
Cornell,	Kelley,	Reagan,	Williams, Thomas
Crapo,	King,	Reed,	Willits,
Cullen,	Marsh,	Rice, Wm. W.	Wise, George D.
Curtin,	Martin,	Richardson, D. P.	Wood, Benjamin.
Cutts,	Mason,	Robinson, Wm. E.	
Davidson,	McClure,	Rosecrans,	
Deuster,	McCoid,	Russell,	

So the report of the committee of conference was agreed to.

The following additional pairs were announced:

Mr. CRAPO with Mr. DAVIDSON.

Mr. DINGLEY with Mr. ERMENTROUT.

Mr. WILLIAMS, of Wisconsin, with Mr. DEUSTER.

Mr. KELLEY with Mr. HEWITT of Alabama.

Mr. MASON with Mr. FORNEY.

Mr. CANNON with Mr. MOULTON.

Mr. BURROWS, of Missouri, with Mr. BERRY.

Mr. ALDRICH with Mr. UPSON.

Mr. WAIT with Mr. COVINGTON.

Mr. SMITH, of Illinois, with Mr. REAGAN.

On motion of Mr. HISCOCK, by unanimous consent, the reading of the names was dispensed with.

The result of the vote was then announced as above recorded.

Mr. ROBESON moved to reconsider the vote by which the conference report was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SOLDIERS' HOME, WASHINGTON, DISTRICT OF COLUMBIA.

Mr. HENDERSON. I rise, Mr. Speaker, to submit a conference report on the disagreeing votes of the two Houses on the amendments of the House to the Senate bill No. 1821, prescribing regulations for the Soldiers' Home, located at Washington, in the District of Columbia, and for other purposes.

The SPEAKER. The statement accompanying the report will be read.

The statement was read. It is as follows:

The managers on the part of the House of the conference upon the disagreeing votes of the two Houses upon Senate bill 1821, prescribing regulations for the Soldiers' Home, located at Washington, in the District of Columbia, and for other purposes, submit the following written statement in explanation of the effect of the report if adopted:

The conferees recommend that the House recede from its amendments numbered 1, 2, 3, 4, 5, 6, 7, and 10, the effect of which is to retain the board of commissioners in the management of the home.

Also, that the Senate recede from its disagreement to amendment numbered 9, the effect of which will be to allow 3 per cent. instead of 4 per cent. to be paid upon funds of the home deposited in the Treasury.

Also, that the Senate recede from its disagreement to amendment numbered 8, with an amendment the effect of which would be to require all of the officers of the home to be selected by the President of the United States.

Also, from its disagreement to amendment numbered 11, with an amendment the effect of which is to provide that the board of commissioners shall consist of the General-in-Chief, commanding the Army, the Surgeon-General, the Commissary-General, the Adjutant-General, the Quartermaster-General, the Judge-Advocate-General, and the governor of the home.

Also, that the House recede from its amendment numbered 12, with an amendment, the effect of which will be to extend the appropriation to the adjustment of all accounts in the Treasury Department belonging to the home.

The managers also agree to section 2 with amendment, the effect of which is to require the Inspector-General of the Army to make the inspection of the home provided for by law in person.

THOS. J. HENDERSON.
ANSON G. McCOOK.
EDW. S. BRAGG.

The report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1821) entitled "An act prescribing regulations for the Soldiers' Home, located at Washington, in the District of Columbia, 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 House recede from its amendments numbered 1, 2, 3, 4, 5, 6, 7, and 10.

That the Senate recede from its disagreement to amendment numbered 9.

That the Senate recede from its disagreement to amendment numbered 8 with an amendment as follows:

"SEC. 7. That the governor and all other officers of the home shall be selected by the President of the United States, and the treasurer of the home shall be required to give a bond in the penal sum of $20,000 for the faithful performance of his duty."

That the Senate recede from its disagreement to House amendment numbered 11, with an amendment as follows:

"SEC. 10. That the board of commissioners of the Soldiers' Home shall hereafter consist of the General-in-Chief commanding the Army, the Surgeon-General, the Commissary-General, the Adjutant-General, the Quartermaster-General, the Judge-Advocate-General, and the Governor of the Home; and the General-in-Chief shall be president of the board, and any four of them shall constitute a quorum for the transaction of business."

That the House recede from its amendment numbered 12, with an amendment as follows:

"SEC. 12. That the sum of $10,000 is hereby appropriated out of any money in the Treasury not otherwise appropriated to be expended by the Secretary of the Treasury in the employment of additional clerical force to be used in adjusting the accounts in the Treasury Department of those funds which under the law belong to the Soldiers' Home."

That the House agree to section 2 with an amendment.

"SEC. 2. That the Inspector-General of the Army shall in person once in each year further inspect the home, its records, accounts, management, discipline, and sanitary condition, and shall report thereon in writing, together with such suggestions as he desires to make."

And agree to the same.

THOMAS J. HENDERSON,
ANSON G. McCOOK,
EDWARD S. BRAGG,
Managers on the part of the House.
JOHN A. LOGAN,
W. J. SEWELL,
WADE HAMPTON,
Managers on the part of the Senate.

Mr. HENDERSON. I move to concur in the report of the committee of conference.

The motion was agreed to.

Mr. HENDERSON moved to reconsider the vote by which the conference report was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ARMY APPROPRIATION BILL.

Mr. BUTTERWORTH. I submit the report of the committee of conference on the disagreeing votes of the two Houses on the Army appropriation bill.

The SPEAKER. The statement will be read.

It is as follows:

The managers on the part of the House on the disagreeing votes of the two Houses on the Army appropriation bill submit the following written statement in explanation of the conference report:

As agreed in conference the bill appropriates $24,681,350, being $1,734,104.10 less than the appropriations for the current year and $3,694,243.44 less than the estimates for 1884.

BENJ. BUTTERWORTH,
J. C. BURROWS,
E. JNO. ELLIS,
Managers on the part of the House.

Mr. HOLMAN. I hope that there will be some statement of this matter. That report furnishes no information.

Mr. BRAGG. I make the point of order against that report that it does not conform to the rules of the House. Under the rules the report should refer to each amendment and indicate the result of its adoption or rejection. Now, I know that in the action of the Senate there were a large number of amendments where legislation concerning the Army has been stricken out; and there is no allusion in the conference report to these facts.

Mr. BUTTERWORTH. I have in my hand a written report at length in regard to this matter.

The SPEAKER. The Chair directed the Clerk to read the accompanying statement, as is the custom. The report refers to the different numbers of the amendments.

Mr. BRAGG. I would like to inquire of the Speaker if the place for that report is in the pocket of a member of the committee on conference instead of being submitted to the House?

Mr. BUTTERWORTH. The report which I hold in my hands contains all of the items on which there was a difference of the two Houses.

The SPEAKER. The Clerk will read the report if the gentleman desires it. The statement of the gentleman contains an intimation that is not true.

Mr. BRAGG. I desire to say that that report has come from a member of the committee since the point of order was made; and when the Speaker says it is not true he is mistaken.

The SPEAKER. The gentleman from Ohio submitted the report in the first instance.

Mr. BRAGG. I have seen just this moment the gentleman from Ohio pass the report over to the Clerk's desk.

Mr. BUTTERWORTH. The gentleman is entirely mistaken. I went to the desk and got the report myself, when I found the Speaker had not directed it to be read, with the intention of explaining, if necessary, all of these points of difference. The gentleman is entirely in error.

Mr. BRAGG. No, sir; I am not. The report belongs there at the desk, and not in the pocket of a member.

The SPEAKER. This is taking the usual course in every respect.

Mr. BRAGG. Certainly this is taking the usual course to-night, when fifty are counted for no more than ten. I asked to have the report read and another paper was read in lieu of the report.

Mr. BUTTERWORTH. It was not read in lieu of the report.

The SPEAKER. This is not in order. The statement accompanying the report has just been read.

Mr. HOLMAN. As I understand, the report of the conference committee has not yet been read.

Mr. BRAGG. Let the conference report be read.

The SPEAKER. The report of the committee of conference will be read.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7077) "making appropriations for the support of the Army for the fiscal year ending June 30, 1884, 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 3, 7, 9, 18, 27, 30, 31, and 36.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 6, 8, 10, 12, 13, 19, 21, 22, 23, 24, 26, 28, 29, 32, 33, 34, 35, and 38; and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the sum proposed, insert "$1,750;" and the Senate agree to the same.

Amendment number 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In lieu of the number proposed by said amendment, insert "thirty;" and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: After the word "line" in said amendment, insert the following: "And no more than thirty aids-de-camp shall be paid as such in addition to their regular pay in the line;" and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the number proposed by said amendment, insert "seventy-five;" and the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$11,900,000;" and the Senate 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: In lieu of the matter proposed to be stricken out by said amendment, insert the following:

"*Provided*, That vacancies that may hereafter occur in the Pay Corps of the Army in the grades of lieutenant-colonel and major by reason of death, resignation, dismissal, or retirement, shall not be filled by original appointment until the Pay Corps shall by such vacancies be reduced to forty paymasters, and the number of the Pay Corps shall then be established at forty and no more, and hereafter vacancies occurring in the Quartermaster's and Commissary's Departments of the Army may, in the discretion of the President, be filled from civil life."

And the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In lieu of the number stated in said amendment insert "seventy-five;" 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: In lieu of the number of rations as fixed by said amendment insert "10,125,000 rations;" and the Senate agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$2,940,000;" and the Senate agree to the same.

Amendment numbered 25: That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$100,000;" and the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: Strike out the word "employés," where it occurs in said amendment, and in lieu thereof insert the word "clerks;" and the Senate agree to the same.

BENJ. BUTTERWORTH,
J. C. BURROWS,
E. JNO. ELLIS,
Managers on the part of the House.

JOHN A. LOGAN,
P. B. PLUMB,
M. W. RANSOM,
Managers on the part of the Senate.

Mr. BUTTERWORTH. Now I move the adoption of the report, and I will say a word in regard to it.

Mr. BRAGG. I make the point of order against that report.

The SPEAKER. The point of order is overruled.

Mr. BRAGG. Will not the Speaker hear the point of order? My point of order is that the report does not show the changes made in the bill. It says in lieu of what is stricken out, particularly in reference to the Pay Corps, there shall be inserted as follows, but it does not state what is stricken out. It does not explain what has been taken from the bill and what has been substituted for it in the bill, so as to show how the bill will read after the change is made. The point of order is that it does not comply with the rule.

The SPEAKER. The gentleman does not quote the rule. The rule provides that the statement accompanying a report of a committee of conference shall show the effect of the changes. The Chair is unable to discriminate against the report in that respect, and the point of order is overruled.

Mr. BRAGG. I desire to call attention to a particular clause of the report. I know you have got the power, but I have the right to ask that the particular clause in the report be read in order to show the Speaker that he is mistaken in the decision he has made.

I refer to that part of the report which relates to the Pay Corps. The report gives no information whatever with reference to the amendment in regard to that. Neither does it give any information with regard to that part of the bill wherein we provided in the House that certain officers should no longer remain absent from their commands who have been absent more than three years.

There is another provision which provides that the number of aids-de-camp shall be reduced, and provides that the pay of the aids-de-camp shall not exceed a particular sum.

There is no allusion in that report anywhere to these provisions in the bill which were stricken out. They are only referred to as something having been stricken out, and in lieu thereof it is stated that something is inserted as follows.

The SPEAKER. The gentleman from Ohio [Mr. BUTTERWORTH] moves concurrence in the conference report.

Mr. HOLMAN. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HOLMAN. Under Rule XXIX this report of the conference committee is required to be accompanied with—

A detailed statement sufficiently explicit to inform the House what effect such amendments or propositions will have upon the measures to which they relate.

My point of order is this: that the statement is expressed in merely general terms, and is not a compliance with the rule.

The SPEAKER. The same point of order was made by the gentleman from Wisconsin [Mr. BRAGG], and the Chair can not hear the same point of order repeated. The gentleman from Ohio moves to concur in the report.

Mr. HOLMAN. I rise to a question of order. Under Rule XXIX, which I send to the Clerk's desk to be read, I make the point of order that the statement read at the Clerk's desk is not a compliance with the rule.

The SPEAKER. That point of order the Chair has already heard and disposed of.

The question was put on agreeing to the report of the conference committee.

Mr. HOLMAN. I call for a division.

The House divided; and there were—ayes 89, noes 42.

Mr. BRAGG and Mr. HOLMAN. No quorum.

The SPEAKER. A quorum not having voted, the Chair appoints as tellers the gentleman from Indiana, Mr. HOLMAN, and the gentleman from Ohio, Mr. BUTTERWORTH.

Mr. HOLMAN. I ask unanimous consent to make a statement. The rule to which I refer—[cries of "Regular order!" "Object!"]

The SPEAKER. The gentleman can not be heard on that. Objection is made. The point of order ought not to be made more than three times at least.

The House again divided; and the tellers reported—ayes 111, noes 38.

So the report of the committee of conference was concurred in.

Mr. BUTTERWORTH moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED BILL SIGNED.

Mr. SHALLENBERGER, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the House of the following title; when the Speaker signed the same:

A bill (H. R. 7181) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1884, and for other purposes.

ELECTION CONTEST—COOK VS. CUTTS.

Mr. CALKINS. I now call up the contested election case of Cook *vs.* Cutts from the sixth Congressional district of Iowa.

Mr. PAGE. Is it in order to move to adjourn now?

The SPEAKER. The Chair thinks it is too early to adjourn. [Laughter].

Mr. CALKINS. I ask the Clerk to read the resolutions reported from the committee.

The Clerk read as follows:

Resolved, That M. E. Cutts was not elected as Representative from the sixth district of Iowa, and is not entitled to a seat on the floor of this House.

Resolved, That John C. Cook was duly elected as Representative from the sixth district of Iowa, and is entitled to a seat on the floor of this House.

Mr. CALKINS. In regard to this case, I desire to state that the Committee on Elections, after entering upon its investigation, came to the House with a resolution asking that the time be extended in order to enable the contestant to take further testimony, which was granted by the House. That testimony was not completed until July last. That accounts for the delay in the decision of this case.

The delay in the decision of the Frost and Sessinghaus case, which has just been decided by the House, was in consequence of the voluminous record, and, as was well stated, in consequence of the fight that was made, step by step, throughout the case.

Those two cases, with one other, that of Lee against Richardson, from the State of South Carolina, in which the majority of the committee have reported in favor of the sitting member, complete the work of the Committee on Elections for this Congress.

I now yield the floor to my colleague on the committee, the gentleman from Virginia [Mr. PAUL].

The SPEAKER. How much time does the gentleman yield?

Mr. CALKINS. My entire time.

Mr. HAZELTON. I rise to a parliamentary inquiry, as a member of the Committee on Elections.

The SPEAKER. The gentleman will state it.

Mr. HAZELTON. I desire to inquire whether, if we should adjourn now, this case would not come up in the morning as unfinished business, to be disposed of at that time?

The SPEAKER. It would come up when called up.

Mr. CALKINS. I desire now, with the permission of the gentleman from Virginia [Mr. PAUL], to ask whether any arrangement can be made with reference to the time desired for debate on either side of this case.

Mr. BELTZHOOVER. I will answer the gentleman that on our side we will be willing to conclude this discussion in fifteen minutes for and fifteen minutes against the report.

Mr. CALKINS. I will ask my colleague on the committee, the gentleman from Massachusetts [Mr. RANNEY], what time he will want?

Mr. RANNEY. I will have to take an hour, and there are two other gentlemen on the committee who will want from half an hour to an hour each.

Mr. CALKINS. I will submit to the House and to my colleagues on the Committee on Elections whether or not an hour on each side, which was the time granted in the other case decided to-night——

Mr. RANNEY. That time was extended an hour.

Mr. CALKINS. Whether an hour on each side will not be sufficient.

Mr. RANNEY. It would be impossible for us to present our side in less than two hours. It would be cruelty to animals to ask us to do so to-night.

Mr. CALKINS. I think that an hour on each side is enough, and I give notice that as at present inclined I shall call the previous question at the end of that time.

Mr. TOWNSHEND, of Illinois. Allow me to make a suggestion.

Mr. CALKINS. What is it?

Mr. TOWNSHEND, of Illinois. It is that an hour on each side be allowed for debate, with the understanding that no vote shall be taken on this question until to-morrow morning.

Several MEMBERS. Oh, no; decide it to-night.

Mr. CALKINS. As for the present it does not seem possible to arrive at any understanding in reference to the time to be allowed for this case, I will yield to my colleague on the committee, the gentleman from Virginia [Mr. PAUL].

The SPEAKER. The gentleman from Virginia will proceed.

Mr. PAUL. Mr. Speaker, fortunately this case admits of comparatively little discussion; it is narrowed down to one point. In the short time which I shall ask the attention of the House I shall address my remarks to the single point on which this case turns.

There is nothing in this case similar to what we have had in other contested-election cases. There is no charge here of ballot-box stuffing or of dishonest counting. The whole case turns on the single question as to the legality of about 20 or 23 votes.

Mr. Cutts, the contestee in this case, was declared elected and received the certificate on a majority of 9 votes. The contestant, Mr. Cook, served notice of contest on Mr. Cutts, and claimed that there were certain votes which had been cast for Mr. Cutts that were illegal and fraudulent. Mr. Cutts filed his answer and claimed that certain votes that had been cast for the contestant were illegal and fraudulent.

The result of that part of the contest is about this: The contestant shows that there were 7 illegal votes cast for the contestee, and the contestee shows that there were 7 or 8 votes cast for the contestant that were illegal. In the consideration of this question these fraudulent votes were excluded by the committee; and the case, as I said before, turns upon the 15 or 20 illegal votes claimed to have been cast for the contestee.

Those illegal votes were cast in this wise: at one of the polling precincts, Muchachinock, there was a coal-mine, and in that coal-mine were employed a number of colored men from the State of Virginia. They went there in different lots. One crowd went in March, 1880; another went in April, 1880; another went in May, 1880; another in July, and another in September, and another in October of the same year. Now, the laws of the State of Iowa require a residence of six months in order to give a man the right to vote.

All the men who went there prior to May, 1880, had a right to vote. All who went there after the 1st day of May had no right to vote. The testimony in this case shows that of those men who went there twenty-three arrived after the 1st of May, 1880, and they were voted at the election in November following, not having been there six months. Therefore they had no right to vote. Now, Mr. Speaker, that is a fair statement of the case. That is the issue involved here.

I do not know what position will be taken by the minority of the committee who make a report in this case. I believe there are but two. The gentleman from Massachusetts [Mr. RANNEY] has made a report, and an able report, because he is an able man; but he will be unable to show this House that the votes which were cast by these men who went to Iowa after the 1st of May, 1880, are legal votes.

Mr. RANNEY. You had better show that they are illegal.

Mr. PAUL. We do show that they are illegal; and as to the proof, we prove by the man who took these people to Iowa, Major Shumate, that twenty-three of them went there after the 1st day of May, 1880. Not only is this proof given by Major Shumate, but he is corroborated and sustained by overwhelming testimony in the cause. We show he is correct in his statement by the letters which he wrote to his family after the arrival of these people. We show it by the testimony of the railroad companies who carried them to Iowa. What is stronger still, not a single witness is brought to contradict Major Shumate as to the time these people went there. When we sent out subpœnas to bring in witnesses to show the time that these men went to Iowa we could not find any of them except two; but when we asked them the question, "Did you vote in the last election?" they said, "We prefer not to answer that question." They not only refused to tell how they had voted, but whether they had voted at all.

An attempt has been made in this case to break down the testimony of this chief witness, Major Shumate, but it utterly and completely failed. He is corroborated by facts and circumstances which could not be falsified. He is sustained by letters which he wrote home to his wife as to the time these people arrived. He is sustained by testimony of the railroad officers; he is sustained by the records of the railroad office; he is sustained by the drafts he drew to pay the fare of these people; drafts which he drew on Mr. Cutts's own bank. And he is sustained by the fact that not one witness was called to contradict him. There is a feeble attempt made to break him down on his general reputation for veracity. You know what that amounts to. Twenty or thirty colored people were called to testify to the fact that Major Shumate was not a man of veracity. Twenty or thirty colored men came up and said that he was a man of veracity. In addition to that, eighteen white men of Oscaloosa, the town in Iowa in which he lived, came up and said he is a reputable man, a man of veracity, a man to be believed.

Now, I can anticipate from the report made by my friend from Massachusetts [Mr. RANNEY] the points that he is going to make in this case in order to break down Major Shumate's testimony. The first point he makes is that Major Shumate's memory is a bad one, that he is inaccurate in his statement of dates. Well, a man may not be able to fix a certain day; and Major Shumate does not profess to fix in his testimony any date when these people left Virginia; but he tells you that a certain man left in March, certain other men in April, certain other men in May, others in July, and others in September, others in October. If he had undertaken to fix a certain date you might have suspected the inaccuracy of his testimony; but he was so cautious and prudent as only to declare the month in which these people arrived. Then the books of the coal company, this company for whom these men were employed, show the month in which they arrived. There can not be in my judgment any question as to the fact that these men had not lived in Iowa a sufficient length of time to be allowed to vote in November, 1880.

At the risk of reputation let me say that Major Shumate is supported by letters written to his wife at the time of his arrival. The contestant here claims that the first installment of these people landed in Iowa on the 15th of May, 1880, fourteen days too late to make them legal voters at the November election following. The railroad records show that this crowd of colored people landed there on the 15th day of May.

Mr. RANNEY. I can save the gentleman and the House half an hour's talk perhaps. If he will look at my report and will remember what I said in committee he must understand that I concede six men who came in a crowd on the 15th of May, because that matter is of no consequence to the case.

Mr. PAUL. There were seven in that crowd. The gentleman concedes them, as I understand.

Mr. RANNEY. If the gentleman will look at my report he will see how I put it.

Mr. PAUL. The gentleman has made several reports. Does he refer to the supplemental report or to the other?

Mr. RANNEY. Both.

Mr. PAUL. I am glad the gentleman concedes that point. Then the only question between us is as to the time when the other sixteen arrived. And the testimony on that point is overwhelming that they arrived not with this crowd in May, but came in July, came in September, came in October, all of them arrived in Iowa after the seven men arrived there on the 15th day of May. I am glad to know you conceded that much.

Mr. RANNEY. You can not have read my report if you did not know it before.

Mr. PAUL. Why, that was the fight—that was the issue you made before the committee. That was the only point you made. When we showed you these people arrived on the 15th of May, then you said there were two crowds; one got there, you said, on the 1st day of May and the other on the 15th of May. Now you come in and concede these men got there on the 15th of May, but were not legal voters. Then let those seven stand aside, and that reduces Mr. Cutts's majority down to 2. But what are you going to do with the other 16 which arrived there in July, and in September, and in October? What is the proof? We narrow it down to 16 votes, 2 majority you have for Cutts. What are you going to do with the other 16? There is Shumate's testimony, the man who gathered these people up in Virginia and carried them out to Iowa, swearing they went in July and in September and in October, all after the 15th of May, 1880. What testimony do you bring to contradict him? When we called for these people themselves to come and testify we could not find them. Subpœnas were returned *non est inventus*. You know we got after all of them; we found but two and put them on the stand and asked them, "How did you vote in the last election?" And they said, "I prefer not to answer that question."

And you never tried to contradict Major Shumate except as to the May crowd. You called all these people as witnesses who had voted illegally, and knew they had no right to vote, and every mother's son swore they got there on the 1st day of May. A nice calculation, because if they got there on the 2d day of May they would not have been there six months to entitle them to vote. You called all of that May crowd, but you never called a single witness as to anybody who came in July or September or October. You had them all there—your own partisans—under your own control, but not a man did you bring to contradict the statement of Major Shumate as to the time they got there.

Now I will leave this case here with this, the opening statement. I do not desire to discuss it any further. This case was thoroughly discussed before the committee. It was carefully examined. I do not wish to detain the House longer in this discussion, if I were so disposed—but I will not do that. I will not trespass upon the sense of justice and of right that has marked the Republican side of this House in these contested-election cases. I will not offend your sense of justice by asking you to apply the same rules to Northern contested-election cases that you have applied to the Southern people. I have stood here by you in your policy of investigating these election cases, because it was right; not because it was the policy of the Republican party, but because it was the policy of justice and of honesty. And I have assumed as much responsibility in these contests as any man on this floor, and I do not regret it. I rather like responsibility, and the brief record I have made in this Congress I am proud of; prouder of the votes I cast on this floor to seat men whom I believe to be honestly elected than of anything else connected with my short Congressional career, except one thing, and that is the indorsement that my constituents gave me in the last campaign, because I had stood up for honest election and an honest count.

It may be the dream of a visionary, but I indulge the hope that I shall live to see the day when the claims of a Representative to a seat in this House shall be determined independent of partisan feeling and partisan bias, when it shall be the eager, earnest, honest desire of those who are to pass judgment upon conflicting claims to the right of representation on this floor, to ascertain the legally-expressed will of the constituent body, and to voice that will with an honesty and purity of determination that shall leave no doubt of its justice. [Applause on the Republican side.]

I leave this question with you. It is your concern as much as it is mine. Here is a case in which I believe that Mr. Cook was honestly elected; that there were illegal votes cast for Mr. Cutts that ought to be excluded I think; and I say it is the crowning honor of the Republican party in this Congress that it has stood up for fair elections, and has declared before the country there shall be honest elections throughout this Union. This is the first case that has been presented from the North, and I expect the Republican side of this House to apply the same rules to a Northern case they did so rigidly, and I say so justly, enforce in Southern elections. [Applause.]

Mr. RANNEY. Mr. Speaker, I would be the last man in this world to stand here and advocate the cause of this contestee [Mr. CUTTS] if I did not believe that he was duly elected and is entitled to retain his seat. It is undoubtedly true that this contestant if he was elected should now be given his seat, whatever may be the consequence. But if he has to be given a seat at all it must be given to him as a matter of right, of strict right, and not as a matter of grace or favor. If I wanted to oblige my good friend from Virginia, and I could feel that I was doing right when I did so, I would be glad to seat the contestant; but I can not do it, and I do not believe the House can do it. I do not believe the House can do it, because it is not right, and for one I am not willing to put myself on the record as sustaining the case presented here by the contestant. I do not believe that if a jury had found the facts as stated in the majority report there is any court under Heaven, certainly in this country, that would not in the exercise of its conservative power set it aside as against evidence and without evidence.

Now, sir, to come at once to the case in hand: The contestee was awarded his certificate on a majority of 101. It appears that in two townships the returns were defective, but the actual vote has been proved as it was cast, and being allowed, the majority of contestee is reduced to 9.

That is the position in which it stands on conceded facts to this point. The contestant concedes and the evidence shows 8 illegal votes at least cast for the contestant. Eight are conceded, and the names are given in the majority report. I pass to the controverted issues.

The majority report shows this: They find 32 illegal votes to have been cast for the contestee, twenty-three of them are the votes of colored persons, seven of them are in a miscellaneous class, one of them was an alleged imbecile, another one is said not to have resided in the township where he voted, but in another township within the same district, and five of them are said not to have been citizens because not naturalized, and then there are said to have been two colored voters more who came from the Albia mines. The majority report finds only a majority of fourteen for contestant, and the report which I have presented in behalf of the minority finds a majority of fourteen the other way. So that the case comes down to close quarters.

Unfortunately the everlasting negro is brought into it, but there is no pretense that the colored men were taken to Iowa for any improper purpose, but for legitimate business and for laudable purposes as laborers in mines.

Mr. MOULTON. And were used fraudulently after you got them there.

Mr. RANNEY. Wait until I get through and see, and the House will judge as to that. It is not so.

There is, however, another question that meets us on the very threshold of the case, not considered or reported upon in the majority report. In my judgment this question determines the case of itself. But before treating that issue I wish to say, as preliminary to that consideration, I was on the sub-committee that investigated this case. My associate from Iowa [Mr. THOMPSON] who is absent now on account of illness of some relative, as I understand, was also upon that sub-committee. We tried no less than six times to get a quorum of that committee together to hear this case, but rarely ever got more than one or two members. In addition to that we did not ever succeed in getting a full hearing of the case. The contestee was ill and had no counsel; but finally the case had to be brought before the whole committee for decision, without any formal report from the sub-committee. When it was taken up and decided there, five members were absent or did not vote, and a bare majority passed upon the case there. Mr. THOMPSON, who was to make a report of the case to the committee, had been compelled to leave and was not present.

Mr. BELTZHOOVER. Let me ask the gentleman, how did the vote stand in the committee?

Mr. DAVIS, of Missouri. I was just about to ask the same question.

Mr. RANNEY. Eight in the majority.

Mr. BELTZHOOVER. But eight voted for the majority report, and two against it, and one declined to vote. That is not a bare majority.

Mr. RANNEY. My statement is correct, that in the committee a bare majority voted in favor of the contestant. There are fifteen members in all and it took eight to make a majority of the whole committee. I did not undertake to say anything else. Seven would not have been a majority. There were two on the other side that voted, and the rest were not there and did not vote at all.

Mr. AIKEN. How would they have voted?

Mr. RANNEY. I do not know.

Mr. FLOWER. This is another question of eight to seven, I suppose?

Mr. RANNEY. I call it a majority vote, although, as I have said, it is a bare majority. Eight voted and the rest were not there, and you may discover for yourself how they would have voted. I know nothing about that. I am stating the facts as I know them.

I do not mean to reflect upon the absent ones because of their absence. They know what their reasons were; I do not. The point which I am now to consider was never argued or considered in committee and is not reported upon in the majority report at all. It is treated by me in the minority report. My friend [Mr. PAUL] has not touched upon it in what he has said. I invite the attention of the House to the same.

The facts are not in dispute. There were two precincts in which some 34 ballots were found in the wrong box, and which were counted

for contestant; 25 were in one precinct and 8 in another. There was 1 ballot cast for Mr. Cutts, which was found in the wrong box also. There were three boxes—one designed for the ballots for State and county officers and member of Congress, they being all on one ticket; another for township officers; and another was for ballots cast upon the constitutional amendment, called the amendment box.

The ballot for Mr. Cutts alluded to was found in the amendment box. The others were found in the township box—25 in one precinct and 8 in another precinct. The managers excluded the vote cast for Mr. Cutts and counted those cast for contestant. If this was wrong contestee was elected at all events, and the other questions become immaterial.

In my opinion none of these votes found in the wrong box should have been counted, and that they should now be rejected.

Mr. HOOKER. Who put them in the box, the electors or the managers?

Mr. RANNEY. I will answer that when I come to it in order; but wish now to show what is the law, and what are the precedents in this House on the subject. Gentlemen must remember they are making precedents in this case for the future. We are deciding a question of law which is independent, important and independent of all. It is not a new question. There are two precedents on the records of the House and which have gone into the books, and there is a well-considered case decided by the highest court in Michigan.

The precedents and case referred to and considered are in McCrary on Elections, sections 130, 131, 132, 133. What was held in Washburn *vs.* Ripley is thus stated by Mr. McCrary. I will read only brief extracts:

> In the lower House of Congress it has been held that ballots deposited in the wrong box were lost and could not be changed to the right one, either by the voter or the officers of election. The same question again arose in the House in the more recent case of Newland *vs.* Graham. In that case one of the judges of election testified, he and the other judges finding a few ballots had been placed by mistake in the wrong box, had them changed. There was no doubt as to the mistake, or that the judges acted fairly and in good faith. The committee submitted to the House the question whether these ballots should be counted, at the same time, however, intimating very clearly what their opinion was. In this case that recommendation of the committee was not adopted by the House, or at least adopted only in part, the seat being declared vacant, while the committee recommended the seating of the contestant.

These are two precedents of long standing in this House; and there is not one that I can find to the contrary.

There is a well-considered case in the eleventh Michigan Reports, of The People on the relation of Michael Hayes *vs.* George Bates. I will read from the head-note. It was held as follows:

> Where a city and State election were both held at the same time, under the charge of the same inspectors, and 7 ballots for city officers were found at the closing of the poll in the "State" box, and the circumstances of the case made it reasonably certain that these ballots were in good faith put in by electors, who did not put in other ballots for city officers at the same election, it was held that they were properly counted by the inspectors.

Now, I will read one sentence more from the opinion of Judge Campbell—a dissenting opinion. I take the law, you will see in a moment, as held by the majority of the court in this case. I do not claim anything else. Judge Campbell says this:

> But the fact that such an occurrence has happened, either by the design or mistake of these voters, and that it is impossible by any means to ascertain who they were, illustrates to my mind the necessity of adhering to the rule of counting only such ballots as are cast into the proper ballot-box, without attempting to correct what can only be supposed to be an error by means purely conjectural.

Now, what does McCrary say? And it is a doctrine which I have adopted, that if the ballots are put into the wrong box by the design or fraud of the inspector the voter should not be deprived of his ballot; that I grant. And if it is a pure mistake of the voter, and it is so shown and proved affirmatively, then I grant the vote should be counted. I take the extreme view or the most favorable view, as intimated by Mr. McCrary, as you will see when I call your attention to the facts in this case. McCrary says:

> It should be shown that the ballots were handed in by legal voters and deposited in the wrong box by accident or mistake or fraud of the officer, and the facts and circumstances tending to establish or to go to disprove this proposition should be brought out in the evidence.

Mr. HOOKER. Your own authority puts you out of court.

Mr. RANNEY. No, it does not.

Mr. HOOKER. Go on; I will show you that it does.

Mr. RANNEY. If so, then I will yield the case. The point is this: if the ballots were put into the wrong box by the wrongful act of the inspector, they should be counted; and if they are put into the box by the innocent mistake of the voters they should be counted. But it is not enough that you should show the fact that the ballot appears in the wrong box; you must show the mistake, or the accident, or the fraud by which it was put into that box. If this is not proved affirmatively this House should reject the ballots counted for the contestant.

Mr. MOULTON. Will the gentleman allow me——

Mr. RANNEY. Certainly.

Mr. MOULTON. Is it not the rule that the presumption is that every officer performs his duty?

Mr. RANNEY. That is undoubtedly the rule of law, that the officers of election are presumed to act rightly and to do their duty. That is the case here. The evidence here is that the officers took the votes and put them into the boxes as the electors themselves directed.

Mr. MOULTON. I deny that.

Mr. RANNEY. It is true.

Mr. MOULTON. That is not in the evidence.

Mr. RANNEY. I thought you had not read the record when you made your report.

Mr. BREWER. Will the gentleman refer us to the page of the record that proves that fact?

Mr. RANNEY. One of the witnesses is asked the question and he states distinctly that the officer puts the votes in the box where the voter directs they shall be put. On page 220 of the testimony, cross-interrogatory 3, the witness is asked, "Does the voter or one of the judges place the voter's ticket in the box?" And the witness answers, "From what I have noticed one of the judges, by the direction of the voter, places the ballot in the box indicated by the voter."

Mr. MOULTON. That is a general rule which is followed in the election; that is not in this case.

Mr. RANNEY. If there is any evidence in this record that shows that these officers were guilty of any frauds, I would like to know it. The facts in question occurred in two precincts; in one of them the three inspectors were all Democrats, in the other there were two Democratic inspectors and one Republican, and all the four clerks were Democrats. Now, if you say that your Democratic friends, the officers at that election, fraudulently took those ballots and put them into the wrong boxes, then say so if you want to; I do not say it.

Mr. MOULTON. Or put them there by mistake.

Mr. RANNEY. By mistake! The fact is clear and the evidence undisputed that ballots were found in the wrong boxes. The evidence here is clear and undisputed that the way the votes were cast in this election was this: They have there the secret ballot; the voter approaches the box with his ballot folded, or if it is not folded he is required by the manager of the poll to fold it before it is deposited; when he has folded it he hands it to the manager, who puts it into the box designated. The manager has no right to open the ballot to see for whom it is cast. The ballot is secret, and the manager has no right to see or know who it is for. The manager could not determine from the ballot what box the ballot should go into unless he violated the rights of the voter. The process of voting is plain. There were three ballot-boxes, each labeled to show for what class of ballots they were designed, so the voter could see and know for himself.

The voter steps up with a folded ballot and hands that folded ballot to the man in charge of the box for the ballots for State ticket described, and it is put in that box. The voter may have in his other hand another ballot of the same kind, and hand that to the man in charge of the township box, and he must put it into that box; and he may have still another ballot of the same kind, and hand it up to be put into the constitutional-amendment box.

Mr. DAVIS, of Missouri. Tell us what were the facts, and not what might have been.

Mr. RANNEY. The facts are, first, these: there is nothing in this whole record to show any accident, mistake, or design in the case of the ballots that were found in the wrong box. There is nothing in the case except this: that when these boxes were opened there were twenty-five in one and twelve in another, the township box and the other box with Judge Cook's name on it, and the managers counted all of them as though they had all been in one box. Now, there is not a tittle of evidence in this case to explain how that happened. If there is I ask the gentleman to point it out.

Mr. SPRINGER. Does not the poll-list show that the ballots corresponded with the whole number of names on the list?

Mr. RANNEY. We have not the poll-lists.

Mr. HOOKER. Why did not you have them?

Mr. RANNEY. It was for contestant and not the contestee to show that it was by mistake, or accident, or design; otherwise the ballot is not to be counted under the law as cited.

Mr. BELTZHOOVER. Will the gentleman allow me a moment?

Mr. RANNEY. Certainly.

Mr. BELTZHOOVER. Does not every witness swear on that subject that the number of ballots in the boxes did not exceed the number of names on the poll-list—did not even reach the number?

Mr. JACOBS. There were two more on the poll-list.

Mr. RANNEY. If there is any such thing in the record I have not seen it. I am sure that no poll-list is in the record or its contents proved.

Mr. BELTZHOOVER. I can turn the gentleman to it without any trouble.

Mr. RANNEY. If the gentleman will let me alone, I will state what is in the record. I do not wish to be interrupted. I shall deal fairly with this question.

Remember it must be shown in proof affirmatively that these tickets got into the box by accident, mistake, or fraud. If you say there was fraud on the part of the managers, I have answered that assumption. Was it mistake on the part of the voter? No, so far as the evidence appears. In Warrington Township, where there were eight or twelve of these cases, there is not a particle of evidence on the subject except that

in one instance a witness is asked if it is not a common thing to get a vote in the wrong box. He says, "I should not think it was a common occurrence." In case of the other precinct one witness answered, "It has been done." But are we to say that because it is a common thing to do wrong, therefore it is right, and changes the rule of law? Men may make mistakes; but it must be shown that there was a mistake. If the poll-list were produced, and it should appear how many men voted on that day, that would be one fact. But we have not got that at all as they had in the case from Michigan cited. The only evidence that can be relied upon at all is that of Mr. Baxter, one of the managers, to whom this question was put:

When you found State tickets in the township box, did you not find an equal number of township tickets in the State box?
Answer. No; we did not.

If a man made a mistake; if, when he went up to vote, he got his township ticket in the State box and his State ticket in the township box, you would say they had been interchanged possibly by mistake. But the evidence does not show that this was the case, but the contrary thereof.

Mr. BELTZHOOVER. I do not wish to interrupt the gentleman, but I have the testimony on this point.

Mr. RANNEY. If the gentleman will refer me to it I will read it.

Mr. BELTZHOOVER. Page 214.

Mr. RANNEY. That is where I am reading.

Mr. BELTZHOOVER. Page 236, first cross-interrogatory, and page 265; then interrogatory 9 on page 214.

Mr. RANNEY. I have all those references, and will take up the evidence. Is there anything else the gentleman refers to.

Mr. BELTZHOOVER. Pages 215, 216, and 217.

Mr. RANNEY. What is the evidence?

Mr. BELTZHOOVER. To answer that I would have to read the evidence in each case.

Mr. RANNEY. If those are your references, I am coming to all of them. The first fact I have shown is that there was not an accidental interchange of ballots, because there is no witness who says that any man going up to vote got his ticket into the wrong box. The presumption is that a man would vote both tickets. It is true that one witness gives the number of votes for Mr. Cook and the number of votes for Mr. Cutts; but that does not settle the question. A part of those votes may have been the double votes in question. If the poll-list were produced and the number of votes counted for Mr. Cook corresponded with that, what would it show? A man may have put one set of votes into one box and another set into the other and they may both have been counted. There would be but one name on the poll-list, though the votes would be doubled.

It may be said that if a man states what his vote was, that explains it; but it explains nothing. He might have put the same vote into three boxes, while only one man's name would appear on the poll-list. You have no right to conclude that a man would vote for only one set of candidates. The probability is that a man would feel as much interest in town officers as any other. If a man wanted to commit fraud, can you point out any easier way to do it than by voting for the same officer on three sets of tickets, one put in each box?

Mr. SPRINGER. But the aggregate vote would show more votes for Congressman than there were voters, which is not the fact in this case.

Mr. RANNEY. It does not appear how many voters there were.

Mr. SPRINGER. It does.

Mr. RANNEY. I beg the gentleman's pardon.

Mr. SPRINGER. I can read the evidence.

Mr. RANNEY. I now come to the ninth interrogatory. This is the next point I was going to consider; I am glad the gentleman is satisfied so far as I have gone. I can and will read now the only evidence which the learned gentleman can refer to:

Interrogatory 9. What were the entire number of votes in said precinct at said election?
Answer. Either 503 or 505. I am not positive about the exact vote.

He was not asked how many votes were cast or the highest number of votes cast for any one man; but he was asked how many votes there were in the precinct. He does not remember the exact vote in the precinct. But what does that prove? Suppose there were thirty-three men in that precinct who did not vote at all, and thirty-three Democrats who cast double votes. They could not have had a better opportunity to do that, and the only reasonable probability on the evidence is that this was so.

There is no poll-list or any evidence to show how many men voted that day at all except the number of votes counted. If there is any other evidence, let us see it.

You have not a single fact or circumstance to show accident or mistake; the mere fact that the ballot is in the wrong box is held to be no evidence or not enough. A guess or conjecture will not do, but the proof must be adduced to show affirmatively a mistake or fraud. The authorities are very clear. The precedents as they stand in this House are to the effect that even if the inspector knows there has been a mistake he has no right to take out the vote and change it, or let the voter take it and change it. The court of Michigan say that the fact of a vote being found in the wrong box is not sufficient; you must show affirmatively how the vote got there, and that there was a mistake on the part of the voter or a fraud on the part of the inspectors. There is not a particle of evidence of this kind in the present case. I have alluded to all that the gentlemen has pointed out.

Mr. BELTZHOOVER. I have not pointed out the fiftieth part of it, except by page, and the gentleman has not referred to any of that. I shall refer to it when I take the floor. I do not wish to interrupt the gentleman. He has not read a fiftieth part of the evidence on this point.

Mr. RANNEY. Now, Mr. Speaker, if this case is going to be determined on assertions and counter-assertions, we ought to know where we are. If gentlemen will read the testimony from pages 213 to 220, they will find all there is on the subject. There is not a particle of evidence tending to explain in the slightest degree as to the votes in Warren Township, or to show any mistake or fraud. There is no presumption about it. The presumption is that a voter intended to do what he did do. Accident or mistake is not to be presumed, but must be shown, as McCreary says in section 132:

The party who, in case of a contest, claims that ballots found in the wrong box should be counted, should be put to the proof that such ballots were fairly and honestly cast by legal voters.

The SPEAKER. Does the gentleman yield the floor?

Mr. RANNEY. What time have I left? I am willing to go on to-night and finish, if that be the desire.

Mr. ANDERSON. I move the House do now adjourn. [Cries of "No!"]

Mr. WHITE. With the consent of the House, I will move we take a recess until 10 o'clock.

Mr. RANNEY. I am willing to yield to an adjournment if that be the wish of the House.

Mr. BELTZHOOVER. How long does the gentleman desire?

Mr. RANNEY. There are three other gentleman who want half an hour apiece.

Mr. BELTZHOOVER. How much time do you want?

Mr. RANNEY. An hour.

Mr. BELTZHOOVER. How much time has the gentleman left?

The SPEAKER. He has thirty minutes. [Cries of "Regular order!"]

Mr. BAYNE. The regular order is the motion to adjourn.

Mr. WHITE. I move the House adjourn.

Mr. ATHERTON. That is not good faith.

The SPEAKER. Does the gentleman from Massachusetts yield to a motion to adjourn?

Mr. ANDERSON. Yes, he does.

Mr. RANNEY. I yield to the motion to adjourn. I think the House ought to adjourn.

Mr. SPRINGER. I hope the House will not adjourn, but will settle this case to-night. To-morrow we will have the tariff bill up, and there will be no time to consider this case.

Mr. WHITE. Debate is not in order.

The SPEAKER. The question is on the motion of the gentleman from Kentucky that the House do now adjourn.

The House divided; and there were—ayes 15, noes 49.

So the House refused to adjourn.

Mr. RANNEY. If I am right, and I desire to be on the facts stated, taking the law to be in the most favorable light for contestant, the contestee was duly elected.

Mr. HOOKER. I ask the gentleman from Massachusetts to indicate some time when he proposes to close his side of the case.

Mr. RANNEY. I did not hear what the honorable gentleman from Mississippi said. I propose to proceed in my own way and in my own time. If the House compels us to sit here to-night at this late hour, I must argue this case in the best way I can under the circumstances.

Now, to restate it: The fact that ballots are found in the wrong box standing alone is conclusively stated by the best authorities that they should be rejected. I repeat, you are not to presume it was by accident or mistake or fraud, but you must find it affirmatively proved to have been such. That is the most liberal doctrine as qualified by the author cited. The law is founded in reason as a safeguard in the interest of pure elections and to prevent fraud, and its principle is a vital one. I say again, there is nothing to show it was by accident or mistake, and not perfectly consistent with fraud; and, notwithstanding what is asserted, I respectfully challenge any man on this floor to cite anything from the record which relieves the case from the condemnation which the law imposes.

Now, Mr. Speaker, I pass to another class of votes. We are coming to more minute detail, which may be important if the contestant is not already disposed of by the other, which I have discussed at such length. There is a miscellaneous class of votes. I see that the majority in their report state a man by the name of Patrick O'Connor, who voted for contestee, was an imbecile. What is the evidence? They call a farmer—not a physician, not an expert—and he says that he had the appearance of a man of unsound mind, that he stuttered and spluttered and did not seem to understand. And that is the only evidence they refer to, and that is about the whole substance of it. Another man of the same name in 1875 was under guardianship, we are told. There is no evidence he

was the same man, but I presume he was. What is the state of the facts? Just think of it. A lawyer by the name of Bowles and another man by the name of Havens, respectable and intelligent men, took that alleged imbecile before Judge Blanchard, of the circuit court, in October, the month preceding this election, and signed as a witness and swore to the requisite certificate to get him naturalized, and the judge, Blanchard, administered the oath, and gave him his certificate of naturalization. These men who took him there were political friends of the contestant, Greenback Democrats. They knew him intimately and well, lived in the same town, and they took him before the judge of the circuit court and swore to the facts, and the judge administered the oath and naturalized him, and he received his certificate, and about a fortnight after that cast his vote, and no man in that township where he was so well known challenged his vote.

He voted for the contestee, and that, I presume, they think is sufficient evidence of his insanity or imbecility. If he had voted the other way contestant would not perhaps have set up this claim, and he would have been held to be a sound and a sane man. Indeed, the witnesses who got him naturalized do not swear that he was an imbecile.

Mr. BRUMM. Let me ask the gentleman if the question of insanity is a question pertinent in the naturalization of any person? That issue was not tried at all.

Mr. RANNEY. Imbecility. Do you suppose that any respectable man would take a driveling idiot, as you would have us believe this man to have been, before the judge of the circuit court and swear as they are required to swear in that case. I wish I had it here to show you what was required of the witnesses and the subject.

Mr. BRUMM. But the gentleman does not answer the question.

Mr. RANNEY. I do not believe that any man would take an insane person, an idiot, an imbecile to a judge to have him naturalized. And to get him naturalized for the purpose of getting him to vote for the contestant.

Mr. BUTTERWORTH. He could not take the oath if he was insane.

Mr. RANNEY. He could not take the oath; an imbecile or an insane person could not take the oath because it would not be binding upon him. He could not understand it. The law presumes that a man is competent to understand the nature of an oath. An insane man or an imbecile could not be legally naturalized.

Mr. CURTIN. Was he adjudged to be insane?

Mr. RANNEY. I do not know that he was. There is a record here made in May, 1875, and if he was insane then he could have got over it in the intervening time.

Mr. CURTIN. Unless he was adjudged insane the argument goes for nothing.

Mr. STOCKSLAGER. Let me ask the gentleman if the rule of law is not that where a state of facts is once shown to exist it is presumed to exist until the contrary is shown?

Mr. CURTIN. That is it exactly.

Mr. RANNEY. If he was competent to take an oath like that, and he did take it and then did as he was requested in the matter of voting, it is a good proof of his sanity. The fact that he voted for contestee is not evidence of insanity. The men who got him naturalized to vote must have seen and known that he was not an imbecile.

Mr. JACOBS. That is not quite fair, judge.

Mr. RANNEY. I do not know whether it is or not, but it is a significant and competent fact; and there is no evidence whatever of his insanity except the testimony of a farmer in reference to it. There is no evidence of a physician or of an expert whose evidence would be competent to show the fact. There is no testimony whatever of a person competent to determine the fact.

That disposes of him, and the presumption that he was a qualified voter is almost conclusive. Besides, the judges of election, knowing the man, and being good citizens living in the same town with him, accepted his vote as a valid vote and allowed it without question. No one challenged him, but permitted him to vote and it was counted. Mere weakness of mind does not destroy a man's vote. If it did a great many would not have the opportunity of casting their votes.

The next alleged illegal voter is Mr. Gurnsey. They say he lived in Centreville, but he cast his vote in John's Township. The claim is based on Gurnsey's own testimony. He went when two years old to live in John's Township, and that became his home. He swears that he always lived there, and never intended to change his residence or home from there and that he had not done it. He was county superintendent of schools, and was away a part of the time spending it at Centreville. The January before the election he was working at Centreville on a newspaper, and went there and staid about half his time, but he still kept his home in John's Township. He recognized that as his home; kept his room there, his clothes and his library. Now, a man does not change his residence unless he actually moves away with the intention of changing his domicile to another place and does so. This man swears that he did not intend to leave John's Township; that he regarded it and retained it as his home, and yet his vote is rejected as illegal without a tithe of other evidence. Then there are four minors who had come to this country quite young. They say they were not naturalized. Now, if the father of these was naturalized, that was enough. They say, one of them said, that his father told him two or three years before he died that he had never been naturalized, and an inference drawn from that hearsay statement, not under oath, was that the father had never been naturalized. But there was time enough in those two or three years for him to secure his naturalization; and if the father was naturalized it was sufficient if the boy was a minor at the time. Another swears he was, or thinks he was, past 21 years of age when his father was naturalized. But he did not state what his age was or when his father was naturalized. That was the condition of some of these others.

I will not take the time of the House to allude to them all. But there were five votes standing in that position. The evidence is wholly inadequate. I state this, too, as a proposition which will not be denied: One man comes forward and swears that he was an illegal voter and voted for contestee illegally. He is presumed to know the law, and knew if he did what he says he did that he had violated it by voting when he had no right to vote. Now, I ask, if you will take and rely upon that man's uncorroborated evidence, alleging as he does his own turpitude and violation of the law? I state this as a fair proposition of law, that if a man shows by his own evidence that he violated the law and committed a criminal offense, he is not to be credited, as a general rule. If he swears to the commission of an act of moral and legal turpitude, to a violation of the law, that is sufficient to destroy his credit when he goes further and swears that he voted for the contestee.

Mr. BRUMM. Does the gentleman from Massachusetts contend you must prove a negative in a case of that kind?

Mr. RANNEY. The law presumes every vote cast is legal, and it is to be so taken until the contrary thereof is proved by competent and credible evidence.

Mr. BRUMM. Until the contrary is proven.

Mr. RANNEY. Yes, sir.

Mr. BRUMM. Does not Hanson say this? I read from the testimony:

Interrogatory 7. Where is your father?
Answer. My father is dead.
Int. 8. Were you ever naturalized?
A. No, sir.
Int. 9. Was your father naturalized before you became of age?
A. No, sir; but he made his declaration of intention of becoming a citizen.
Int. 10. Was your father ever fully naturalized?
A. No, sir.

Then he goes on just in that same strain; and in regard to the others the evidence is just as plain as that.

Mr. RANNEY. I do not yield to the gentleman except for a question. What the gentleman says shows how men will get along who only read half of the evidence on a point.

Mr. BRUMM. I read what was essential. I do not want to take up time.

Mr. RANNEY. This man says he only knew his father was not naturalized because his father told him so two or three years before he died. He had no knowledge about it. It is mere hearsay at best.

Mr. BRAGG. What proof was there he was naturalized?

Mr. RANNEY. The record.

Mr. BRUMM. Here is what he says on that subject:

Interrogatory 12. In what year did your father die?
Answer. In the year 1879.
Int. 13. Was that after you became of age?
A. Yes, sir.
Int. 14. How old were you when he died?
A. I was twenty-three years of age.

It was after he became of age.

Mr. BRAGG. Where do they keep the records of those not naturalized?

Mr. RANNEY. I suppose where your party, the Democratic party, is accustomed to keep them. They keep the run of them at least pretty well, to say nothing more.

Now, I do not want to be interrupted if all this is to come out of my time.

Mr. BUCHANAN. Will the gentleman allow me to ask him just one question?

Mr. RANNEY. I will hear one more question.

Mr. BUCHANAN. Is it an admitted fact that these men were foreign born? Is that admitted?

Mr. RANNEY. The only evidence in this whole matter as to each man's vote is his own oath—the oath of a man who is alleging his own turpitude, his own violation of law; an ignorant, an unknown man, an alleged foreign-born man, who swears to the commission of a serious offense.

Mr. BUCHANAN. When a man is foreign-born, then the burden of proof is on him to show naturalization either of himself or his father.

Mr. RANNEY. The law is very plain that when a man's vote is received he is presumed to have been naturalized, if need be. That is conceded as undoubted law. You start with that presumption and must meet it with proof of the contrary before the vote can be invalidated. In this case the only evidence in one instance is that this man's father told him two or three years before he died that he was not naturalized.

Mr. BRAGG. Let me ask the gentleman a question.

Mr. RANNEY. I will yield for one more question.

Mr. BRAGG. I want to know why the presumption did not obtain for those who cast their votes which the directors of election deposited in the wrong box—why the presumption is that they were illegal votes? Why does not the presumption attach that all things are presumed to be rightly done and properly received and that the man exercises the franchise properly, so that the man shall not be cheated of his franchise by an inspector depositing his vote in the wrong box?

Mr. RANNEY. I did not yield to the gentleman for a speech. The gentleman is too good a lawyer to require an answer to a question like that.

Mr. BRAGG. That is the easiest way to answer the question.

Mr. RANNEY. When the fact is patent, when a man put these ballots in the wrong box, there is no presumption of law he put them in the right box.

Mr. BRAGG. But is it not the intent of the voter that should control, rather than the box in which his ballots are deposited?

Mr. RANNEY. The law is what I have stated it to be. If in the wrong box, it is no vote unless the same is made so by other independent evidence, and mistake or accident is not to be presumed. If we are to go upon presumption merely, you may commit any amount of fraud in that way and it will not be in the power of any one to prove it, and votes could be easily duplicated. That is a sufficient answer to that question.

Now, I was saying this, that other evidence than that of the flagrant violation of the law is necessary to satisfy me of the requisite facts. If a man is self-confessedly bad enough to commit such an offense, he is bad enough to falsify. The man who will commit such an offense as that and comes alleging his own turpitude in voting at all can not be believed when he goes further and says he voted for Mr. Cutts. He is more likely to have voted for the other party. At any rate I can not believe him when uncorroborated. Hence I say the seven alleged illegal votes cast for contestee are not sustained by competent and credible evidence.

Now, I have only one other point to present. If these votes are rejected, then there are ten clearly illegal votes proved here as cast for contestant as I have shown in this report, and that makes contestee's majority thus far 19. I now come to the alleged illegal votes of the colored men. We have been told that this is a fact, and I must discuss the issue in order to cover the case.

Mr. ATHERTON. Will the gentleman allow me to ask him one question?

Mr. RANNEY. Well, let us have it.

Mr. ATHERTON. I wish to ask the gentleman whether, in the meeting of the Committee on Elections, the next meeting before the last one, the gentleman did not state in the presence of the full committee that in his opinion the only question that governed this contest was whether that colored vote was legal or not, and that in his opinion there was no other question worth considering?

Mr. RANNEY. If I said that, then I misled my friend.

Mr. ATHERTON. I ask the gentleman whether he said it or not?

Mr. RANNEY. I may have said about that, or something near it.

Mr. ATHERTON. Well, how near it?

Mr. RANNEY. Oh, keep quiet; do not get offended.

Mr. ATHERTON. Well, when I ask a question am I not entitled to an answer?

Mr. RANNEY. I will answer your question, but in my own way, and I will answer it fully and without evasion. Before the sub-committee had examined this case it had been alleged that the turning point in the case, and the main point, was the legality of the colored votes. And I did state, with my then knowledge of the case, that that question would determine the case; and it would have determined it if it had been found in favor of the contestee.

Mr. ATHERTON. Was not that said after you had met in your sub-committee at least six times, and was it not said just before the last meeting of the committee? And did not the gentleman's own colleagues, two of his own party, state that that was the only question they had considered, because the gentleman from Massachusetts [Mr. RANNEY] had said that was the only question worth considering?

Mr. RANNEY. The only trouble in this case is that my learned friend on the other side and a couple of gentlemen on my side who have not examined the case have been under a hallucination all the time. And if I said that, I was under the same mistake at that time. But it is not true; and upon further examination I so found it, and tried to show the gentleman the other issues in the case.

Mr. ATHERTON. Who was it that labored under a hallucination about it?

Mr. RANNEY. The hallucination is entirely on your side, as I am trying to demonstrate.

Mr. ATHERTON. What light has the gentleman got since that time?

Mr. RANNEY. I do not think it is very proper for a gentleman to state what was done in the committee-room, to give the conversation between gentlemen discussing and arguing a question there in the course of the investigation, and quote that here in this House. I never have done it, and I never shall.

Mr. ATHERTON. The gentleman need not have answered the question if he did not want to. I wanted to see if he was frank enough to say frankly what he said.

Mr. RANNEY. I have said so, and if the case turns on that it will determine it; but I do not think it does. It matters not what any one gentleman of this committee may have said, or what I have said before or after a full examination and consideration. I say this, that this case was never thoroughly examined by myself in all its details until the committee voted upon it under the circumstances I have stated. The question is not what I have said, but what the facts are, and I shall not spend any time on that. If the gentleman was misled by any mistaken remarks of mine, I am sorry for it.

I come now directly to the point which I had reached when interrupted. What is the claim? It is that there were 23 illegal colored votes. Now, that matter has not been dealt with fairly. It is true there is a great conflict of evidence as to whether the crowd of colored people—they are called "a crowd" in the record, and I adopt your designation—went to Iowa on the 1st day of May or the 15th day of May. If they went there on the 1st day of May they were voters; if they went on the 15th day of May they were not voters.

It has been industriously circulated that there was a fraud on the part of men in getting colored people to Iowa; that they were colonizing, and all that, and the people began to think so. But when you examine it there proves to have been no truth in it. There were at best only seven men in the company which arrived in May.

I am not going to deal with the evidence as to this number, for I told the gentleman [Mr. PAUL] that he might leave that out of the case. I conceded those votes in my report, and if the gentleman had heard it he would have so found. There is evidence conflicting and contradictory, and it is impossible to get at the truth satisfactorily. There are twelve witnesses who have sworn to a falsehood and committed perjury if they did not come there on the 1st of May, or if there were not two crowds of them. But for the purpose of the argument I will concede that the six or seven of these voters—take the seven which they claim—were illegal. That reduces the seventeen majority, which is the majority on my theory to that extent, by seven. Now, I say there is no evidence beyond that that this House can rely on to prove any more illegal colored votes.

They found sixteen besides the said seven already conceded; but as to two of these men, Burks and Woodford, there is not a particle of evidence they ever came from Virginia when they came, and I challenge any gentleman to cite any. If gentlemen will turn to my report or to the record they will find that the only evidence on this point comes from Major Shumate.

Now, the value of evidence depends first upon whether the witness has personal knowledge of the facts he attempts to swear to; second, whether he recollects the facts; and third, whether he can be believed in what he says. The effort is made to show on the evidence of Major Shumate that there were twenty-three illegal votes cast in all. I want the House to see where Major Shumate stands. He had taken these parties of negroes from Virginia, each party embracing sixty or eighty, making three hundred or four hundred men. He took them to Iowa and located them in the mines. Only about one hundred of them voted. The uncontradicted evidence is that Major Shumate endeavored to induce three of them to go and vote illegally. He was a Democrat himself and there were several Democrats among the negroes. When he tried to induce them to vote they were more honest than he was, for they declined. He told them it did not make any difference if they had not been in Iowa more than a few days. This is the man who has tried to show that there were illegal voters. Major Shumate was at the mines when those men went in wagons to the polls to vote. He knew who went, because he was urging three or four more to go. After the election was over and the question arose whether any had voted illegally, he stated (I will read from the evidence of Major Shumate)——

[Here the hammer fell.]

Mr. CALKINS. I rise for the purpose of ascertaining whether we can have any understanding about the length of this debate. I address myself particularly in the first place to the gentleman from Massachusetts [Mr. RANNEY.]

Mr. RANNEY. I would be very glad if the gentleman would give me a few minutes of his time.

Mr. CALKINS. How much time altogether for your side?

Mr. RANNEY. I said two hours.

Mr. CALKINS. One hour has been exhausted.

Several MEMBERS. Let us vote now.

Mr. CALKINS. Let me make a counter proposition. If the previous question be now ordered there will be after that one hour, of which I am willing to yield fifteen minutes to the gentleman from Massachusetts. Will that be sufficient?

Mr. RANNEY. Fifteen minutes will do for me; but there are two other gentlemen who wish to speak.

Mr. BELTZHOOVER. Who are they?

Mr. RANNEY. The gentleman from Iowa [Mr. McCOID] and the gentleman from Tennessee [Mr. PETTIBONE].

Mr. BRUMM. Let us vote on the question now, without any more talk.

Mr. RANNEY. You can not crowd this case through in that way.

Mr. CALKINS. I wish to make a statement. This is the last seriously contested election case remaining undisposed of, except one. Now, I do think that if we are to dispose of this case we must make some arrangement about the time to be occupied in further discussion. I submit whether one hour longer will not be sufficient, I yielding fifteen minutes of that time to the gentleman from Massachusetts [Mr. RANNEY] after the previous question is ordered? That is the proposition I submit to the House and to the other side. I want to be perfectly fair.

Mr. BELTZHOOVER. I said when we started this discussion we were to conclude this case in one-half hour—that we were to take one-half hour against the gentleman's hour and a half. I am sure that should be satisfactory to the other side.

Mr. CALKINS. Suppose we yield thirty minutes—fifteen minutes to the gentleman from Massachusetts and fifteen to the gentleman from Tennessee [Mr. PETTIBONE].

Mr. BELTZHOOVER. We propose to give them all they want. We want but little time.

Mr. PETTIBONE. I will yield my half hour to the gentleman from Massachusetts.

Mr. CALKINS. A half hour is the entire time.

Mr. PETTIBONE. I yield all my time to Judge RANNEY.

Mr. BELTZHOOVER. I am willing to yield all the time but the half hour to conclude.

Mr. CALKINS. How will that do, Judge RANNEY—half of the hour after the previous question is ordered?

Mr. RANNEY. I will say this: As my associate, the gentleman from Iowa [Mr. THOMPSON], is not able to be here, I think his colleague [Mr. McCOID] should have an opportunity to be heard.

Mr. PETTIBONE. As I have said, I yield my time to the gentleman from Massachusetts.

Mr. HAZELTON. How much do you claim?

Mr. PETTIBONE. Half an hour.

Mr. SPRINGER. Let us close the debate in half an hour.

Mr. CALKINS. With that understanding will that be satisfactory to my colleague on the committee?

Mr. RANNEY. I do not think this case ought to be crowded through in this way.

Mr. SPRINGER. We have to debate the tariff to-morrow.

Mr. TURNER, of Kentucky. It is now 1 o'clock, and we will probably be up to-morrow night, and I suggest that we come to a vote and dispose of this question at once.

Mr. RANNEY. I do not wish to trespass upon the time of the House longer than I can help.

Mr. PAGE. I move the House do now adjourn.

Mr. HAZELTON. Oh, no; let us settle this to-night.

Mr. RANNEY. I would like to go on in the morning.

Mr. CALKINS. That is impossible. For the purpose of testing the sense of the House, and I do not think the gentleman from Massachusetts seriously objects, I suggest that the previous question be considered as ordered after thirty minutes, to be disposed of as he sees fit.

Mr. BELTZHOOVER. That leaves us thirty minutes.

Mr. HAZELTON. I want ten or fifteen minutes.

Mr. CALKINS. I will yield it to you.

Mr. WHITE. Does the gentleman propose to take a vote to-night?

Mr. CALKINS. I do not.

Mr. HAZELTON. Is there an hour left after the previous question is ordered?

Mr. CALKINS. I understand that half an hour is now to be taken by the gentleman from Massachusetts, and half an hour reserved for my colleagues on the committee.

The SPEAKER. Objection is made to that.

Mr. CALKINS. I will demand the previous question, then.

Mr. RANNEY. I do not think it fair to order the previous question now.

The SPEAKER. After the previous question is ordered no further debate will he allowed.

Mr. CALKINS. If we are not to be allowed an hour after the previous question I withdraw it. I am unwilling to do anything in this case that is not strictly honorable. I am under instruction by the committee to urge the decision of each of these cases. I must do it on honor. [Cries of "Vote!"] I am in honor bound to do it without regard to its political significance. [Applause.] I ask now in fairness and justice, because every gentleman on the floor knows if this case goes over until to-morrow that is the end of it, that before we adjourn this evening the previous question shall be ordered and the vote can then be taken to-morrow. I ask by unanimous consent that all further debate be closed in one hour.

Mr. MORRISON. I object.

Mr. RANNEY. I understand that the gentleman proposes that three-quarters of an hour shall be allowed on this side.

Mr. MORRISON. I object to this arrangement; I do not like such bargains to put one man in and put another man out.

Mr. CALKINS. This is not a bargain——

Mr. HAZELTON. Suppose the chairman of the committee promises Mr. RANNEY and Mr. PETTIBONE each one-half hour to finish the argument on their side and then moves the previous question, leaving the hour to the other side.

Mr. CALKINS. I think this can be arranged now. The gentleman from Tennessee can take the floor.

Mr. WHITE. Let us adjourn and go home.

The SPEAKER. The gentleman from Tennessee is recognized.

Mr. PETTIBONE. I propose to accord the time allowed to me, one-half hour, to my associate, Judge RANNEY.

Mr. RANNEY. I am very sorry, Mr. Speaker, to detain the House, but desiring to cover the other branch of the case, I was proceeding to state that this contestant rests his case here exclusively on the evidence of Major Shumate as to the alleged twenty-three illegal colored votes. Conceding seven of them there would be still sixteen left, and I was calling attention to Mr. Shumate to see whether he was a credible witness. I wish to show exactly what he says himself and that he shows himself to be entirely unreliable. I have stated one fact already in reference to the matter. Now I shall proceed to read a portion of his testimony found on page 402 of this report, which I was about to read when my hour expired:

> Interrogatory. Did you say that those who voted were legal voters?
> Answer. No, sir; I did say repeatedly that there were more men than voted.
> Int. Do you know W. A. Lindly?
> A. I do, sir; cashier of the bank.
> Int. Did you have a conversation with him about the month of April, 1881, at the Oskaloosa National Bank and soon after you returned from Virginia in that month, in which you said to him in response to a question that you were acquainted with all of the colored men at the mines and that those who voted were legal voters and had a right to vote, and that the charge that any of them had voted illegally was entirely unfounded, or words to that effect?
> A. I had a conversation with Mr. Lindly with reference to the charge of illegal voting, to the effect that the charge of illegal voting was false, and from my information not all voted that had a right to vote, and from my information that the charge was false, for I never knew how many men did vote, but with reference to several conversations I had I have invariably made the same statement, according to the best of my information.

Here was a man who ought to know and who assumed to know, who stated after the election was over and the contest had begun that instead of those being illegal votes not all of the colored men voted who had a right to vote. He either falsified then or falsifies now. Standing alone he is discredited.

In the next place Major Shumate is impeached as to his recollection and impeached as to his truthfulness; and yet you seek on this man's evidence alone to prove the illegality of these votes. But he does not prove it. Gentlemen can not look at the evidence in this case or hear the discussion of it and place any credit in what he says at best. Gentlemen complain loudly on this floor about the fact that the evidence in the case is not examined by the committee or that the men who are to act upon the case do not hear the evidence. I wonder how many of you gentlemen here have read this evidence. How many of you have looked at it even to inform yourself about these facts? If you have not then I ask you to turn to this evidence of Mr. Shumate quoted in the record. You will find the evidence proves no such thing as is alleged. There are but two of these men out of the sixteen that he claims to have known at all. He did not pretend to know personally any more than those two of them; he could not swear when they came to Iowa, and there is not a tittle of proof in this case when these sixteen men came to Iowa except that his evidence covers six of them. That statement can be verified if gentlemen will take the trouble to examine the testimony for themselves.

In my report I take the case of Randolph Willis. They say he is one of those who did not come there with either of the first three parties. That is what Major Shumate says himself and that is all he says as to him. But he did not say that he came with any party that was brought there from Virginia. Another witness swears from personal knowledge that he came before April 4. So also of four others. He says they did not come in either of the first three parties. He does not say he ever knew them or ever had any acquaintance with them, or that they came to Iowa with any of the parties he knew. The evidence of Neill is that there were twelve or fifteen of the negroes there before any came from Virginia at all. And then there are seven out of the sixteen who did not appear to have been in Virginia in their lives, unless the man named Foster is relied on. He is impeached, and the other side will surely not claim anything from what he says, for I do not think contestant will want that part of the evidence referred to or discussed by anybody.

That is the only evidence then, Mr. Speaker, on which they rely for these sixteen votes. There is no evidence at all as to two of them. One came before April 4. No evidence covers them, except as to six, and they rest on the evidence of one discredited witness.

I have been obliged thus hurriedly to state what I regard as the salient points of this case. Necessarily the statement is curtailed in many important respects. I do not propose to take up the time of the House in discussing this matter in all of its details any further, but if any gentleman will take time to read this evidence as it is contained in my report there is not a member on this floor that would stake his reputation upon an assertion that the claim is sustained as to any one of the sixteen. Besides that the evidence shows that this man, Major Shumate, is contradicted and discredited through and through. And yet you

seek to oust a man from his seat on testimony of such a man, contradicted time and time again by numerous witnesses, and when his own evidence at best is weak and flimsy. I only care to have this case properly presented to the House in behalf of this contestee.

It seems perfectly plain on this exhibition of facts that there is no evidence on which you can unseat him. Why, I believe that there is not a gentlemen on that side of the House who, if the position of the parties was reversed in this case, would ever think of voting in favor of unseating the sitting member. If the parties were reversed, and such a proposition had been reported as the majority report contains, we should have an outcry about partisanship and outrage such as comes from the other side always when one of their side of the House is to suffer.

It is all right when the sufferer is on the other side of the House, and curses turn to praise for any man who finds in their favor. I do not want gentlemen who disagree with me, or gentlemen upon the other side, to lose the opportunity of discussing the question if they wish, and to refute any one of my statements.

I must call the attention of the House, however, to some other things which contradict and serve to overthrow Major Shumate as a witness. All of these alleged illegal voters were challenged at the polls when they appeared to vote. They were challenged as not qualified. Every one was required to take an oath, and every one did take the oath under the statute, wherein he distinctly swore he was a legal voter and had resided in Iowa over six months. We have all the sixteen voters taking this oath solemnly and openly. You must find that every one of those men committed perjury, and this on the flimsiest kind of evidence of one man alone, who happens to have a white skin and is proved to be far from white otherwise. Besides being contradicted throughout, and to have been grossly in error as to most everything else, he is impeached as having a bad reputation for veracity. Twenty to thirty witnesses, white and black, so testify, from a town where he had lived two years.

He was a Democrat in politics and not friendly to the contestee. Unless he is a man of most wonderful memory, a prodigy that has got a system of mnemonics that should go into the books, it was utterly impossible for him to remember the names of all the 300 or 400 negroes whom he brought from Virginia. And he did not remember them, as is shown when he is put to the crucial test. The names were put into his mouth by a leading question in each case, and he is not asked if he knows such a man, what acquaintance he has had with him, whether he came from Virginia, and in what lot he came; but they take a man's name from a poll-list and say, "How about that name?" He says he did not come with the first, second, or third lot, for instance, without being able to tell when he came. And yet you are going to have that as proof that the man did come with him, when he does not swear that he ever came with him or ever saw him or had any acquaintance with him; and the man is only identified by a correspondence in name as taken from the poll-list. It is clear to my mind and must be clear to every fair-minded man that no one except him who only seeks some excuse for finding for contestant, or deems it better to do so as a matter of political policy, can say the claim of contestant is sustained by competent and credible proof sufficient to overcome the presumptions of law in favor of the legality of the sixteen votes in question, fortified as they are by the oaths of the voters themselves. It is not enough to leave the question in doubt, as contestee is protected by a formidable wall of presumptions. It can not be done, for other reasons already urged, without ignoring the law and precedents as held and set in this House.

I yield the balance of my time to the gentleman from Iowa [Mr. MCCOID].

MESSAGE FROM THE SENATE.

A message from the Senate (at 12.45 a. m., Saturday), by Mr. SYMPSON, one of its clerks, informed the House that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5538) to reduce internal taxation.

ELECTION CONTEST—COOK VS. CUTTS.

The SPEAKER. The gentleman from Iowa [Mr. MCCOID] is entitled to the remainder of the time of the gentleman from Massachusetts, which is twenty minutes.

Mr. MCCOID. Mr. Speaker, I do not intend to attempt to follow the gentleman from Massachusetts in discussing that part of the evidence in this case outside of the colored vote.

I do not see how this House can find for the contestee with these three conceded facts: First, that it is the law, as laid down by the gentleman from Massachusetts, of which there is not any question, that when votes are found in the wrong box they shall not be counted, unless there is evidence affirmatively that it was a mistake. I ask to enforce that one point for a moment. There is not any evidence here of the number of voters at those precincts of Keota and Douglas. Nobody in this House knows how many men voted at those polls. The tally-lists are not in evidence. If you allow the votes to be counted in this case that were found in the township box then you adopt a precedent that will clearly allow illegal votes to be counted in every election; because the elector coming up to the box might vote for Congress in a State box, might vote for Congress in a township box, and vote for Congress in a constitutional-amendment box, as they had one at that election.

Now, I ask anybody who claims these votes ought to be counted how do you know that they were all cast by men who voted for Congress in the State box? What evidence have you for it? What evidence have you that these men who voted the tickets put in the township box did not also vote the same tickets in the State box and the constitutional-amendment box, if put there? There is not any evidence. You have not got the tally-list. You do not know how many men voted. You can not compare it there.

If one vote might have been duplicated in a State box and another in a township box by the same person and you counted them illegally, all of these might have been the same. Not only is this view of the law sustained by the two precedents in the House and the decision in Michigan, but it is good, sound doctrine and must be sustained if you want to protect the ballot-box from illegal votes.

Again, that it was duplicate voting by design is evidenced by one fact. In the election in the sixth Congressional district of Iowa there were found in the wrong box only two ballots for the contestee, Mr. Cutts; only two in the whole district, I believe. If I am wrong I would like to be corrected. One or two ballots are the only ballots found for Cutts in the wrong ballot-box in all that district. There were found thirty-three Congressional ballots in the township boxes in that district for the contestant, Cook. That shows that those on that side of the case made these mistakes, and in townships where the election officers were all of that political party. That, therefore, would tend to prove that it was not a mistake, but a designed duplicate voting in the wrong boxes.

Now, you ought to throw out all the Congressional votes found in the township boxes, as the law directs. This House can not on principle vote to count the thirty-three Congressional votes for Cook found in the township boxes; and that would settle the whole case.

Now, if that is not correct on the law and the evidence in this case, let some one answer it by evidence read here to-night from the testimony in this case, proving that there were enough voters at these polls to account not only for the votes found in the State box but for the Congressional votes found in the township boxes also. But that can not be done; there is no evidence of that. I therefore say that every man on both sides of this House can conscientiously vote to exclude the thirty-three Congressional votes found in the township boxes.

Now, as to other votes: I find in the evidence here on the part of the contestant, Mr. Cook, that he states that there was 1 vote cast in Keokuk County for "Cutts," without any more of his name, which nobody will dispute should be counted for Cutts. Then there are also conceded votes by Joseph Fisher, William Dines, B. S. Pearson, C. F. Renaud, A. W. Mattox, and two others that were illegal. The contestant agrees that those 7 votes should be deducted from his vote. Those, with the votes that are proved to be illegal, make 22 votes that should be taken from his total official vote. That is conceded in the argument, and that will make 18,109, leaving a majority for Mr. Cutts of 27 votes.

Now, the rest of this case depends upon the colored vote at Muchachinock and Albia coal-mines. Nobody of course claims in this case, I am glad to state that, that there was any such thing as an importation of colored votes in the district and State to affect the election. The testimony is clear on that point.

Every colored man who was there moved into the State with his family to become a *bona fide* resident, and under the laws of the State he would become a voter after the proper length of residence—six months.

Now I state this, and I think that gentlemen on the other side will not dispute it, that the question in regard to this colored vote is simply one of a conflict of evidence; a case of conflict of evidence alone.

For instance, Major Shumate went to Staunton, Virginia, to get some colored laborers, and he brought them on or sent them on as was convenient, about the 3d of April, 1880. And it is proved, and I agree to it, that on the 15th of May he returned with a party of negro laborers. The records of the railroad company show that they came upon certain cars to Marshall, and from Marshall down to Muchachinock, where they worked.

Now, of that party that came on the 15th of May—the names are given in evidence—most of them were women; but few of them were men. Now, consider the period of time and the distance of the journeyings of this Major Shumate, who was importing these laborers as fast as he could go to and come from Staunton, Virginia, and the time, the 3d of April to the 15th of May.

The theory I have in this case, and I think it is fully sustained by the evidence, and no jury would reject it, is that there was an intermediate party which came from Staunton, Virginia. Let us see. Twenty-three colored men went to the polls that fall. They were instructed that they should live in the State six months before they would become voters; they knew what was required of them. And they held up their hands and swore that they had been residents of Iowa for six months, arriving in Iowa, as they necessarily must have done, by the 1st of May, or before that time.

Major Shumate, who attended to this business for the railroad com-

pany, in giving his testimony about a year after the event, having, as the gentleman from Massachusetts [Mr. RANNEY] has said, shipped or sent to Iowa about six hundred men, testifying from memory alone, says at one point in his testimony that he thinks it was on the 15th of May that these men came to Iowa; because he went to Virginia and happened to be there at the May term of the court. He found these men in town attending court, and engaged them and sent them to Iowa, making a quicker trip than usual, because of finding these men in town attending court. He fixes the 15th of May as the date when he brought these people to Iowa; and the whole case on the other side rests upon that. Now, the courts in Staunton, Virginia, are held on the third Monday of the month; and if he got these colored men at the May term of the court he got them after the 15th of May, and could not have arrived with them in Iowa on the 15th.

No doubt Major Shumate did get the men, according to his recollection, at court time, but it was the court of April instead of May, and the date was about the 25th or the 27th. It would thus appear there was an intermediate visit of Major Shumate to Staunton between the 3d of April and the 15th of May. He went down to Staunton, found the men attending court, gathered them in, and sent them to Iowa perhaps the 27th of April, arriving in Iowa on or about the 1st of May; and when he had taken that party to Iowa he returned to Staunton, got another party ready and returned to Iowa the 15th of May. It is perfectly reasonable and logical to suppose that this was the fact.

Now, I assert—and I challenge anybody to produce evidence to the contrary—that there is nothing in this testimony which contradicts that theory of the case. If there was an intermediate visit to Staunton by Major Shumate the evidence is reconciled. On this hypothesis the men who swore at the polls that they were electors, having arrived in Iowa on or before the 1st of May, told the truth. Major Shumate told the truth, but simply omitted one of his numerous visits to Staunton, Virginia. Upon this view of the case also the men who came upon the witness stand and swore that they arrived in Iowa on the 1st of May told the truth. The coincidence of there being a court held in Virginia at the time the party was collected to go to Iowa is a stubborn fact testified by your own witness. He says that he was there in court time, and you can not contradict him. This is better than all the rest of his testimony; it is a coincidence which he recollects; and it is a circumstance which could not be true upon the theory of the 15th of May being the time when he arrived in Iowa with his party.

Now, I have said this is a case of conflict of evidence. What is the conflict? It is Major Shumate against forty men, all men who swore their votes in at the polls against Major Shumate. Some of them came on the stand in this case and contradicted the testimony of Major Shumate that they arrived in Iowa on the 1st of May.

Major Shumate says that he took a party to Iowa on the 15th of May, and that they could not have been there sooner, yet the pay-rolls of the coal company in Iowa who hired them show that some of the women who are named as being in the party of the 15th of May—I do not know how many; five or six of them—worked twenty-four days in May and were paid by the coal company for twenty-four days in that month. This could not be true and at the same time the testimony of Major Shumate be true. If this is disputed, I invite anybody to contradict me to show the evidence which controverts my statement.

Mr. JACOBS. Is there any evidence whatever when those women came?

Mr. McCOID. They are named in the list of the party he says arrived on the 15th of May. It is shown that some of the women named as belonging to this party worked for the coal company twenty days in May. Therefore they could not have arrived, as he says, on the 15th. In this direct conflict of evidence you can not believe one man against the testimony of almost forty.

Mr. JACOBS. Did Major Shumate name a single woman who arrived on the 15th of May?

Mr. McCOID. I will give you the names.

Mr. JACOBS. Did he name a solitary woman?

Mr. McCOID. I will give you the names of the women: Annie Carter——

Mr. JACOBS. Is that Shumate's testimony?

Mr. McCOID. These are women who are identified by others as being in the party that Major Shumate says arrived on the 15th of May: Annie Carter, Grace Maupin, Mary Carter, Julia Bess, Linzea Robinson, Mary Robinson, Minnie Garrison, Mary Ella Garrison, Mary E. Erwine——

Mr. JACOBS. Who testifies when they came?

Mr. McCOID. I am reading from the report of the committee, which states that these women arrived on the 15th of May. This report is the basis of your case. Yet the testimony shows that some of these women worked twenty-four days in that month for the coal company.

This Major Shumate, whose testimony must be taken as true or the case of the contestant falls, is impeached by almost forty witnesses on the question of his truth and veracity.

The SPEAKER. The gentleman's time has expired.

Mr. McCOID. I wish to say this one thing on the part of the Iowa delegation——

Mr. MOULTON. You have had two hours, and we have not had any time.

Mr. McCOID. Mr. Speaker, I wish to say on the part of the Iowa delegation that we feel it to be our duty to oppose the report of this committee, because we believe that Mr. Cutts was elected by a majority of the legal votes of his district, and on the law and evidence is entitled to the seat accorded to him by the canvassing board of that State.

Mr. CALKINS. I give notice, Mr. Speaker, that in thirty minutes from this time I will call for the previous question. I yield now fifteen minutes to the gentleman from New York [Mr. JACOBS].

Mr. JACOBS. Mr. Speaker, of all the election cases that have been deliberated upon by the Elections Committee during the last two sessions of Congress, this perhaps is the most remarkable. It seems to me that my friend from Massachusetts [Mr. RANNEY] is more intent as a lawyer to stand by and maintain his position than he is to do justice in the case.

In the first place I desire to call the attention of the committee to page 1 of his brief, in which he says:

> I allow for the contestee the 2 votes cast for "Cutts." Also, 1 vote which got into the wrong box in Washington Township, and was rejected.

And, although that vote was in the wrong box, he claims it for the contestee. Yet when he makes his second brief he claims that 25 votes put into the wrong box should be rejected from the count.

It was remarked by the gentleman from Missouri [Mr. Frost] in defense of his seat on the floor to-day that probably there was no member of the committee who had read the evidence in that case and was familiar with the facts. That is very true; we can not read cases covering six or seven thousand folios; and the consequence was when the mantle of Thompson fell on the shoulders of my white-plumed friend from Boston he took upon himself the responsibility of making himself familiar with the evidence. His known character as a lawyer, and as a gentleman led the committee to trust the case exclusively and entirely to him. We were ready to take his word for it. When he came in with this first report he admitted the pivotal fact was the coming of these negroes from Virginia. We were ready to take that as the issue, and the opinion of the committee swept over his head like a deluge upon that evidence, and that evidence alone.

Now, sir, I say that where a case like this has been submitted to a man of his ability and his known integrity we have a right to require of him his statements shall be accurate and his law shall be sound.

In the few minutes allotted to me I propose to show that my friend, when he found at that meeting of the committee he could no longer stand on the May crowd—he could no longer rely upon those facts—he immediately went back into the miscellaneous vote, which up to that period, as I understand it, he called even. Then, in addition to that, like a bird in the toils, he flutters on until at last he resorts to this claim that the 25 votes cast for Cook which fell into the wrong box should be rejected and Cutts declared elected.

It seems to me a most remarkable thing that our friend, Brother RANNEY, should resort to so many changes of position upon the very same facts. When in the meeting of the committee he brought his first report he claimed to be familiar with the facts of the case, and there and here arrogated to himself more familiarity, as he has a right to do, than ourselves. I call attention to the fact that in writing this report he made haste to claim the vote which was cast for Cook in the wrong box in Washington Township for M. E. Cutts, but he had not then anticipated the position he was afterward to take, placing himself in a desperate position. After he discovered a point might be made of the 25 votes cast for Cook in the wrong box, then I suppose he would be willing to give us this one vote which was cast in Washington Township.

Now I desire, in the few minutes remaining, to point out the fact that Brother RANNEY has gone off with the passion and fury of a lawyer and has not decided or written his report as a judge. It seems to me if anything was needed to illustrate the desperation of his effort to get around this difficulty, it is in the testimony offered by Valentine Rader and C. F. Renaud. I am surprised at this fact. In an unguarded moment he exposes himself to a terrible criticism. I hold in my hand the evidence of two men claimed not to be naturalized. Now here is the evidence of one of them:

> Valentine Rader, being produced, sworn, and examined on the part of contestant, deposed as follows:
> Question. Did you vote at the last election, held on the 2d day of November, 1880?
> Answer. Yes, sir.
> Q. Did you vote for a member of Congress for the sixth Congressional district of Iowa?
> A. Yes, sir.
> Q. Who did you vote for?
> A. For M. E. Cutts; voted the straight Republican ticket.
> Q. At what voting precinct did you vote?
> A. In Malaka Township, Jasper County, Iowa.
> Q. Where were you born?
> A. In Germany.
> Q. Of what nationality are you?
> A. I am a German.
> Q. When did you come to this country?
> A. In the year 1850 or 1851.
> Q. Were you ever naturalized?
> A. No; I got my first paper.
> Q. State your reasons for voting at the last election.

A. I supposed I had a right to vote. I took out my first paper in Sheboygan County, Wisconsin, and voted there.
Q. Before whom did you go to make your declaration of intention of becoming a citizen of the United States?
A. County clerk.
Q. The paper you then received from the county clerk at the time you made your declaration of becoming a citizen of the United States, was it the only paper of naturalization you ever took out?
A. Yes, sir.
Q. Did your father ever live in this country?
A. No; he died in the old country.

Mr. RANNEY claims that Mr. Cutts is entitled to that vote. I will now read the evidence relating to another foreigner, unnaturalized voter:

C. F. Renaud, of lawful age, being produced, sworn, and examined on the part of the incumbent, deposed as follows:
Question. State your name, age, occupation, and place of residence.
Answer. Charles F. Renaud; age, 36; occupation, farmer; Lynngrove Township, Jasper County, Iowa.
Q. In what country was you born, and when?
A. In France; year 1844.
Q. When did you come to this country?
A. In the year 1853.
Q. What naturalization papers have you taken out, and where and when?
A. I have only taken out one paper.

One paper; the evidence in this case runs along *pari passu* with the evidence in the other case.

I have only taken one paper in Mauston, Juneau County, Wisconsin, either in 1864 or 1865.
Question. For whom did you vote for member of Congress, at the last general election in Iowa?
Answer. John C. Cook.

That vote Mr. RANNEY says should be rejected, but the other should be counted for Mr. Cutts. That is consistency.

I only mention this, Mr. Speaker, briefly; I have not time in this brief argument to discuss the question presented by Judge RANNEY with regard to these two parallel cases. He would count one of these votes and reject the other.

Mr. RANNEY. If that is your understanding of what I said you ought not to call it your argument; for I said no such thing.

Mr. JACOBS. Well, I think I can show that you did; the report is here before me.

Mr. ATHERTON. Did not you count one vote one way and want to reject the other on exactly the same conditions?

Mr. JACOBS. Precisely; and on the same state of facts. Now, it seems to me that my able and eminent friend from Boston has certainly been carried away by his professional enthusiasm. Since the first presentation of the case to the committee he has made a new case, and everything occurring since the report that he made before to the committee is an afterthought supplied by a shrewd special pleader and technical lawyer for the purpose of defeating the force of the facts.

Now, again, there were several other witnesses who were claimed not to have been naturalized, and my friend Judge RANNEY takes the position that no admissions or declarations of the party against whom the charge is made is competent evidence to prove that he was an alien, and not entitled to a vote. I am surprised, Mr. Speaker, that so good a lawyer should take such ground. It is well settled in law that the admissions of a voter that his father was not naturalized, and that he had never received his papers, that such evidence of all that class of persons is held in McCreery as perfectly competent testimony upon the question of whether he was himself entitled to vote. In these election cases the technical rules that apply to trials in a court of law are not observed or enforced.

Again, he says that we claim that one poor creature here was crazy; and he says we prove it by the evidence of people who were not experts; by the evidence of people who are not doctors, not skilled in the science of the brain. What is the proof here? Patrick O'Connor voted the Republican ticket. He is shown by several witnesses to be an idiot, who did not know enough to eat at the table or to understand when he was in the presence of his father or mother. He had been adjudged an imbecile. Now, my friend Judge RANNEY takes the ground that the evidence of common people upon such a question is not competent to prove the absolute mental imbecility of the party offering to vote. I do not think, Mr. Speaker, that he will adhere to that opinion. I do not think he will maintain that opinion since the court of appeals in the State of New York has laid down the doctrine and has enforced it in case of murder, upon the trial of the party, that the witness testifying to the mental condition of the accused was competent if he stated the facts upon which he based his opinion, whether he was an expert or not; and that is the prevailing law of this country to-day, from one end of the country to the other.

Now, as to this man, who had no residence there, I say it was clearly proved he had no right to vote. I have simply extracted from the gentleman's brief such facts and such conclusions of law as I thought were unsound and untrue, and in the few minutes I have had have tried to call attention to some portion of them. But when I see a man come before the Committee on Elections or before the House and claim to be the only man familiar with the record, and that he is absolutely bound to have our confidence, it is necessary his facts should be accurate and his law should be thoroughly sound.

Upon the question of Shumate's evidence, my friend from Iowa says that Shumate's evidence is evidence put in against the evidence of forty people who swear they were there on the 1st day of May. Now I ask this House to judge as to the probability of those darkies swearing to the truth. Look at it. We do not claim these men were brought away from Virginia to colonize for the purposes of this election. It was too long before. But they were there; they came in droves; they came in separately in May, June, September, and October; and Shumate testified who they were.

When election came along we all understand how it is. Mr. Cutts said to his friends, "The country here is full of darkies; most of them have come since the 1st of May, and are not voters; you go and pick up those darkies." And the evidence in the record shows that the darkies were told they could vote—as my friend from Massachusetts [Mr. RANNEY] said, they could vote if they had been one single day in the State of Iowa. The darkies thought it would be a good thing to do, and relying on the statements made to them they rushed to the polls and gave in their votes.

Then came up the question of a contest, and Mr. Cutts and his friends went to the darkies and said "You are in a devil of a scrape here, and must swear yourselves back into the notch of May 1, or else you are good for the penitentiary." And the darkies swore, not that they came two days or three days before the 1st, but all swore that they came on that particular day six months before. There is not a white man in this House to-night who could recollect with the accuracy they did, and they did it under dictation.

[Here the hammer fell.]

Mr. CALKINS. I yield now to the gentleman from Wisconsin [Mr. HAZELTON], the chairman of the sub-committee.

Mr. HAZELTON. How much time is left?

The SPEAKER. There are fifteen minutes remaining.

Mr. HAZELTON. I do not know that I want the entire fifteen minutes. I want just time enough to present what I deem to be a few controlling facts in this case. Election cases do not turn on long arguments or long reports or a great volume of testimony. They turn and they are to be decided, if they are decided at all, upon a few straightforward, prominent, controlling facts, and upon settled principles of law as applied to those facts.

This case upon the evidence is somewhat close, but to my mind, upon fair examination and frank consideration, the evidence is in favor of seating Mr. Cook. His title is clear upon that evidence. It rests upon the testimony of Shumate. It is admitted by all that if Shumate's testimony stands, Cook must be seated, if this House is honest. If Shumate can not be impeached, then the argument of my friend from Massachusetts [Mr. RANNEY] falls to the ground, because he builds his entire fabric upon the assumption and upon the charge that Shumate's testimony is false. All the facts in this case were within the knowledge of this man Shumate.

In Iowa they had mines, in Albia and Muchachinock. They wanted cheaper labor in the mines than they could get in the State of Iowa. They employed Shumate to go down to Virginia to his home and bring colored men to work in the mines. They paid him for so doing. He went down where he knew and where he could identify men, women, and children—every one that he took from the soil of Virginia on the cars to the Muchachinock mine. Nay more, he had an inventory of every man, woman, and child that he took there; the age, the time they started from Virginia, the time they arrived at the Muchachinock mine, every one of them. Nay more, when he reached there he gave to this company a memorandum of these facts as exactly stated as they could be, and which were to be stated exactly on account of the business which he was transacting for that company. He took seven men on the 15th of May, and he swears to them and gives their names. I have them here. Now, if they arrived with the May party on the 15th of May, in the one car that went there in May, then these seven men were illegal voters.

Then he swears that he took other lots of these negroes there down to October. He swears to thirteen others directly, of whose ages, names, the time of their coming and everything about them he took a memorandum, who came there from the 15th of May down to September and October. So that there are twenty-one illegal votes, on the testimony of this man Shumate, as against the nine illegal votes which all admit this man received, without considering Muchachinock. Of our committee, twelve members, Mr. RANNEY himself admits that there were only nine any way.

Now, against those nine stand the twenty-one sworn to from memorandum in the charge of the man whom this company employed to go to his old house, among his acquaintances, to their very hearthstones and get there negroes whom he had known all his lifetime and bring them out there. And now will you impeach the testimony of Mr. Shumate? Will you bring on three or four darkies to swear to something? I will show you, and it is a controlling fact in this case, how they might have impeached Shumate if they had wanted to impeach him. It will take but a moment. Mr. O'Neal, the foreman and manager of this company, was a witness called on the part of Mr. Cutts.

Mr. STEELE. What were his politics?

Mr. HAZELTON. I do not know his politics, and I do not care.

He was a Republican, so far as we can get at it, and he would have to swear to the truth, would he not?

He was the manager of this company; kept the books of the company; received the memoranda from Shumate as he came from Virginia in the cars with these negroes. Now, what does he say? Let me read it, for it is controlling in this case:

Q. Have your company any record or memorandum of these colored men who came from Virginia, containing the name, age, or time of commencing work for your company, that were brought during the months of March, April, and May, 1880? And, if so, is said record or memorandum accessible to you or under your control?

A. We have such a record, except to age, and the same is accessible to me, but not under my immediate control.

Mr. RANNEY. Allow me to call attention——

Mr. HAZELTON. No; you had an hour and a half. You do not seem to be contented with an hour and a half. I can not understand the intense desire of the gentleman to make a speech beyond the hour and a half he has already had.

Now, as I have said, this very company had the evidence within its control by which to impeach Shumate, if he could be impeached. They did not have to swear negroes on the loose. They had the record, the memorandum, which their manager admits contained the record of the time every one of these colored men came there, their names, everything but their ages. This man O'Neal was put on the stand and invoked to put that record in this case, which, if it had been put in and had proved that Shumate was a liar, would have elected Cutts, and not Cook. Yet they suppressed the whole of it, and until this hour——

Mr. RANNEY. They were all put in.

Mr. MOULTON. They were put in by force.

Mr. HAZELTON. Do not interrupt me. As I was saying, until this hour this memorandum of which I have read has never been put in this case. You put in rolls and rosters. You have talked here to-night about women who were connected with these men. But on the very edge of that roster which you put in was a memorandum in writing—a mistake as to these women; they did not come until the 15th, or words to that effect.

Therefore this case is in a nutshell. You can not overcome that record. It is like a mountain in the way of a traveler. He may go around and around it, but he must meet it and see it. They quibbled and worked on this thing and finally said, "Have you not a memorandum or a paper in your office that shows exactly when these twenty-one men came who voted illegally?" And they said they had. "Why can not you produce it?" This manager of the company wanted a very honest ballot, and yet he could not produce it, although it was only across the street. My God! the Republican party was never made for that kind of business. [Applause.]

Mr. RANNEY. The gentleman does not want to misrepresent.

Mr. HAZELTON. The Republican party must stand higher than that; it must suppress nothing that opens the way to an honest ballot-box. It has placed its feet, or undertaken to do so, for twenty years now on ballot-box stuffing. It has made declarations in favor of a free and honest ballot, grander than any ever made by any party before. It has declared its adherence to principle and to an honest ballot-box.

And yet after three months, four months, six months, the contestee had to come back here and beg a supplemental order of the House to enable him to go over this ground again to see if he could not find this testimony, and he could not get it. [Here the hammer fell.] One word more. I say that the Republican party owes it to itself, we owe it to ourselves, all of us, to be simply fair and honest and square on this one case and seat Mr. Cook.

Mr. BRAGG. And see how it will feel to be honest once. [Laughter.]

Mr. MORRISON. If you owe that to yourselves, you owe more than you can ever pay.

Mr. CALKINS. I now call the previous question.

The previous question was ordered.

Mr. CALKINS moved to reconsider the vote by which the previous question was ordered; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. CALKINS. I move that the House adjourn.

PRINTING.

The SPEAKER. The Chair asks unanimous consent to lay before the House certain bills and resolutions of the Senate relating to printing connected with Congress.

There being no objection, the bill and joint resolutions of the following titles were severally taken from the Speaker's table, read a first and second time, and referred to the Committee on Printing:

A bill (S. 2433) to amend sections 6 and 7 of the act providing for the publication of the Revised Statutes and the laws of the United States, approved June 20, 1876;

Joint resolution (S. R. 143) authorizing the Committee on Printing to instruct the Public Printer relative to the maps, &c., for the census reports;

Joint resolution (S. R. 95) providing for additional copies of the Revised Statutes for the use of the Interior Department; and

Joint resolution (S. R. 64) authorizing the sale of the Congressional Directory and the current numbers of the CONGRESSIONAL RECORD.

LEAVE TO PRINT.

Mr. KLOTZ, by unanimous consent, obtained leave to have printed in the RECORD remarks on House bill No. 7135. [See Appendix.]

ORDER OF BUSINESS.

Mr. LACEY. I ask unanimous consent to have passed at this time a Senate pension bill. It has passed the Senate three times.

Mr. HOLMAN. It is too late to-night to pass bills. There will be ample time for the gentleman to-morrow.

The SPEAKER. The gentleman from Michigan asks the present consideration of a Senate bill.

Mr. BRAGG. I object.

Mr. HOLMAN. I call for the regular order.

The question being taken on the motion of Mr. CALKINS, that the House adjourn, it was agreed to; there being—ayes 30, noes 15; and accordingly (at 2 o'clock and 5 minutes a. m., Saturday, March 3) the House adjourned.

PETITIONS, ETC.

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

By Mr. CORNELL: The petition of Dewitt C. Gow and others, of Cobleskill, New York, for the speedy enactment of a national bankrupt law—to the Committee on the Judiciary.

By Mr. JACOBS: Six petitions of citizens of New York, for a material reduction of the duty on sugar—severally to the Committee on Ways and Means.

By Mr. PEELLE: The petition of Murphy, Hibben & Co. and others, merchants of Indianapolis, Indiana, against an increase of duty on fashioned cotton hosiery—to the same committee.

By Mr. J. D. TAYLOR: The resolutions adopted by the Farmers' Club of Belmont County, Ohio, protesting against any reduction of the duty on wool—to the same committee.

By Mr. VAN VOORHIS: Papers relating to the pension claim of David L. Pool—to the Committee on Invalid Pensions.

By Mr. WILLITS: The petition of Mrs. G. W. Owen and 2,078 others, of Michigan, in relation to the treatment of Indians—to the Committee on Indian Affairs.

The following petitions, protesting against the transfer of the revenue-marine service to the Navy Department, were presented and referred to the Committee on Commerce:

By Mr. HUBBS: Of citizens of Beaufort, North Carolina.

By Mr. LORD: Of the board of trade of Detroit, Michigan.

By Mr. MACKEY: Of owners and masters of vessels of Charleston, South Carolina.

By Mr. MURCH: Of merchants and owners of vessels of Cherryfield, and of 90 citizens of Rockland, Maine.

SENATE.

SATURDAY, *March* 3, 1883.

The Senate met at 10 o'clock a. m. Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

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

CREDENTIALS.

Mr. BROWN presented the credentials of Alfred H. Colquitt, chosen by the Legislature of Georgia a Senator from that State for the term beginning March 4, 1883; which were read and ordered to be filed.

Mr. TABOR presented the credentials of Thomas M. Bowen, chosen by the Legislature of Colorado a Senator from that State for the term beginning March 4, 1883; which were read and ordered to be filed.

Mr. WINDOM presented the credentials of Dwight M. Sabin, chosen by the Legislature of Minnesota a Senator from that State for the term beginning March 4, 1883; which were read and ordered to be filed.

HOUSE BILL REFERRED.

The bill (H. R. 7611) to adjust the salaries of postmasters was read the second time by its title, and referred to the Committee on Post-Offices and Post-Roads.

The joint resolution (H. Res. 338) in relation to the claim made by Dr. John B. Read against the United States for the alleged use of projectiles claimed as the invention of said Read, and by him alleged to have been used pursuant to a contract or arrangement between him and the War Department, and for which no compensation has been made, was read the second time by its title.

Mr. MORGAN. I ask that that resolution lie on the table in the hope that it may possibly be reached.

Mr. EDMUNDS. It is quite impossible to pass it without a reference.

Mr. MORGAN. It is not impossible; it is unusual.

Mr. EDMUNDS. It is quite impossible to pass it to-day without a reference.