Also, petition of citizens of Altamont, Ill., for same purpose—to the Committee on the Post-Office and Post-Roads.

Also, petition of other citizens of Illinois, for same purpose—to the Committee on the Post-Office and Post-Roads.

By Mr. McCLAMMY: Petition of D. S. Williams and 22 others, asking for a first-class harbor on Gulf coast—to the Committee on Rivers and Harbors.

By Mr. McKINLEY: Petition of American Company of Operative Association of Potters, of East Liverpool, Ohio, against any reduction of duty on pottery—to the Committee on Ways and Means.

By Mr. MOREY: Petition for the relief of Rolly Moore—to the Committee on War Claims.

Also, claim for horses used by the United States Government without payment for the same, of Samuel Carter, of Williamsburgh, Clermont County, Ohio—to the Committee on War Claims.

Also, petition of Elijah Abbott, West Chester, for repayment of $400 improperly demanded of him for a substitute in the United States Army—to the Committee on War Claims.

Also, petition of Peter Ehrstine, late of Company I, Sixty-fifth Illinois Volunteer Infantry, war of the rebellion, for removal of charge of desertion from his military record—to the Committee on Military Affairs.

Also, petition of W. L. Crane, for removal of charge of desertion—to the Committee on Military Affairs.

By Mr. O'NEILL, of Pennsylvania: Memorial of the Board of Trade of Philadelphia, for legislation to prevent overflow of the Mississippi River—to the Committee on Levees and Improvement of the Mississippi River.

Also, memorial from the same association for an appropriation for an additional building for the National Museum—to the Committee on Public Buildings and Grounds.

By Mr. PAYSON: Petition of H. Miller and 38 others, of Iroquois County, Illinois, asking passsage of House bill 7162—to the Committee on Ways and Means.

By Mr. PEEL: Petition of Flavius J. Lindsey, administrator of the estate of John N. Curtis, deceased, praying that the claim of Curtis & Austin for property taken by the Army during the late war be referred to the Court of Claims—to the Committee on War Claims.

By Mr. PENINGTON: Resolutions of the Farmers' Institute of Kent County, Delaware, in favor of the free coinage of silver—to the Committee on Coinage, Weights, and Measures.

By Mr. PERKINS: Petition of William Coventry and 48 other residents of Longton, Kans., asking for legislation to counteract the effect of the recent decision of the United States Supreme Court regarding the sale and importation of intoxicating beverages—to the Committee on the Judiciary.

Also, petition of S. E. Beach, G. P. Payton, and 39 others, citizens of Neosho County, Kansas, asking Congress for appropriation of money for complete system of levees on Mississippi River from Cairo to the Gulf, to prevent disastrous floods and improve navigation—to the Committee on Rivers and Harbors.

Also, petition of A. J. Bennett, W. A. Tyler, and 16 others, citizens of Sedgwick County, Kansas, for same purpose—to the Committee on Rivers and Harbors.

Also, petition of J. W. Hague and 181 other residents of Parsons, Kans., asking for legislation that will give to States the right to restrain and control the importation and sale of intoxicating liquors—to the Committee on the Judiciary.

By Mr. PIERCE: Petition of L. A. Rozell, Eugene Crawford, and 38 others, citizens of Lauderdale County, Tennessee, asking Congress for an appropriation of money for complete system of levees on the Mississippi River from Cairo to the Gulf, to prevent disastrous floods and improve navigation—to the Committee on Rivers and Harbors.

Also, petition of John Conner, W. H. Jackson, and 38 others, citizens of same county, for same purpose—to the Committee on Rivers and Harbors.

By Mr. RUSSELL: Petition of Hannah Holmes Mitchell, for pension—to the Committee on Pensions.

Also, petition of Catherine Hess Miller, for pension—to the Committee on Pensions.

Also, petition of Elizabeth A. Murray, for pension—to the Committee on Invalid Pensions.

By Mr. STIVERS: Petition of James H. Hawxhurst and 29 others, of New York, for the passage of the bill prohibiting the transportation of alcoholic liquors, etc.—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. TOWNSEND, of Colorado: Resolutions of Hope Alliance, No. 21, of Montezuma County, Colorado, in favor of House bill 5353—to the Committee on Agriculture.

Also, resolutions of the same Alliance, in favor of House bill 283—to the Committee on Agriculture.

By Mr. WILLIAMS, of Ohio: Petition of J. W. Campbell and 66 others, citizens of Troy, Ohio, for the passage of laws for the perpetuation of the national-banking system, under which the interest of depositors is protected by Government supervision—to the Committee on Banking and Currency.

By Mr. YARDLEY: Petition of citizens of Bucks and Montgomery Counties, Pennsylvania, for the passage of the act entitled "An act prohibiting the transportation of intoxicating liquors from one State or Territory of the United States to any other State or Territory"—to the Select Committee on the Alcoholic Liquor Traffic.

Also, petition of other citizens of the same counties, for same legislation—to the Select Committee on the Alcoholic Liquor Traffic.

Also, petition of other citizens of the same counties, for same legislation—to the Select Committee on the Alcoholic Liquor Traffic.

Also, petition of other citizens of the same counties, for same legislation—to the Select Committee on the Alcoholic Liquor Traffic.

SENATE.

THURSDAY, *June* 26, 1890.

Prayer by Rev. W. E. PARSONS, of the city of Washington.

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

PETITIONS AND MEMORIALS.

Mr. TURPIE presented a petition of the National Furniture Company, composed of firms of Indianapolis, Cincinnati, and Chicago, praying for the admission free of duty of imported woods and other material entering into the manufacture of furniture; which was ordered to lie on the table.

Mr. PADDOCK presented a petition of the National Furniture Manufacturers' Association, praying that mahogany lumber, German looking-glass plates, chair cane, and burlaps may be placed on the free-list; which was ordered to lie on the table.

He also presented a memorial of the Board of Trade, of Savannah, Ga., remonstrating against the duty on tobacco wrappers as proposed in the McKinley tariff bill; which was ordered to lie on the table.

Mr. TELLER presented the petition of Hope Farmers' Alliance, No. 21, of Montezuma County, Colorado, praying for the passage of the Conger lard bill; which was referred to the Committee on Agriculture and Forestry.

Mr. BLAIR presented resolutions of the New England Normal Council of Education, affirming their belief in the necessity and the principle of national aid to public education; which were ordered to lie on the table.

He also presented resolutions of the board of managers of the National Temperance Society, praying for the prompt passage of the bill to prohibit the exportation of intoxicating liquors to Africa and the Western States; which were ordered to lie on the table.

Mr. PAYNE presented a petition of the Methodist Episcopal Church (112 members) of Dorset, Ohio; a petition of the pastor, officers, and leading members of the Methodist Episcopal Church of Powell, Ohio; a petition of the Church of Christ, the Congregational and Methodist Episcopal Churches, and the Independent Order of Good Templars, of North Fairfield, Ohio, praying legislation to prevent the transportation through the mails of the Police Gazette and other immoral publications; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. DOLPH. I present a memorial of the Maritime Association of the port of New York, praying for the passage of Senate bills 3917 and 3918. These are the bills that were passed the day before yesterday to adopt regulations for sea-going vessels; I ask that they may lie upon the table.

The VICE-PRESIDENT. It will be so ordered.

REPORTS OF COMMITTEES.

Mr. BATE, from the Committee on Military Affairs, to whom was referred the petition of Francis S. Hagadorn, praying to be allowed compensation for an improvement in the construction of ammunition chests and the packing of ammunition therein for the use of light batteries in the artillery service of the United States, asked that the committee be discharged from the further consideration of the petition, and that it be referred to the Committee on Claims; which was agreed to.

He also, from the Committee on Military Affairs, to whom was referred the bill (S. 1020) to authorize the President to restore Edwin R. Parks to his former rank in the Army and place him on the retired-list, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. 3678) to grant an honorable discharge to N. Parker Doe, and for other purposes, reported adversely thereon; and the bill was postponed indefinitely.

Mr. WALTHALL, from the Committee on Military Affairs, to whom was referred the bill (H. R. 7756) making an appropriation to construct a road and approaches from the town of Culpeper, Va., to the national cemetery near that place, reported it with amendments, and submitted a report thereon.

Mr. DAWES, from the Committee on Indian Affairs, to whom was referred the bill (H. R. 526) to authorize the Secretary of the Interior to procure and submit to Congress a proposal for the sale to the United States of the western part of the Crow Indian reservation in Montana, reported it with an amendment.

He also, from the same committee, to whom was referred an amendment submitted by Mr. PLATT, June 24, intended to be proposed to the Indian appropriation bill, repored favorably thereon, and moved that the amendment be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the Committee on Indian Affairs, reported an amendment, in the nature of a substitute, for the bill (S. 3863) to extend the time for the construction of its road by the Newport and Kings Valley Railroad Company through the Siletz Indian reservation, now on the Calendar; which was ordered to be printed.

Mr. JONES, of Arkansas, from the Committee on Claims, to whom was referred the bill (S. 4096) for the relief of William W. Burns, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 373) for the relief of Claude H. Mastin, surviving partner of the firm of Le Vert & Mastin, of Mobile, Ala., reported it with an amendment, and submitted a report thereon.

J. B. BERNADOU.

Mr. PAYNE. From the Committee on Foreign Relations I report favorably, with an amendment, the joint resolution (H. Res. 166) authorizing Ensign J. B. Bernardou, United States Navy, to accept two vases presented to him by the Government of Japan. I ask for the present consideration of the joint resolution. The amendment is merely to strike out a letter in the name.

Mr. EDMUNDS. I should like to have it read for information.

Mr. PAYNE. A similar joint resolution has passed the Senate once and this is a House joint resolution in the same words precisely, except one letter in the name.

Mr. EDMUNDS. Let it be read for information.

The Chief Clerk read the joint resolution.

Mr. EDMUNDS. I think I remember that it appeared in the Committee on Foreign Relations that this is in recognition of an act of gallantry and at personal hazard, and that being the state of the case I do not oppose the measure. I am opposed in general to all foreign decorations of anybody except in cases where there is a special personal risk or gallantry or charity or something other than the ordinary run of these things. Although we ought to go on with the regular business, I will not object to this particular measure, but from this time forth to-day I shall ask for the regular order so as to get on with the business we have in hand.

The VICE-PRESIDENT. Is there objection to the present consideration of the joint resolution?

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

Mr. PAYNE. I ought to state in a single word that the report of the committee of the other House shows this to be one of those extraordinary cases that I know the Senator from Vermont would approve.

The VICE-PRESIDENT. The amendment of the committee will be stated.

The CHIEF CLERK. In line 3 strike out "Bernardou" and insert "Bernadou."

The amendment was agreed to.

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

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

The joint resolution was read the third time, and passed.

The title was amended so as to read, "A joint resolution authorizing Ensign J. B. Bernadou, United States Navy, to accept two vases presented to him by the Government of Japan."

BILLS INTRODUCED.

Mr. MITCHELL introduced a bill (S. 4162) for the relief of Henry H. Wheeler, of Crook County, Oregon; which was read twice by its title, and, with the accompanying papers, referred to the Select Committee on Indian Depredations.

Mr. HISCOCK introduced a bill (S. 4163) for the erection of a public building at Hudson, N. Y.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

AMENDMENTS TO BILLS.

Mr. CARLISLE submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was ordered to be printed, and, with the accompanying letter from the Secretary of War recommending an appropriation for the enlargement of the military post at Newport, Ky., referred to the Committee on Military Affairs.

Mr. COKE presented an amendment intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

LEAVE OF ABSENCE.

Mr. CALL. Mr. President, I ask the consent of the Senate that I may have leave of absence for a week. I am compelled by my business to go to Florida, and I desire leave of absence.

The PRESIDING OFFICER (Mr. SPOONER in the chair). The Chair hears no objection, and leave is granted.

REVISION OF REMARKS.

Mr. SHERMAN. There is a bill reported from the Committee on Foreign Relations affecting our treaty of commerce and navigation with Sweden and Norway, which I think will take but a moment, and it ought to pass.

Mr. PLATT. Is the morning business closed?

The VICE-PRESIDENT. If there are no concurrent or other resolutions, the Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The resolution submitted yesterday by Mr. INGALLS was read, as follows:

Resolved, That the Committee on Privileges and Elections be directed to inquire into the publication of the personal explanation of Hon. WILKINSON CALL in the CONGRESSIONAL RECORD of this date, and report whether the same is in accordance with the rules, regulations, and practice of the Senate; and that the said explanation be withheld from the permanent edition of the RECORD until the further orders of the Senate.

Mr. PLATT. The Senator who offered the resolution is not here, and I suggest that it go over.

The VICE-PRESIDENT. Objection being made——

Mr. EDMUNDS. It is not open to objection. Let it go over without prejudice, to come up to-morrow.

The VICE-PRESIDENT. The resolution will go over without prejudice.

HISTORY OF BILLS AND RESOLUTIONS.

The VICE-PRESIDENT laid before the Senate the resolution submitted yesterday by Mr. CALL; which was read, as follows:

Resolved, That the Secretary of the Senate be, and he is, directed to prepare an official statement from the Senate document, "A history of bills and resolutions of the Senate," of the number of bills introduced by each Senator, and the number which passed the Senate, and the number which became laws.

Mr. EDMUNDS. I move to lay the resolution on the table.

Mr. CALL. I ask the Senator to withdraw that motion for a moment.

Mr. EDMUNDS. I will withdraw it if my friend does not wish to take more than five minutes; but it appears to me, if he will allow me to say so, withdrawing the motion, that it is a resolution which ought not to be adopted. It is an entirely new idea, and to save time, which in this hot weather is of some value, I propose to make this motion. But I withdraw it for five minutes to give the Senator an opportunity to be heard.

Mr. PADDOCK. Why not let it go over until to-morrow?

Mr. EDMUNDS. No, let us finish it now.

Mr. CALL. Mr. President, I only wish to say that I have not the slightest desire to have the resolution passed, and I am perfectly willing for the Senate to make any disposition it pleases of it.

Yesterday, as the Senate is aware, I was arraigned here before the Senate in a very improper manner upon a personal explanation which I had printed by leave of the Senate, and which was inserted in the RECORD under the direction of a majority of the Committee on Printing. That statement contained a table with a statement of the number of bills which had been introduced by each Senator and the number which had become laws. That statement had been very carefully prepared by a gentleman to whom I referred it from a public document, the history of bills introduced in the Senate. I considered it to be a correct statement. I have found upon inquiry last night and examination carefully of a new table which I had prepared that it is substantially correct. With the exception of one or two bills omitted here and there it is substantially a correct table.

The Senator from Colorado [Mr. TELLER], for whom I have very great respect, mentioned yesterday his own case. I find upon examination that the number of bills credited to him in that statement as having passed the Senate is the number contained in this public document, the history of legislative bills. I have carried it that far.

Mr. TELLER. If the Senator will allow me I will say that I think I am credited with one bill.

Mr. CALL. Nine bills was the number in the statement. The Senator read it wrong.

Mr. TELLER. Then it is different in the copy which the Senator has from that which I had yesterday. I was credited with only one.

Mr. CALL. The Senator will find in the RECORD here that he is credited with nine bills.

My statement was simply designed to vindicate the Senate and Senators from any judgment of that kind which could be passed upon a public record which they had made, and I asked to have ordered published simply the bills introduced and the number which had become laws. My only desire in this matter was to vindicate my own accuracy and my own statement of this matter as substantially correct. That is all I desired.

Mr. EDMUNDS. Mr. President, it is of course perfectly clear to everybody, not only Senators, but all the people of the United States, that the true measure of the value of the public service of a Senator is the number of bills that he has introduced. I find that I am of not much use, and, so being, I move to lay the resolution on the table.

The VICE-PRESIDENT. The question is on the motion of the Senator from Vermont to lay the resolution on the table.

The motion was agreed to.

ADMISSION OF WYOMING.

The VICE-PRESIDENT. Is there further morning business? If not, that order is closed.

Mr. PLATT. I move that the Senate proceed to the consideration of the bill (H. R. 982) to provide for the admission of the State of Wyoming into the Union, and for other purposes.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. JONES, of Arkansas. Mr. President, the Senator from Connecticut [Mr. PLATT] yesterday seemed to derive a great deal of satisfaction from some imagined difference that he had found between the Senator from Missouri [Mr. VEST] and myself as to the political necessity for admitting this Territory to be a State. There was nothing in that difference, but I shall perhaps gratify the Senator from Connecticut very much this morning by saying that there is a marked difference, a very decided difference between the opinions as expressed by the Senator from Missouri yesterday and myself on the general question as to whether the Territory of Wyoming should now be admitted as a State or not.

That Senator expresses an unwillingness that Wyoming should now be admitted into the Union, and I am very decidedly in favor of Wyoming being made a State. I believe that it is not right for this Government to keep Territories in the condition of Territories when they have a sufficient number of population and a sufficient amount of wealth to justify a State organization and to support a State government. I should be in favor of the admission of every Territory of the Union where there is a sufficient number of people and a sufficient amount of wealth in the possession of the inhabitants of the country to sustain State government. I am in favor now of such steps being taken by the United States Congress as will result in the division of the land of the five civilized tribes in what is called the Indian Territory and of opening so much of the land as is not occupied by the Indians to settlement by the white people, and of enabling the people of that country to organize themselves into one or two States and to be admitted as early as possible into the Union.

I would be in favor of the admission of Utah but for the danger that would be incurred in giving increased powers to the people of that Territory by making them citizens of a State. But in the Territories where there is no such objection as there is to Utah I am in favor of the admission of all.

I believe that there are enough people now in Wyoming, in Idaho, in New Mexico, and in Arizona to justify the admission of these four Territories as States, and I believe that the increase in population after their admission would be such as soon to give them all that any one could ask as being necessary to make a State.

So the Senator from Connecticut will find that there is a marked difference between the Senator from Missouri and me upon this question. But I am unwilling to see the Territory of Wyoming admitted in the way that is now proposed by the majority of this body to admit that State, and I propose to present some of the reasons why, in my opinion, this would be exceedingly unwise.

In the memorial presented by the delegates to the convention, asking admission as a State, a very remarkable statement appears, as follows. After reciting some of the preliminary steps that have been taken, they say:

> Whereupon the governor of the Territory, "recognizing the superior and material advantages of a State government over our Territorial system, and being desirous of carrying into effect the will of the people," issued his proclamation, recommending the necessary action, and directing that an election be held throughout the Territory on the second Monday of July, 1889.

The people of Wyoming presented a bill proposing to enable them to be admitted into the Union—an enabling act. It had been acted upon by a committee of this body, but the Senate itself had not taken any steps upon it, the House of Representatives had taken no action; and without any enabling act on the part of Congress, without any action of the Legislature of Wyoming, "the governor," as these accredited delegates from that Territory tell us, "recognizing the superior and material advantages of a State government," proposed to proceed at once to have Wyoming admitted into the Union.

I submit, Mr. President, that no such unauthorized action has ever been instituted in the history of any State as simply following out the *ipse dixit* of the governor of the Territory to take steps for the formation of a constitution, and the demand of admission without any authority from Congress or the Territorial Legislature. The Committee on Territories in reporting the manner in which this Territory proposes admission uses the following language:

> At the last session of Congress your committee reported favorably a bill authorizing the people of Wyoming Territory to hold a convention to frame a constitution, and to submit the same to the people of the Territory for adoption or rejection, preparatory to admission as a State. This bill having failed to receive consideration in the Senate, a majority of the boards of county commissioners in Wyoming petitioned the governor of the Territory to issue a proclamation for a constitutional convention such as was contemplated by the bill.
>
> An apportionment of the Territory into districts was thereupon made in the same manner as was provided in the bill by the governor, chief-justice, and secretary of the Territory.
>
> A proclamation was issued by the governor, calling a constitutional convention for the purpose of framing a constitution and forming a State government preparatory to admission. In his proclamation the governor substantially adopted the provisions of the Senate bill.
>
> The election of delegates was held on the second Monday of July, 1889, and the convention assembled on the first Monday of September, 1889, at Cheyenne, the capital of the Territory. The convention adjourned on the 30th day of September, 1889, having framed a constitution, a copy of which is hereto annexed. (Appendix A.)
>
> The constitution was submitted to a vote of the people of the Territory of Wyoming, at a special election held in pursuance of a proclamation of the governor, on the 4th day of November, 1889, and adopted by a vote of 6,272 in favor of the constitution to 1,923 against it, the total number of votes cast being 8,195. The vote on the adoption was small, compared with the vote cast at the Delegate election in 1888, which was 18,010. But a severe snow-storm occurred on the day before the election, and election day was an unusually cold and uncomfortable one throughout the Territory, etc.

Mr. President, I think the Senate ought to bear in mind Wyoming is here and asking admission when neither House of Congress has acted, nor the Territorial Legislature, but the governor acting upon his own authority issued a call for that election. There was no penalty prescribed for false voting in that election; there was no law by which that election could be regulated or controlled. It was a mere voluntary assembling of the people of Wyoming upon the suggestion of the governor of the Territory which had no legal or binding force. These people assembled——

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

Mr. JONES, of Arkansas. Certainly.

Mr. GRAY. Did a majority of the people of the Territory participate in that election?

Mr. JONES, of Arkansas. There are no returns, so far as I know, in the papers as to the number of people who voted for delegates. It is claimed that fifty-five delegates were elected. There were but thirty-nine delegates who signed the constitution; and where the other sixteen were, about a third of the total number, and why they did not sign the constitution, is not explained. I believe it is said they got tired and went away, I suppose taking no special interest in it. But when they had framed the constitution which was submitted to a vote of the people in November, at that election, there was a total of 8,195 votes cast, while there were 18,010 votes cast one year before at the election of Delegate. Now we understand that in all these Territories the question of admission into the Union is always a burning issue. I am satisfied they all take a deep and lively interest in the prospect of becoming a State of this Union. Why, then, was it when there had been a polled vote of 18,010 for Delegate the year before, there was a vote cast upon this great question of only 8,195?

Mr. GRAY. If I may interrupt the Senator from Arkansas a moment, I wish to inquire of him whether there was a majority of the legal voters of the Territory present at the election to ratify the constitution.

Mr. JONES, of Arkansas. By no means.

Mr. GRAY. Was the number which is necessary to make up a majority, or a quorum as we say in a legislative body, recognized as being present in the Territory by any competent authority?

Mr. JONES, of Arkansas. They must unquestionably have been present in the Territory, as they were citizens of the Territory, and these applications that are made for admission claims that in the next election the vote polled will not be less than twenty-three or twenty-four thousand votes. I especially call attention to the fact in connection with the question asked me by the Senator from Delaware, that yesterday the Senator from Connecticut stated that the population of Wyoming was nearer, in his opinion, 125,000 than 100,000.

Every Senator will notice this circumstance, and it certainly ought to be carefully considered in a matter of such serious consequence as the admission of a State into the Union. If the Senator from Connecticut is correct, if there are 125,000 people in Wyoming, would not that fact have been indicated by the number of votes cast? Take the average communities in this country, and there is about one adult male voter to about every four or five residents—in some communities four, in some five.

I submit in a Western community like Wyoming the percentage of adults is very much greater to the total population than it would be in an old settled community like Delaware or Connecticut. So I assume that there should be fairly one adult male to every four citizens. That would give, if that estimate is correct of the adult male population in the Territory of Wyoming, a little over 30,000 or about 31,255. If the supposition of the Senator from Connecticut is correct that there are 125,000 citizens in the Territory, there would be then over 30,000 adult males in the Territory of Wyoming.

But in addition to the voting males, the females are authorized to vote there, and the presumption is that they are not far from equal in numbers; that there are about as many females as there are males who are adults and entitled to vote; and if the supposition of the Senator is correct there must be somewhere in the neighborhood of twenty-five or thirty thousand female voters added to the 30,000 male voters that must be there; thus we have an aggregate of from 50,000 to 60,000 voters.

Mr. GEORGE. How many votes were actually cast?

Mr. JONES, of Arkansas. Eight thousand one hundred and seventy-five; and of that 8,175 actually cast 1,923, about one out of every four, voted against this constitution.

Here, then, you have the voting population, according to the Senator's hypothesis, and according to his own supposition, that must aggre-

gate 50,000 votes, and there were actually cast about 8,000, of whom one-fourth voted against the adoption of this constitution.

Mr. GRAY. As I understand, about 6,000 out of the 50,000 voted for the constitution.

Mr. JONES, of Arkansas. And on the vote of that 6,000 people the Senate proposes to admit that Territory without waiting to hear from the other people, who are equally interested in the question with them.

Mr. President, my opinion about this may be illustrated by reference to a circumstance that occurred in New Mexico some years ago. The Legislature passed an act there providing that the governor should call a constitutional convention. It was called. There had been no enabling act passed by Congress, and when the constitution was framed it was submitted to the people, and submitted at the same time that the Delegate to Congress was to be elected. There were about 40,000 votes cast for Delegate, and less than 4,000 voted on the question of the constitution at all, and I believe the majority of these voted against it on the ground that the call was unauthorized by Congress, and ought not to be voted for by the people.

In the case I have just mentioned in New Mexico, if there had not been a vote for a Delegate those people who went out in great numbers and did vote would have staid away from the polls. But even in this case, perhaps, as large a percentage voted for the constitution as did in the Wyoming case.

Mr. PLATT. May I interrupt the Senator? I did not catch his remarks so as to understand what Territory he was talking about when he said the constitution was submitted at the time of the election of the Delegate.

Mr. JONES, of Arkansas. I was attempting to draw a parallel between Wyoming and an incident that occurred in New Mexico some years ago, with which the Senator is familiar, no doubt.

Mr. President, there are objectionable features in this constitution. We may reasonably suppose that the people who refused to vote for the ratification of this constitution, which was the product of the convention called by the governor without authority from Congress and without authority from the Territorial Legislature, were opposed to the adoption of this constitution embracing these objectionable features. They simply staid away from the polls and did not vote, and here we have this large majority, amounting, according to the calculation I have just now made, to perhaps nine-tenths of all the citizens of the Territory, who were opposed to this proposition.

But the Senator from Connecticut in his argument yesterday stated that there was no opposition to this constitution, and that the reason why the people did not turn out was on account of a snow-storm and because everybody was agreed in support of this instrument. The Senator seemed to forget the fact that of the votes actually cast about 25 per cent. voted against the ratification of the constitution, and that an immense majority of the voters of Wyoming refrained from voting. But there is another circumstance in connection with that which I think ought not to be forgotten just here. I suppose we might infer that the majority of females in Wyoming were in favor of woman suffrage; that whatever votes there were in that Territory cast against the constitution with the provision of woman suffrage in it, would be the votes of the males, but that the women would all vote in favor of that instrument.

Now let us look at these 8,000 votes with an eye to that. I suppose there is no great difference between the number of males and females who are authorized to vote in Wyoming. They would naturally not be far from equal in number. I suppose perhaps there may be some few more men than women, but for the sake of the argument and to illustrate the idea I have in my mind, I will assume that they were equal, and of the 8,195 votes that were cast 4,097 of them were males and 4,097 were females. We then have 4,097 females and all voting for the ratification of this constitution, and of the 4,097 males 1,923 voted against the ratification, leaving 2,174 in its favor or a majority of 251.

The fact that so small a percentage of the voters of the Territory went to the polls at the time of this vote is a fact that must be considered by the Senate. This fact of course found its way to the minds of the majority of the committee when they were preparing their report.

Mr. GEORGE. I understand there was no enabling act.

Mr. JONES, of Arkansas. No, and no act of the Territorial Legislature authorizing the calling of the constitutional convention. There was no act of the Legislature, but it was called by the governor upon his own motion, and, as I called to the attention of the Senate in the beginning, there was no penalty for false voting in any one of these elections, and any one man could have gone to the polls and might have cast any number of votes and there was no penalty for it.

Mr. MORGAN. Is the proclamation to which the Senator refers found anywhere in the papers in this case?

Mr. JONES, of Arkansas. I think it is in some of the papers.

Mr. GEORGE. Who made the apportionment of the delegates?

Mr. JONES, of Arkansas. The governor, the chief-justice, and the secretary of the Territory, and upon their apportionment the election was held.

Mr. GEORGE. Was it authorized by any law?

Mr. JONES, of Arkansas. By no law upon the face of the earth. There was a bill introduced in Congress which went to the Committee on Territories and they reported favorably upon it, but the Senate did not act upon it and the House did not act upon it. It was not passed by either body. The governor did not call the Legislature together to get even an act of the Legislature to authorize him to call a constitutional convention, but acting upon his own motion, as he was solicited to do by certain members of the county boards in seven counties out of ten, he ordered the election—and that was of necessity an absolutely illegal election—first, for delegates to the constitutional convention, and then the election ratifying the constitution. As I have shown, the utter absurdity and unfairness of this matter was so plain to the thinking, reflecting men of that Territory that it seems to me they regarded this election as an absolute nullity, and that was the reason why, out of all the voters said to be resident in that Territory, but 8,000 went to the polls.

Mr. GEORGE. Eight thousand out of about 60,000?

Mr. JONES, of Arkansas. I can not tell now about the total number of votes. I was taking the population as assumed by the Senator from Connecticut, and figuring out the voting population on that assumption it must be fifty or sixty thousand. On the other hand, the Senator from Missouri [Mr. VEST] estimates that there can not be more than sixty or seventy thousand people in all this Territory. The Delegate claims that they will poll from twenty-three to twenty-four thousand votes in their next election. If that be true they have not anything like the population that gentlemen on the other side have been claiming that they have. I was simply assuming that their figures were correct and arguing this case from the standpoint of their own assumption as to the population of Wyoming Territory.

Mr. GEORGE. Upon their own hypothesis nothing like a majority of the voters in that Territory cast their votes.

Mr. JONES, of Arkansas. Under no hypothesis have more than one-fourth of the voters of that Territory voted for this constitution, and in that one-fourth are the women who voted at the time the men voted; and I respectfully submit to the Senate that even if that election had been legal, even if they had had a right to hold the election and if there had been penalties of perjury protecting and guarding the polls against ballot-box stuffing and fraudulent counting, the allowing of women to vote at that election was not authorized under the laws of the United States.

In the decision rendered in the Washington case in the supreme court of Washington Territory, where this identical question was raised as to whether a Territorial Legislature could confer the right of suffrage upon women, in a case that seems to me to have been well considered, ably argued, it was solemnly decided that the powers conferred upon the Territories by Congress did not authorize the Territories to grant the right of suffrage to women, and upon that decision the women of Washington Territory were not allowed to vote. But with that understanding of the construction of law the people of Wyoming, when this unauthorized election, when this election not guarded or protected by any law, when this election where there were no penalties for false voting or false counting or any other crime, took place, allowed women as well as men to cast their votes.

Mr. MORGAN. In what volume is that decision?

Mr. JONES, of Arkansas. If the Senator will permit me I will call attention to it just here. It is in the third volume of Washington Territory Reports, the case of Bloomer *vs.* Todd and others.

Mr. GEORGE. A decision rendered by the supreme court of the Territory?

Mr. JONES, of Arkansas. By the supreme court of the Territory, and I think perhaps it might not be out of place for me to read a page from the conclusion of the court upon this question. I begin in the middle of the decision. The whole of it is very interesting, but I will not detain the Senate by reading it all.

> The same act provides that every Territory shall have the right to send one Delegate to Congress, and the only limitation is that he shall be a citizen. It will not probably be contended by any person but that the Delegate was intended to be and, indeed, must be a man, and an elector within the Territory; and it certainly was not within the intent of Congress that a woman should go to the House of Representatives as a Delegate. The thought was not in the mind of anybody. The act also provides for the election of justices of the peace and other judicial officers. Yet will it be claimed that it was within the contemplation of Congress at the time of the passage of this act that these might be filled by women?—
>
> "Yet will it be claimed" is the expression—
>
> That at that time it was within the intent of Congress that under that act women might be elected to hold those offices. It might have been better, and perhaps would now be a step in advance, if such had been the case; but was that the legislative intent at that time?
>
> If we turn to the Constitution of the United States we find that the whole structure of the instrument is based upon the idea present in the minds of the makers of it that the officers provided for therein shall be males. In the first place, and as of minor importance, the form of every word in the Constitution relating to the holding of office under that Constitution is masculine. It provides that the Senate shall be composed of two Senators from each State. No person shall be a Senator who shall not have reached the age of thirty years. The Vice-President shall be the President of the Senate. No person shall be eligible to the office of President except a native-born citizen, who shall hold his office during the term of four years, and shall be elected as therein provided.
>
> The judicial power shall be vested in one Supreme Court, the judges whereof shall hold their offices during good behavior. In numerous other instances it is conclusively apparent that at the time of the framing of that instrument the idea of a woman holding office under that Constitution was as foreign to the

mind as that a woman might be President under that Constitution; else the sole limitation would not have been that the President should be a native-born citizen of the United States. If the word "citizen," as there used, had been supposed to include females, it will not now be questioned but that there would have been an express negation in that regard. Such has been the uniform practical construction ever since its adoption, and for more than thirty years our organic act has likewise been construed to mean "male citizen" when the privilege of voting has been under consideration, and even now it is not disputed but that was the sense in which Congress then used the word.

This practical construction is not to be ignored or evaded.

* * * * * * *

Ever since the colonial law provided that a person accused of a crime should be tried by a jury of "twelve honest men," the word "jury," standing alone, has meant the same thing. That there have been here and there exceptions help to establish the rule.

I will not detain the Senate by reading the whole of this decision, but will read a little more. It proceeds:

The case of Minor vs. Happersett (21 Wall., 162) is also cited for the purpose of showing that the provisions of the fourteenth amendment to the Constitution of the United States, wherein it is said that all persons born or naturalized in the United States and subject to the jurisdiction thereof are citizens of the United States and of the State wherein they reside, are by the words used in affirmance of the construction contended for by appellant. The decision proceeds upon an exactly opposite theory and denies the doctrine contended for, and therefore it does not follow that the use of the word "citizen" in the enabling act conveys the idea or carries with it the proposition that the Legislature has the right to confer the privilege of suffrage upon female citizens; nor can it be true, unless it be further contended that at the time of the passage of the organic act of the Territory the word "citizen" necessarily implied a female as well as a male citizen when used as empowering the Legislature to grant the privilege of voting to all citizens.

In conclusion the court say:

In 1852, when this act was passed, the word "citizen" was used as a qualification for voting and holding office, and, in our judgment, the word then meant and still signifies male citizenship and must be so construed. That the rule contended for might be better, we are not called upon to determine. The Congress can confer the desired power upon our Legislature, and we cherish the hope that in the near future our own citizens will have an opportunity to determine this question for themselves in the formation of a constitution for the State of Washington.

Now, Mr. President, with the decision of this court by which women in Washington were denied the right to cast their votes, in the Territory of Wyoming, in utter disregard of this construction of the law, in plain violation, I believe, of the laws of Congress conferring authority upon the Territories, they have given their women the right to vote in Wyoming; and upon this the governor of the Territory, ordering an election which he was not authorized to call under the law, not provided for by Congress or by the Territory, proceeded to hold an election at which women voted. On account of the extreme smallness of the vote, it seems to me that there is no such expression in favor of the constitution as to warrant this Congress in holding that this Territory ought to be admitted under this constitution which embraces a provision for female suffrage; which embraces a provision for alien ownership of lands. It has an additional provision in favor of compulsory education, against which, in my opinion, many an American citizen would revolt.

There would certainly be a large percentage of people in that Territory opposed to these provisions. We ourselves, only two or three years ago, passed a law in which we provided that aliens should not own land in the Territories.

The Senator from Connecticut yesterday gave a very pathetic account to the Senate of some citizen, the mention of whose name he said would command the respect of every man present if he were to call it, who, under that law, would not be allowed, after spending a lifetime in this country, to own his home and have it to descend to his children. He said there had been a great deal of gush and sentiment about this that was wholly unjustifiable and unwarrantable. So far as I am concerned, I wish to say for myself that whenever any man chooses to come from abroad to live in this country, unless he is willing to cut loose from the home of his childhood, unless he is willing to avail himself of the privileges of the laws which give him easy access to American citizenship, to become one of us and cast his lot with us and identify himself as an American citizen, I for one am willing to say he shall not own one foot of real estate in this country.

I believe this country ought to be the heritage of American citizens. We have been for a hundred years through the gates of Castle Garden, which, as President Harrison expressed it, "always swing inward," receiving a stream of millions of people who have come from other countries, and made them partners in our inheritance. We have never denied to them any right that we accorded to our own native-born citizens, and I am in favor of liberal treatment to those who come here and desire to become citizens of the United States, but for a man who comes here retaining his foreign allegiance, not willing to become an American citizen, I am ready to say he shall not own one solitary foot of American soil; and to vote for the admission of a State which has embodied in its organic law a provision that such a foreigner shall have exactly the same rights as an American citizen is absolutely revolting to me. So far as I am concerned, I can not and will not cast a vote in favor of any such monstrous doctrine.

The truth about it is that we have been talking so long about our great desire to protect American labor, to guaranty high wages to laboring men, and at the same time welcoming the very same pauper laborers from Europe against whom we have said we wished to protect our own laborers, that I think the time has come when there ought to be some sort of difference between an American citizen and a man born abroad who is an alien.

I am not willing to make this the dumping ground of all the people in Europe. I am not willing that the paupers and the miserable classes that are absolutely worthless abroad shall be dumped upon us, and when they come here retaining their foreign allegiance to be regarded as good as American citizens and entitled to all rights our own people have. If they want to come to be a part of our people, to live with us, to sustain the burdens of Government, to meet the nation's foes in time of war, to incur the dangers that any American citizen incurs, then I am in favor of treating them fairly and properly; but when they come to live off the fat of the land and to refuse the responsibilities of citizenship, and to retain their allegiance to the country from which they came, then I say there ought to be a distinction between them and our own people.

This other provision for compulsory education is one which I do not fancy. It may be a very good plan to compel a man to join my church and to make him think as I do about religion, to measure him up according to my moral ideas and to compel him to go my way, but this idea of compulsory education is not American. The Kaiser, at the head of the great German Empire, considers himself the father of all his people, and undertakes to compel the education of his subjects, but I am not ready to transport his imperial ideas to this country yet.

I believe that when school-houses are provided, when the means of education are opened, when the ways by which children may obtain an education are provided at the hands of the State, American citizens may well be left to determine whether or not their condition is such that they can send their children to school.

I will not undertake to enlarge upon these obnoxious features of this constitution, but embracing as it does these features, submitted as it was, as I have shown, without authority of law, and without right, submitted to the votes of the people in an irregular and improper and lawless way, it seems to me it ought not to command the respect of the Senate of the United States to such an extent as to agree that the Territory of Wyoming shall be admitted upon this constitution as a State in the Union.

In connection with this matter, there was a paragraph published in one of the papers in that Territory to which I wish I could refer, but I can not find it just now, but it stated in effect that a fraudulent election might have been held without penalties in this case.

This paragraph in a Wyoming newspaper, read in the other House when this matter was under discussion, was flatly and positively denied by some one on the floor, I do not know who, but though I have seen the paragraph of this Wyoming newspaper, I have never heard of any denial of its statement except the one which was made by the gentleman, whoever he may have been. The statement was to the effect as I remember it that the banner county in Wyoming—I repeat it as well as I can from memory, though I can not fully recall it—that in the banner county in that Territory the election was held in a back room of a store by three men who had a cigar box, and after putting in three or four hundred votes for one side, one of the men said he was tired of casting so many votes for one man and would cast some for the other fellow, and thereupon he put in six or seven votes for the "other fellow," and these votes cast at this election held by three men, with every ballot put in by themselves, were counted and returned, and made that county the banner county of the Territory.

If that statement was true, those men could not be punished. If it was not true, it ought to have been more authoritatively denied than it has been. When it was read by a member of the other House, somebody rose and said he pronounced that story absolutely untrue, and that was all that was said. There has been no other statement against its truth and authenticity so far as I have ever heard. It was printed by a paper in the Territory, and it was charged that that was the way in which that county became the banner county of the Territory. Now at an election where that was possible, admitting that there is no proof at all that it did occur, I ask if the Senate is going to accept as being proper and right a constitution which was framed by a lot of delegates who could have been elected in that way.

Mr. GRAY. I ask the Senator what would have been the consequences if the persons charged with conducting that election in that so-called banner county which he has described had confessed the truth of the charge; or had it been proved by any number of reputable witnesses and not denied by them, what would have been the consequences to the persons so charged?

Mr. JONES, of Arkansas. I suppose it would have been considered a good joke by them, and that is all. There was no law to punish them. It was an election held without authority of law, and they could not be punished. Elections held in this way certainly can not command the respect of reasonable and right-thinking men.

Mr. STEWART. Will the Senator from Arkansas allow me to ask him a question?

Mr. JONES, of Arkansas. Certainly.

Mr. STEWART. The provision of the twenty-ninth section of the

constitution of Wyoming upon which the Senator has been commenting reads as follows:

SEC. 29. No distinction shall ever be made by law between resident aliens and citizens as to the possession, taxation, enjoyment, and descent of property.

I should like to ask the Senator if he knows of any State in the Union which makes any distinction between resident aliens and citizens as to the possession, taxation, enjoyment, and descent of property. If there is any such distinction made in any State of the Union, I should like to know it.

Mr. JONES, of Arkansas. The distinction was made by this body of which the Senator from Nevada is a member, and if I am not mistaken he voted for the law making that distinction in every Territory in this country. The law is in the volume here on my desk. I can point the Senator to it. It is a law enacted by Congress, and it certainly seems to me is entitled to some consideration by members of Congress when it has become a law by the solemn act of both Houses.

Mr. STEWART. That was not the question I asked the Senator. The law of Congress forbids to aliens the right to acquire real estate in a Territory; but I ask the Senator if there is any State in the Union which makes any distinction between resident aliens and resident citizens, as to possession, taxation, enjoyment, and descent of property? If there is any State which makes that distinction, I have been unable to find it. I believe, on the contrary, that every State in the Union allows to aliens and to citizens the same enjoyment of possession and the same rule as to taxation and descent that is applied to citizens of the United States.

Mr. JONES, of Arkansas. I have not examined the question. I can not undertake to say what the States have done, but I have said what I believe the States ought to do, and I have said what the Congress of the United States has done, and there is no sufficient reason why this body shall "go back" (to use a vulgar phrase) upon its own action and ratify in Wyoming a state of things that they themselves have said should not exist. It is not necessary for us to go back and hunt up whether there are other States who have taken that action or not.

Mr. STEWART. Mr. President——

Mr. PLATT. The Senator will allow me to ask a question.

Mr. STEWART. Certainly.

Mr. PLATT. Have we passed any law in Congress which treats an alien resident in the Territories any differently from a citizen in regard to the possession of his property, the transfer of it, the descent of it, the taxation of it, and the inheritance of it—have we passed any such law as that?

Mr. JONES, of Arkansas. I will read to the Senator what the law is.

Mr. PLATT. You will find no such law as that.

Mr. JONES, of Arkansas. This is the law of Congress:

That it shall be unlawful for any person or persons not citizens of the United States, or who have not lawfully declared their intention to become such citizens, or for any corporation not created by or under the laws of the United States or of some State or Territory of the United States, to hereafter acquire, hold, or own real estate so hereafter acquired, or any interest therein, in any of the Territories of the United States or in the District of Columbia, except such as may be acquired by inheritance or in good faith in the ordinary course of justice in the collection of debts heretofore created.

That is what the law says. That is what the Senators both voted for, and now they ask the Senate of the United States to admit Wyoming under a constitution which goes directly in the face of this provision.

Mr. STEWART. I do not understand that it is in the face of the provision.

Mr. JONES, of Arkansas. I can not help the Senator's not being able to understand it. It is plain enough.

Mr. STEWART. Mr. President——

Mr. SPOONER. May I ask the Senator from Arkansas a question?

Mr. JONES, of Arkansas. I will yield with pleasure to one at a time. The Senator from Nevada is still on the floor.

Mr. STEWART. I am through.

Mr. SPOONER. Is it not one thing for Congress to declare a policy as to alien ownership by act of Congress operative in the Territories, which are subject, of course, to the jurisdiction of Congress, and another thing by a fundamental condition attached to the admission of that Territory into the Union as a State to preclude the people of the prospective State from regulating that matter in accordance with the public sentiment within its borders? Is it the proposition of the Senator that, as to all the Territories, it shall be made a fundamental condition of their admission as States that as a rule of property no alien shall be permitted to own real estate within the limits of the State?

Mr. JONES, of Arkansas. Mr. President, I have not assumed any such position. I have not said that I occupied any such position. What I object to in this constitution is an affirmative assertion now that aliens shall have under all circumstances and everywhere the same rights as resident citizens have. If that had been left out of the constitution there would be no ground for complaint on this score. I have not asked for a provision in the constitution that would forbid aliens from holding lands. I am willing to leave the State to regulate that for itself.

But the question of the Senator from Wisconsin opens a very wide field, one which I have not fully investigated, but one which I hope to investigate at some time and to arrive at a definite conclusion upon, and that is as to whether it is not competent for the Congress of the United States in the organization of a national policy to declare that alien shall not hold lands in the States.

Mr. SPOONER. I do not deny now that Congress might impose this as a fundamental condition, but, as I have always understood it, the question which controls Congress in passing upon a constitution submitted for approval is whether the constitution is republican in form. The Senator will not claim for a moment that a constitution which authorized aliens to hold lands the same as citizens was for that reason not republican in form. I remember several State constitutions which affirmatively declare that in this respect there shall be no distinction between citizens and aliens.

Mr. JONES, of Arkansas. There is no question of that.

Mr. SPOONER. I voted, as I presume the Senator from Arkansas did, for this act of Congress precluding alien ownership of land in the Territories, but I would not vote to forever preclude the people of a State from making their own rules of property upon that subject, as the people of all the other States have done. While this constitution affirmatively declares, as I believe the constitution of my own State affirmatively declares, that aliens may own lands, it would be entirely competent for the people at any time to change it, and it is a subject which ought to be left to the people of a State when it shall become a State, if there is anything in the doctrine of home rule, it seems to me.

Mr. JONES, of Arkansas. I cordially agree with the Senator in every word he has said, and I am gratified to find upon his own statement of his position that he can not vote for the admission of Wyoming under this bill, because this constitution takes the power out of the hands of the Legislature to regulate this very business. That is precisely the thing that I complain of, because it ought to be left to the people and their representatives to regulate this. That is the reason why I am opposed to it.

Mr. SPOONER. It leaves it to the people, but not to the Legislature. At any time when a majority of the people see fit to do so, they may amend the constitution so as to prohibit alien ownership of land. I I would leave it to the people, but not to the Legislature.

Mr. JONES, of Arkansas. Constitutional prohibitions are for the curbing and restraining of Legislatures. They are the representatives of the people. It is because there is a fear that they can not be trusted. I believe when the people speak through their own Legislatures they are apt to be right, and I believe this power ought to be left with the Legislature, and I am unwilling that it should be a part of the organic law, unchangeable except by amending the constitution of the State.

Mr. DOLPH. I suppose the Senator takes no objection to the constitution of his own State, which contains substantially the same provision that is contained in the constitution of the proposed State of Wyoming.

Mr. JONES, of Arkansas. I am aware of that.

Mr. DOLPH. And that is contained in the constitutions of three-fourths of all the States of the Union, as I am prepared to show.

Mr. JONES, of Arkansas. I think that is quite likely.

Mr. DOLPH. And the question of what Congress has done in regard to the Territories, where we have plenary power to legislate, has nothing to do with it, because every State must come into this Union upon an equality with every other State in its power to legislate.

This is, it seems to me, a question within the power of the State when it comes into the Union. This constitution is framed as an organic law of the future State, and the Supreme Court would say without hesitation, I think, that Congress would have no power to declare that a clause should be inserted in the constitution of a State that should come into the Union prohibiting aliens from acquiring real estate. Congress, in admitting a State, can pass upon the question of whether the constitution is republican in form and consistent with the laws and Constitution of the United States, but it can not put any limitation upon the power of the State, when once admitted, to legislate upon any of these questions.

Mr. JONES, of Arkansas. Precisely so, and that is the reason I object to this constitution, because only about 6,000 votes were cast for it in Wyoming, when, according to the calculation of the Senator from Connecticut, if his estimate of the population is correct, there must be fifty or sixty thousand voters there, and there must be 25,000 votes, accepting the lowest estimate made by anybody on either side; and the fact that less than one-fourth of the population incorporate a provision of this kind in the constitution of the State that can not be changed except by a change in the constitution is a reason why the State ought not to be admitted on this constitution.

If the Senator from Oregon is right and the Senator from Wisconsin is right, if this matter ought to be left in the hands of the people, then they ought to vote with me not to allow a handful, a mere minority of the people of Wyoming, to frame a constitution with such a provision, when we all know it can not be changed except in a slow, tedious, and expensive manner. This sort of legislation ought not to be done in this hasty and inconsiderate way, with the indorsement of a small percentage only of the people of the Territory.

I believe it ought not to be the law in a single State. I believe it

ought to be changed when it does exist, and I believe Congress having set the example in providing that foreigners shall not hold land in America, the example of Congress ought to be followed by the States in not permitting people to hold the lands who are not bona fide citizens of the country.

Mr. SPOONER. What does the Senator mean by saying that this could only be changed by some expensive method? I have not read the constitution through, but I presume it provides for amendments in about the same form as the other constitutions—that the Legislature may at any time submit an amendment to the people.

Mr. MORGAN. Two-thirds of the Legislature.

Mr. SPOONER. Two-thirds of the Legislature may, at any time, submit an amendment of the constitution to the people and cause it to be voted upon at a general election. There is no additional expense involved.

Mr. JONES, of Arkansas. It is always slow and laborious to change a constitution, as the Senator from Wisconsin and every one else well knows.

Mr. SPOONER. I was not talking about the speed of it. I was simply directing my question to the observation of the Senator from Arkansas, that it could only be done by an expensive method. It does not require a constitutional convention to change the constitution. If at any time the Legislature sees fit to submit that question to a vote of the people upon a proposed change of policy in this regard, it can be easily and speedily done.

Mr. JONES, of Arkansas. Mr. President, I have never yet known of an election in a State that was not expensive. Elections are always expensive. The amendment of a constitution is a slow and tedious and expensive process, and it always gives rise to trouble and often to bad blood, to change a constitution. That is well known to everybody, and nobody knows it better than the Senator from Wisconsin.

I have presented in a brief way the reasons why I think this constitution is objectionable, and the reasons why Congress ought not to admit Wyoming upon this constitution. It has not been ratified in any fair sense of the word by the people of that Territory. The action taken by the governor was not authorized by law. The thing has been entirely outside of the rules and regulations that ought to govern matters of this great importance.

As I said in the beginning, I am in favor of the admission of Wyoming and of Idaho and of the other Territories, of Arizona and New Mexico. I would not be willing to admit Utah now on account of the one objection which every one understands, because an increased power conferred there by statehood might bring about difficulties that could not be dealt with. I think that Territory ought to be kept in the condition of a Territory until such time as that matter has been settled; but when that one great question has been gotten out of the way I am in favor of Utah taking her place in the sisterhood of States. I believe the Indian country ought to be a State as soon as possible. I am in favor of keeping none of these people out wherever it can be avoided. I believe that the true doctrine of the propriety of the admission of States is set out very properly and correctly in this memorial:

Discussing briefly the grounds upon which the admission may be urged as a right, it may be declared a settled principle of the Government that territory acquired by the United States is, in the language of Chief-Justice Taney (19 Howard, 446), "acquired to become a State, and not to be held as a colony and governed by Congress by absolute authority;" that "Territorial governments are organized as matters of necessity, because the people are too few in number and scant in resources to maintain a State government," but "are contrary to the spirit of our American Constitution" and "are to be tolerated and continued only so long as that necessity exists."

I believe, Mr. President, that that is correct, and that in every instance where the people have shown the intelligence and accumulated the necessary property to sustain a State government then it is the absolute and solemn duty of Congress to allow them to take their place among the sisterhood of States. These great Territories have all accomplished this; they reckon their wealth by millions; they have a population at least sufficient in numbers; they have intelligence; they have pluck; they have sagacity. The foresight of the people of these Territories compares favorably with that of any other part of this country.

We last year admitted four great Territories along our northern border. Those people ought to have been admitted. The people who are there are American citizens and ought to have all the rights that any other American citizens have; and there is no reason why admission should be denied to the residents of these Territories any more than it should have been denied to those four.

This view has been entertained by leading statesmen from Washington's day to the present time. It found expression in the ordinance of 1787, which, giving to the Northwest Territory at first a colonial government, yet carefully provided for an early transition to the Territorial state and then for the admission of States formed therefrom at as early a day as practicable, and on such conditions as should be deemed "consistent with the general interests of the Confederacy." It also had expression in the Louisiana treaty, which secured to the Government the territory out of which have been formed so many great States, the third article of which treaty says:

"The inhabitants of the ceded territory shall be incorporated in the Union of the United States, and admitted as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages, and immunities of citizens of the United States."

The same principle is recognized in the treaty of 1848 with Mexico, whereby yet other vast areas were added to our domain.

I believe, Mr. President, that these Territories having a large and intelligent population, having a large amount of wealth, are capable of organizing a State government and are financially able to maintain it. This being true, I think they have an inalienable right to be admitted as States in the Union. I am opposed, however, to the admission of Wyoming upon this constitution. I am opposed to the admission of any State in the irregular, unauthorized way in which Wyoming proposes to come here now. I am opposed in the same way to the admission of Idaho upon the constitution that is now presented. I am opposed to the unauthorized action of her governor. I am opposed to the admission of New Mexico upon a similar constitution formed under similar circumstances.

But I am in favor of passing an enabling act now authorizing all four of these Territories to call constitutional conventions to frame constitutions to be submitted by them to the people, and then to present themselves here to be admitted into the Union. When they do that, when they have had a fair election, a fair vote; when their governors, authorized by an act of Congress, have called a constitutional convention, and that convention has framed a constitution, and that constitution has been submitted to the people and has been voted upon, then I am in favor of their taking their place as a State.

Mr. President, to get my views before the Senate, and to express in a clearer way than I can in words exactly what I think, I move to strike out all after the enacting clause of the pending bill and to insert what I send to the desk.

The VICE-PRESIDENT. The amendment will be read.

The CHIEF CLERK. It is proposed to strike out all after the enacting clause of the bill, and in lieu of the matter stricken out to insert:

That the inhabitants of all that part of the area of the United States now constituting the Territories of Arizona, Idaho, New Mexico, and Wyoming, as at present described, may become the States of Arizona, Idaho, and Wyoming, respectively, as hereinafter provided.

SEC. 2. That all male persons who are qualified by the laws of said Territories to vote for representatives to the Legislative Assemblies thereof are hereby authorized to vote for and choose delegates to form conventions in said proposed States; and the qualifications for delegates to such conventions shall be such as by the laws of said Territories, respectively, persons are required to possess to be eligible to the Legislative Assemblies thereof; and the aforesaid delegates to form said conventions shall be apportioned among the several counties within the limits of the proposed States in proportion to the aggregate number of votes cast in each of the counties thereof for Delegate in Congress, at the elections held in said Territories on the Tuesday next after the first Monday in November, 1888. One delegate shall be allowed to each county, and one additional delegate for every 400 votes cast in each county, and one additional delegate for any fraction of 250 votes cast in each county of said Territories, respectively, at said elections. That said apportionments shall be made by the governor, the chief-justice, and the United States attorney of each of said Territories; and the governor of each of said Territories shall, by proclamation, order an election of the delegates aforesaid in each of said Territories, respectively, to be held on the Tuesday after the first Monday in November, 1890, which proclamation shall be issued within thirty days after the passage of this act; and such elections shall be conducted, the returns made, the result ascertained, and the certificates to persons elected to such conventions issued in the same manner as is prescribed by the laws of the said Territories, respectively, regulating elections therein for Delegate to Congress.

All male persons resident in said proposed States, who are qualified voters of said Territories, respectively, as herein provided, shall be entitled to vote upon the election of delegates, and under such rules and regulations as said conventions may prescribe, not in conflict with this act, upon the ratification or rejection of the constitutions: *Provided*, That if any elector in said Territories who may offer to register as a voter or to vote at either of said elections shall be challenged on the ground that he is a polygamist or bigamist, or a member of any religious sect or denomination that teaches or countenances polygamy or plural or celestial marriages, it shall be the duty of one of the judges of the registration or of the election, where such elector is challenged, to tender him the oath prescribed in section 24 of the act of Congress approved March 3, 1887, known as the anti-polygamy act, with such modification only as is necessary in order to comply with the laws of the Territory in which the election is held in respect to his residence therein; and if such elector shall take and subscribe said oath so modified, his vote shall be received and counted at such election. But if said elector shall swear falsely in taking such oath, he shall, on conviction, be deemed guilty of perjury, and he shall be punished accordingly.

SEC. 3. That the delegates to the conventions elected as provided in this act shall meet at the seat of government of each of said Territories, on the second Monday in January, 1891, and, after organization, shall declare, on behalf of the people of said proposed States, that they adopt the Constitution of the United States; whereupon the said conventions shall be, and are hereby, authorized to form constitutions and State governments for said proposed States, respectively. The constitutions shall be republican in form, and make no distinction in civil or political rights on account of race or color, except as to Indians not taxed, and not be repugnant to the Constitution of the United States and the principles of the Declaration of Independence. And said conventions shall provide, by ordinances irrevocable without the consent of the United States and the people of said States:

First. That perfect toleration of religious sentiment shall be secured, and that no inhabitant of said States shall ever be molested in person or property on account of his or her mode of religious worship.

Second. That the people inhabiting said proposed States do agree and declare that they forever disclaim all right and title to the unappropriated public lands lying within the boundaries thereof, and to all lands lying within said limits owned or held by any Indian or Indian tribes; and that until the title thereto shall have been extinguished by the United States, the same shall be and remain subject to the disposition of the United States, and said Indian lands shall remain under the absolute jurisdiction and control of the Congress of the United States; that the lands belonging to citizens of the United States residing without the said States shall never be taxed at a higher rate than the lands belonging to residents thereof; that no taxes shall be imposed by the States on lands or property therein belonging to or which may hereafter be purchased by the United States or reserved for its use. But nothing herein, or in the ordinances herein provided for, shall preclude the said States from taxing as other lands are taxed any lands owned or held by any Indian who has severed his tribal relations, and has obtained from the United States or from any person a title thereto by patent or other grant, save and except such lands as have been or may be granted to any Indian or Indians under any act of Congress containing a provision exempting the lands thus granted from taxation; but said ordinances shall pro-

vide that all such lands shall be exempt from taxation by said States so long and to such extent as such act of Congress may prescribe.

Third. That the debts and liabilities of said Territories shall be assumed and paid by said States, respectively.

Fourth. That provision shall be made for the establishment and maintenance of systems of public schools, which shall be open to all the children of said States, respectively, and free from sectarian control.

SEC. 4. That in case a constitution and State government shall be formed in compliance with the provisions of this act in any of said Territories the convention or conventions forming the same shall provide by ordinance for submitting said constitution or constitutions, respectively, to the people of said proposed States, respectively, for their ratification or rejection, at an election to be held in said Territory or Territories, respectively, at such time as may be fixed by said convention, at which election the qualified voters of said proposed States shall vote directly for or against the proposed constitutions, respectively, and for or against any provision separately submitted. The returns of said elections in each proposed State shall be made to the secretary of said Territories, respectively, who, with the governor and chief-justice thereof, or any two of them, shall canvass the same; and if a majority of the legal votes cast on that question shall be for the constitution, the governor of such proposed State shall certify the result to the President of the United States, together with a statement of the votes cast thereon and upon separate articles or propositions, and a copy of said constitution, articles, propositions, and ordinances. And if the constitutions and governments of said proposed States or in either of them are republican in form, and if all the provisions of this act have been complied with in the formation thereof, it shall be the duty of the President of the United States to issue his proclamation, announcing the result of the election in each, and thereupon the proposed States which have adopted constitutions and formed State governments as herein provided shall be deemed admitted by Congress into the Union under and by virtue of this act on an equal footing with the original States from and after the date of said proclamation: *Provided*, That if either of the proposed States provided for in this act shall reject the constitution which may be submitted for ratification or rejection at the election provided therefor, the governor of the Territory in which such proposed constitution was rejected shall issue his proclamation reconvening the delegates elected to the convention which formed such rejected constitution, fixing the time and place at which said delegates shall assemble; and when so assembled they shall proceed to form another constitution or to amend the rejected constitution, and shall submit such new constitution or amended constitution to the people of the proposed State for ratification or rejection, at such time as said convention may determine; and all the provisions of this act, so far as applicable, shall apply to such convention so reassembled and to the constitution which may be formed, its ratification or rejection, and to the admission of the proposed State.

SEC. 5. That until the next general census, or until otherwise provided by law, said States shall be entitled to one Representative in the House of Representatives of the United States, and the Representatives to the Fifty-second Congresses, together with the governors and other officers provided for in said constitutions, may be elected on the same day of the elections for the ratification or rejection of the constitutions; and until said State officers are elected and qualified under the provisions of each constitution and the States, respectively, are admitted into the Union, the Territorial officers shall continue to discharge the duties of their respective offices in each of said Territories.

SEC. 6. That upon the admission of each of said States into the Union sections numbered 16 and 36 in every township of said proposed States, and where such sections, or any parts thereof, have been sold or otherwise disposed of by or under the authority of any act of Congress, other lands equivalent thereto, in legal subdivisions of not less than one-quarter section, and as contiguous as may be to the section in lieu of which the same is taken, are hereby granted to said States for the support of common schools, such indemnity lands to be selected within said States in such manner as the Legislature may provide, with the approval of the Secretary of the Interior: *Provided*, That the sixteenth and thirty-sixth sections embraced in permanent reservations for national purposes shall not, at any time, be subject to the grants nor to the indemnity provisions of this act, nor shall any lands embraced in Indian, military, or other reservations of any character be subject to the grants or to the indemnity provisions of this act until the reservation shall have been extinguished and such lands be restored to, and become a part of, the public domain.

SEC. 7. That all lands herein granted for educational purposes shall be disposed of only at public sale, and at a price not less than $10 per acre, the proceeds to constitute a permanent school-fund, the interest of which only shall be expended in the support of said schools. But said lands may, under such regulations as the Legislatures shall prescribe, be leased for periods of not more than five years, in quantities not exceeding one section to any one person or company; and such land shall not be subject to pre-emption, homestead entry, or any other entry under the land laws of the United States, whether surveyed or unsurveyed, but shall be reserved for school purposes only.

SEC. 8. That upon the admission of each of said States into the Union, in accordance with the provisions of this act, 50 sections of the unappropriated public lands within said States, to be selected and located in legal subdivisions as provided in section 10 of this act, shall be, and are hereby, granted to said States for the purpose of erecting public buildings at the capital of said States for legislative, executive, and judicial purposes.

SEC. 9. That 5 per cent. of the proceeds of the sales of public lands lying within said States which shall be sold by the United States subsequent to the admission of said States into the Union, after deducting all the expenses incident to the same, shall be paid to the said States, to be used as a permanent fund, the interest of which only shall be expended for the support of the common schools within said States, respectively.

SEC. 10. That the lands granted to the Territories of Arizona, Idaho, and Wyoming by the act of February, 1881, entitled "An act to grant lands to Dakota, Montana, Arizona, Idaho, and Wyoming for university purposes," are hereby vested in the States of Arizona, Idaho, and Wyoming, respectively, if such States are admitted into the Union, as provided in this act, to the extent of the full quantity of 72 sections to each of said States, and any portion of said lands that may not have been selected by either of said Territories of Arizona, Idaho, or Wyoming may be selected by the respective States aforesaid; but said act of February, 1881, shall be so amended as to provide that none of said lands shall be sold for less than $10 per acre, and the proceeds shall constitute a permanent fund, to be safely invested and held by said States severally, and the income thereof be used exclusively for university purposes. And that the lands to the extent of two townships in quantity, authorized by the sixth section of the act of July 22, 1854, to be reserved for the establishment of a university in New Mexico, are hereby granted to the State of New Mexico for university purposes, to be held and used in accordance with the provisions of this section; and any portion of said lands that may not have been selected by said Territory may be selected by said State; but said act shall be, and hereby is, so amended as to provide that none of said lands shall be sold for less than $10 per acre, and the proceeds shall constitute a permanent fund, to be safely invested and held by said State of New Mexico, and the income thereof be used exclusively for university purposes. But all of said lands mentioned in this section may be leased in the same manner as provided in section 7 of this act. The schools, colleges, and universities provided for in this act shall forever remain under the exclusive control of said States, respectively, and no part of the proceeds arising from the sale or disposal of any lands herein granted for educational purposes shall be used for the support of any sectarian or denominational school, college, or university.

SEC. 11. That 90,000 acres of land, to be selected and located as provided in section 6 of this act, are hereby granted to each of said States, for the use and support of agricultural colleges in said States, respectively, as provided in the acts of Congress making donations of lands for such purposes.

SEC. 12. That in lieu of the grant of land for purposes of internal improvement made to new States by the eighth section of the act of September 4, 1841, and by section 2378 of the Revised Statutes, which sections are hereby repealed as to the States provided for by this act, and in lieu of any claim or demand by the States of Arizona, Idaho, New Mexico, and Wyoming, or either of them, under the act of September 28, 1850, and section 2479 of the Revised Statutes, making a grant of swamp and overflowed lands to certain States, which grant it is hereby declared is not extended to the States provided for in this act, and in lieu of any grant of saline lands to said States of Arizona, Idaho, New Mexico, and Wyoming, the following grants of land are hereby made to each of said States, respectively, for the purposes indicated, namely:

For the establishment of permanent water reservoirs for irrigating purposes, 250,000 acres; for the establishment and maintenance of an insane asylum, 50,000 acres; for the establishment and maintenance of State normal schools, 50,000 acres; for the establishment and maintenance of a school of mines, 50,000 acres; for the establishment and maintenance of a deaf and dumb asylum, 50,000 acres; for the establishment and maintenance of a reform school, 50,000 acres.

The said States of Arizona, Idaho, New Mexico, and Wyoming shall not be entitled to any further or other grants of land for any purpose than as expressly provided in this act, and the lands granted by this section shall be held, appropriated, and disposed of exclusively for the purposes herein mentioned, in such manner as the Legislatures of the respective States may severally provide.

SEC. 13. That all mineral lands shall be exempted from the grants made by this act. But if sections 16 and 36, or any subdivision or portion of any smallest subdivision thereof, in any township shall be found by the Department of the Interior to be mineral lands, said States are hereby authorized and empowered to select, in legal subdivisions, an equal quantity of other unappropriated lands in said States, in lieu thereof, for the use and the benefit of the common schools of said States.

SEC. 14. That all lands granted in quantity or as indemnity by this act shall be selected, under the direction of the Secretary of the Interior, from the surveyed, unreserved, and unappropriated public lands of the United States within the limits of the respective States entitled thereto. And there shall be deducted from the number of acres of land donated by this act for specific objects to said States the number of acres in each heretofore donated by Congress to said Territories for similar objects.

SEC. 15. That the sum of $20,000, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated to each of said Territories for defraying the expenses of the said conventions, and for the payment of the members thereof, under the same rules and regulations and at the same rates as are now provided by law for the payment of the Territorial Legislatures. Any money hereby appropriated not necessary for such purpose shall be covered into the Treasury of the United States.

SEC. 16. That each of said States, when admitted as aforesaid, shall constitute one judicial district, the names thereof to be the same as the names of the States, respectively; and the circuit and district courts therefor shall be held at the capital of such State for the time being, and each of said districts shall, for judicial purposes, until otherwise provided, be attached to the eighth judicial circuit, except Arizona and Idaho, which shall be attached to the ninth judicial circuit. There shall be appointed for each of said districts one district judge, one United States attorney, and one United States marshal. The judge of each of said districts shall receive a yearly salary of $3,500, payable in four equal installments, on the 1st days of January, April, July, and October of each year, and shall reside in the district. There shall be appointed clerks of said courts in each district, who shall keep their offices at the capital of said States, respectively. The regular terms of said courts shall be held in each district, at the place aforesaid, on the first Monday in April and the first Monday in November of each year, and only one grand jury and one petit jury shall be summoned in both said circuit and district courts. The circuit and district courts for each of said districts, and the judges thereof, respectively, shall possess the same powers and jurisdiction, and perform the same duties required to be performed by the other circuit and district courts and judges of the United States, and shall be governed by the same laws and regulations. The marshal, district attorney, and clerks of the circuit and district courts of each of said districts, and all other officers and persons performing duties in the administration of justice therein, shall severally possess the powers and perform the duties lawfully possessed and required to be performed by similar officers in other districts of the United States; and shall, for the services they may perform, receive the fees and compensation allowed by law to other similar officers and persons performing similar duties in the State of Nebraska.

SEC. 17. That all cases of appeal or writ of error heretofore prosecuted and now pending in the Supreme Court of the United States upon any record from the supreme court of either of the Territories mentioned in this act, or that may hereafter lawfully be prosecuted upon any record from either of said courts, may be heard and determined by said Supreme Court of the United States. And the mandate of execution or of further proceedings shall be directed by the Supreme Court of the United States to the circuit or district court hereby established within the State succeeding the Territory from which such record is or may be pending, or to the supreme court of such State, as the nature of the case may require. And each of the circuit, district, and State courts herein named shall respectively be the successor of the supreme court of the Territory, as to all such cases arising within the limits embraced within the jurisdiction of such courts respectively, with full power to proceed with the same, and award mesne or final process therein; and that from all judgments and decrees of the supreme court of either of the Territories mentioned in this act in any case arising within the limits of any of the proposed States prior to admission, the parties to such judgment shall have the same right to prosecute appeals and writs of error to the Supreme Court of the United States as they shall have had by law prior to the admission of said States into the Union.

SEC. 18. That in respect to all cases, proceedings, and matters now pending in the supreme or district courts of either of the Territories mentioned in this act at the time of the admission into the Union of either of the States mentioned in this act, and arising within the limits of any such State, whereof the circuit or district courts by this act established might have had jurisdiction under the laws of the United States had such courts existed at the time of the commencement of such cases, the said circuit and district courts, respectively, shall be the successors of said supreme and district courts of said Territory; and in respect to all other cases, proceedings, and matters pending in the supreme or district courts of any of the Territories mentioned in this act at the time of the admission of such Territory into the Union, arising within the limits of said proposed State, the courts established by such State shall, respectively, be the successors of said supreme and district Territorial courts; and all the files, records, indictments, and proceedings relating to any such cases shall be transferred to such circuit, district, and State courts, respectively, and the same shall be proceeded with therein in due course of law; but no writ, action, indictment, cause, or proceeding now pending, or that prior to the admission of any of the States mentioned in this act shall be pending in any Territorial court in any of the Territories mentioned in this act, shall abate by the admission of any such State into the Union, but the same shall be transferred and proceeded with in the proper United States circuit, district, or State court, as the case may be. *Pro-*

vided, however, That in all civil actions, causes, and proceedings in which the United States is not a party transfers shall not be made to the circuit and district courts of the United States except upon written request of one of the parties to such action or proceeding filed in the proper court; and in the absence of such request, such cases shall be proceeded with in the proper State courts.

SEC. 19. That the constitutional conventions may, by ordinance, provide for the election of officers for full State governments, including members of the Legislatures and Representatives in the Fifty-first and Fifty-second Congresses; but said State governments shall remain in abeyance until the States shall be admitted into the Union, respectively, as provided in this act. In case the constitution of any of said proposed States shall be ratified by the people, but not otherwise, the Legislature thereof may assemble, organize, and elect two Senators of the United States; and the governor and secretary of state of such proposed State shall certify the election of the Senators and Representatives in the manner required by law; and when such State is admitted into the Union the Senators and Representatives shall be entitled to be admitted to seats in Congress and to all the rights and privileges of Senators and Representatives of other States in the Congress of the United States; and the officers of the State governments formed in pursuance of said constitutions, as provided by the constitutional convention, shall proceed to exercise all the functions of such State officers; and all laws in force made by said Territories, at the time of their admission into the Union, shall be in force in said States, except as modified or changed by this act or by the constitutions of the States, respectively.

SEC. 25. That all acts or parts of acts in conflict with the provisions of this act, whether passed by the Legislatures of said Territories or by Congress, are hereby repealed.

Mr. JONES, of Arkansas. Mr. President, as the Senate has observed, I know, from the close attention given the reading of the substitute, this is a proposition to adopt an enabling act for Wyoming, Idaho, Arizona, and New Mexico, in lieu of the present bill to admit Wyoming under this constitution. I have, I think, given good reasons to the Senate why Wyoming ought not to be admitted in this irregular way, and why the constitution proposed by Wyoming ought not to be accepted by this body as a proper constitution for a State. I have the same objections to the proposed admission of Idaho, and what I propose is perfectly fair to those Territories and just to the remainder of the country. It is the regular, proper way to admit them, that we shall now pass an enabling act which shall authorize all four of these Territories to organize conventions and to be admitted into the Union as States.

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

The PRESIDING OFFICER (Mr. SPOONER in the chair). Does the Senator from Arkansas yield to the Senator from Oregon?

Mr. JONES, of Arkansas. Certainly.

Mr. MITCHELL. I ask for information. I do not know how the fact is. Have the people of Arizona and New Mexico, or any of them, made any application in any way, shape, manner, or form for the passage of an enabling act?

Mr. JONES, of Arkansas. There have been, I think, twenty-seven Legislatures in the Territory of New Mexico since it was a Territory, and of those twenty-seven more than half have memorialized Congress asking to be admitted. As far back as 1850 when, under the treaty of 1848 the honor of the United States having been pledged that that Territory should be admitted as a State within a reasonable time, when they believed they had a right then to come in as a State, they had a convention called under an act of the Legislature, which organized a constitution, submitted it to the people, it was ratified, they elected members to this body and members to the House of Representatives, and they were not admitted. Again and again have they had constitutional conventions, and every session of Congress they are here asking for admission.

Mr. MITCHELL. Mr. President——

Mr. JONES, of Arkansas. I am endeavoring to answer the Senator's question.

Mr. MITCHELL. The Senator misapprehended my question, however, or he would not have made the answer he did.

Mr. JONES, of Arkansas. Then I will listen again.

Mr. MITCHELL. Have the people of Arizona and New Mexico presented any application or memorial to this Congress? I should like to have that answered.

Mr. JONES, of Arkansas. I can not say whether memorials have been presented.

Mr. REAGAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from Texas?

Mr. JONES, of Arkansas. Certainly.

Mr. REAGAN. The people of the Territory of New Mexico had a constitutional convention this last summer and fall, and adopted a constitution with a view to its presentation, and I suppose it has been presented, though I do not know the fact, with a request for admission.

Mr. STEWART. They did not submit the constitution——

Mr. REAGAN. They adopted a constitution by delegates in convention.

The PRESIDING OFFICER. The Senator from Arkansas has the floor.

Mr. JONES, of Arkansas. I yield to the Senator from Nevada.

Mr. STEWART. I say New Mexico failed to submit her constitution to the people after she had adopted it. The other Territories did, Idaho and Wyoming.

Mr. PLATT. There is a bill pending here now for the submission of that constitution in New Mexico to the people and the admission of New Mexico as a State if the people ratify that constitution, and they are divided down there about whether they want to be admitted, or if they do, whether they want to be admitted in that way. The Republicans want to come in that way, and the Democrats do not. That is the situation down there.

Mr. JONES, of Arkansas. Mr. President, the Senator from Connecticut——

Mr. REAGAN. Will the Senator allow me——

Mr. JONES, of Arkansas. Certainly.

Mr. REAGAN. The Democrats have a most excellent reason for not desiring it, as the Territory was so gerrymandered that there was but one single Democratic delegate allowed to go to the convention.

Mr. PLATT. I am exceedingly glad to know that the Senator from Texas is so thoroughly opposed to gerrymandering, and I hope he will have an opportunity to express that opposition in an official way before long.

Mr. REAGAN. I am no more in favor of Congressional gerrymandering than I am of State gerrymandering.

Mr. JONES, of Arkansas. The Senator from Connecticut has perhaps sufficiently answered the inquiry of the Senator from Oregon; but I will say in addition, in answer to his question, that New Mexico has a Delegate in the House of Representatives, and that Delegate has introduced bill after bill for the admission of New Mexico. He made a speech that I remember, delivered last January a year ago, in the last Congress, urging that that Territory be admitted. The Senator from Oregon is perfectly well aware of the fact that at the time the States of South and North Dakota and Montana and Washington were admitted, in that bill New Mexico was provided for, and was dropped out in the conference committee.

There was some reason for that. We have all our own views about the reasons why these things are so. As some allusions have just been made by the Senator from Connecticut to the political bearing of this question, I will say now I believe the reason why New Mexico was dropped out at that time was because the conviction prevailed with the majority here that New Mexico would be Democratic if she came in as a State, and because the intention was in the admission of new States to increase the hold of the Republican party and to make their hold, if possible, securer on the Government of the United States.

Mr. PLATT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from Connecticut?

Mr. JONES, of Arkansas. If the Senator will permit me to answer one Senator at a time (I think I have now about six on my hands), as soon as I get through with the others I will with the greatest pleasure yield to the Senator from Connecticut and hear what he has to say.

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

Mr. JONES, of Arkansas. I want to say in further reply to the question of the Senator from Oregon that again and again for the Territory of New Mexico bills have been presented here to allow her to become a State. The bills have been pending in the other House for a long time at this session. The bills for the admission of Wyoming and Idaho have passed the House; that for the admission of New Mexico has not passed. Recently, upon the urgent solicitation of some gentlemen, the committee of the Senate have taken up and are now considering a bill proposing to admit New Mexico.

I said in the first part of my remarks that there had been a convention called in New Mexico which was as irregular in every respect as the convention held in Wyoming and in Idaho; that I am opposed to the admission of New Mexico upon that constitution; and that I am in favor of proceeding in a regular way and allowing all those Territories to come in in the proper way by passing an enabling act for all four. That proposed act I have just had read to the Senate, and I hope it will receive the careful consideration of the body.

Mr. PLATT. The Senator said that he thought the reason why New Mexico was not included in the act for the admission of certain States in the last Congress was because of a conviction on the part of the majority in the Senate that New Mexico would be Democratic, if admitted. I wish to say with regard to New Mexico, that for the last four years the leading Republicans of New Mexico have been urging the point upon me that if New Mexico were admitted it would be purely a Republican State, and whatever I have done about delaying the admission of New Mexico has not been because I thought it would be a Democratic State, but upon grounds which affected in my mind the question as to whether she is fit for statehood. I believe to-day that the admission of New Mexico with the other four States which were admitted would have given us two more Republican Senators on this floor at this time, and I believe that its admission at any time within the next two years would give us two Republican Senators and a Republican Representative in the other House.

Mr. FRYE. Is not the percentage of illiteracy there very great?

Mr. PLATT. I wish to acquit myself of any charge that I have not favored the immediate admission of New Mexico upon the ground that I thought it was likely to be a Democratic State.

Mr. JONES, of Arkansas. Mr. President, I stated the impression that I had about the reason why New Mexico did not come in. We have considered the objections that have been presented to that Terri-

tory again and again. I do not believe they are well founded. If you accept as true the widest and broadest charges that may be made against the people of that Territory, there might be something in them; but that the charges which have been made have been refuted again and again by intelligent and honorable men, by Republicans, there can be no sort of question. Considering the fact that New Mexico has more population, has more wealth, and is the oldest of the Territories, I can not conceive of any valid reason why she should not have been admitted with the earliest of those that came in.

In spite of the fact that the Republican politicians of New Mexico have told the Senator from Connecticut that that Territory would be Republican, I do not believe that anybody thinks that would be true with a fair election. It may be that if you should admit that Territory with its gerrymandered apportionment as it stands now under this constitution, considering the fact that there was but one Democrat allowed to go to the constitutional convention and the rest were absolutely legislated out, you might by some such means hold that Territory and make it Republican, but in any fair election I do not believe that any reasonable man would for one moment suppose that there is any foundation in the world for that belief.

Mr. MITCHELL. May I ask the Senator another question?

Mr. JONES, of Arkansas. Certainly.

The PRESIDING OFFICER. Does the Senator yield to the Senator from Oregon?

Mr. JONES, of Arkansas. With the greatest pleasure.

Mr. MITCHELL. Is the Senator from Arkansas aware that a Republican Senate more than fourteen years ago passed a bill through this body admitting New Mexico as a State in the Union, and that that bill was defeated by a Democratic House the same year?

Mr. JONES, of Arkansas. I am aware that there was a failure to admit New Mexico in 1876, and I am aware that in a number of other instances there were failures, and I know one reason and another has been presented why that was not done. I will not undertake to go into that now, but I will begin, in connection with the proposed substitute which I have had read to the Senate, to give the reasons why I am in favor of the passage of that amendment.

I called the attention of the Senate awhile ago to a charge made in a newspaper published in Wyoming that there had been fraudulent voting, and showing an instance of it that was given. I stated the fact that it was flatly and positively denied in the other House; but that no paper, no certificate, that nothing more than the *ipse dixit* of some gentleman on the floor of the House has ever been presented in opposition to this is a significant fact. I propose now to read it. I wanted to read it to the Senate at the time I called attention to it because I wanted to state it exactly as it was stated in the paper. I propose now to read the statement to which I allude, taken from a Wyoming paper:

> One of the arguments used before the Legislature in favor of Weston County is that Newcastle is the banner town of Crook County, and the 300-odd votes credited to Newcastle at the constitutional election are pointed to with great pride as proof of the assertion. We should think that that particular election would be given a wide berth, especially by Newcastlers. There was no election there on that day, but three persons, each of whom we could name, went into a back room and conducted a cigar-box election. No one else was present, and these men marked the tickets and dropped them into the slot of the cigar-box.
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> How 7 votes came to be cast against the constitution arose from the fact that one of the parties, after nearly all the tickets had been cast, exclaimed, "I'm d—d tired of voting for the same man all the time; I'm going to vote for the other fellow." And he accordingly dropped in 7 votes with "Yes" scratched out. The cigar-box, the ballots, and a tally-sheet giving the result, were sent here, the same canvassed at this point, and with the other, but bona fide returns forwarded to Cheyenne, where they were duly recorded. And that is how Newcastle came to be the "banner town" of Crook County.
>
> The above particulars were related to us by one of the trio who conducted the cigar-box election, and a gentleman whose word is as good as gold. As there was no color of legality about the election in Crook County, the scheme was devised and carried out more in a spirit of levity than otherwise, and it was not thought the returns would be forwarded to Cheyenne and made a part of the record.

Now, when a charge of this kind can be made, although it is denied as I have stated, but when it is possible that a charge of this sort of fraud can be made, and we can not deny that if it had been the truth the parties would have gone scot-free and could not have been punished, I ask in the name of common sense how the Senate can consider a constitution adopted in that way as representing the voice of the people. You tell me here that 6,000 votes were cast in favor of the constitution in Wyoming. This statement here comes, taken from a Wyoming paper, that four hundred of those votes were put in a cigar-box by three men at a little town in Crook County. How many were in the same way cast by other parties elsewhere nobody can tell; God only knows. This thing in no sense can be said to represent the intelligent people of Wyoming. It was not in any sense a fair election, and is entitled to no support and no consideration at the hands of this body.

We have upon the Calendar a bill to admit Idaho under a constitution adopted in a similar way by an election called by the governor, without authority of Congress or without authority from the Legislature, held without any penalties in regard to the purity of the ballot-box; and in that constitution we have a provision which in so many words forbids Mormons from voting. It does not mention them by name, but it is so framed in a long section that I will not take the time of the Senate to read that it means that Mormons shall not be allowed to vote in Idaho. In Wyoming, right by the side of it, you propose at the same time to permit Mormons to vote.

We have on the Calendar of this body a bill reported within a day or two from the Committee on Territories proposing to disfranchise all Mormons in Utah. We have a bill on the Calendar proposing to disfranchise the Mormons of Arizona Territory, proposing to disfranchise the Mormons everywhere except in Wyoming; and you propose to admit this Territory here with its constitution authorizing the Mormons to vote, who are disfranchised everywhere else, and allowing their wives to vote besides.

Mr. MORGAN. How many wives?

Mr. JONES, of Arkansas. I do not know. This constitution does not make any reference to that.

Mr. VANCE. That depends upon the constitution of the individual rather than of the Territory. [Laughter.]

Mr. JONES, of Arkansas. But seriously, Mr. President, how can the Senate vote for the admission of one of these Territories with this sort of a constitution and then vote for the admission of the other with exactly the reverse? How can you do it? There is no consistency in it. There is no right or justice in it. If one is a proper policy the other is not. If it is a proper thing to disfranchise Mormons in Idaho, Utah, and Arizona, Mormons ought to be disfranchised in all the Territories just as well; there ought not to be any discrimination. What is the reason of that I do not know. I am not sufficiently familiar with it, but I suppose that some political considerations have entered into it.

Mr. President, I believe that it is perfectly fair and right and just that the Senate should pass a bill authorizing these four Territories to organize constitutions for themselves. I wish to call the attention of the Senate now just one moment to a comparison between these four Territories. We have some authentic data about them. Wyoming was organized a Territory on the 25th of July, 1868, and is about twenty-two years old. Idaho was organized as a Territory on the 3d of March, 1863. Arizona was organized on the 24th of February, 1863, and is therefore older than both Wyoming and Idaho. New Mexico was organized September 9, 1850. In point of area, Idaho is the smallest, and has 84,200 square miles, Wyoming the next smallest, with 97,575 square miles, Arizona comes next with 112,920 square miles, and New Mexico goes beyond and above all of her sisters, not only in point of age, but in extent of territory, and has 122,460 square miles—twice as large as all New England put together.

In 1880, when we had a census taken, the population of Wyoming was 20,789. That same year the population of Idaho was 32,610. The Territory of Arizona in the same year had 40,440, twice as many as Wyoming and 8,000 more than Idaho, while New Mexico, this stepchild of the Union, this Territory that has been for forty years a Territory, had a population in 1880 of 119,565. The valuation of property in Wyoming was, according to the census, $20,000,000; in Idaho it was $12,000,000; in Arizona it was $23,000,000; and in New Mexico it was $30,000,000.

So you have the fact staring you in the face, Mr. President, that New Mexico is the oldest, is the largest, is the most populous, and is the wealthiest of the four Territories; yet when we admit that we have no right to keep a Territory in the condition of a Territory any longer than it has the necessary population and wealth, we propose to admit two Territories younger in years, poorer by millions, with fewer inhabitants, as States in this Union, while we are not even talking about admitting New Mexico or Arizona. This is a monstrous injustice. It is absolutely astounding that such a state of *things shall exist*.

I know the old story that is being constantly used against New Mexico, that there is a lot of Mexicans down there. There is hardly a man to be found in New Mexico who was not born an American citizen. And, under the Constitution of the United States, when he was born under the flag he became one of its citizens, whether he can speak a word of English or not. When the history of that Territory is considered for a moment I am astonished that gentlemen here should hesitate to accord her the right of statehood. When, in 1861, this country was convulsed by a war from one side to the other, when an armed force went up from Texas and was attempting to get possession of the northwestern part of the Union, New Mexico, Southern as she was, down on the Rio Grande, under a burning sun, rallied to the flag of the Union and drove back the invading force. They made a record, so far as the war goes, that any State in the Union North would be proud of. Yet you say they are not sufficiently intelligent, not sufficiently loyal, that they have not sufficient wealth, to be welcomed into the sisterhood of States.

Mr. President, these things do not come from nothing. There is something beyond and behind all this, and I stated my honest conviction when I stated awhile ago that it was because the conservative and patriotic people down there are largely Democratic. That is the reason she has not been a State long ago.

Mr. PAYNE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from Ohio?

Mr. JONES, of Arkansas. With pleasure.

Mr. PAYNE. I will state to the Senator from Arkansas that I hold in my hand a document relating to the Territory of New Mexico which

was presented by a large delegation from that Territory and I have no doubt gives very accurate data as to the resources and extent of the Territory. If it will not interfere with him, and it will rest him a few moments, I will send it to the desk and have it read.

Mr. JONES, of Arkansas. I should be very glad to have it read.

Mr. PAYNE. I wish to say in explanation that a very large delegation from New Mexico appeared before the Committee on Education and Labor. The bill, which they honored me with a request to present and which has been introduced in the Senate, would permit them to make selections of lands for school purposes in that Territory. The delegation consisted of ex-governors and the governor of the Territory, the district attorney of the Territory, Federal judges and ex-judges of the Territory, the commissioner of schools of the Territory—certainly a very intelligent and competent delegation to express their views in reference to the Territory. At the request of that committee they, as a delegation, prepared the statement in regard to that Territory which I now ask the Secretary to read.

The PRESIDING OFFICER. It will be read.

The Chief Clerk read as follows:

The New Mexico delegation asks for the favorable consideration of Senate bill 3832, appropriating lands for educational purposes to said Territory for the following reasons, namely:

First. Because the lands asked to be appropriated were acquired from Old Mexico with a large foreign population.

Second. Because the Territory of New Mexico has been held in a Territorial condition for over forty years.

Third. Because there is no immediate prospect of New Mexico becoming a State.

Fourth. Because the people are poor, and are unable to educate themselves by taxation.

A tax sufficient to sustain the schools properly would be a great hardship, for the reason that Congress has failed to settle the land-grant titles, and there is very little real estate in the Territory subject to taxation. We ask for more than is ordinarily given to States, because 80 per cent. of the land is arid, therefore valueless without irrigation; and because fully 50 per cent. of the most valuable land is included within the land grants; and for the reason that for the last twenty years the most valuable land in the Territory has been selected by homesteaders, pre-emptors, cattle and sheep men, and is not now subject to selection; and also because of the large percentage of illiteracy, and because of the large proportion of inhabitants that do not understand the English language.

If we are not permitted to select these lands now for common schools, university, agricultural college, school of mines, and other purposes the lands left for selection will be comparatively worthless, as more railroads are now approaching the Territory, giving a prospect of an early and large increase of population.

New Mexico has an area of 123,000 square miles; has a population of fully 200,000; has of children of school age fully 70,000. The public records show an enrollment of 43,000 children, which does not include all those in attendance at private and denominational schools, which would add several thousand more. The levy for school purposes at present is three mills on the dollar, which, including the poll-tax, fines, licenses, etc., amounts in all to about $160,000 per annum. There are in the Territory 342 common schools; of these, 143 are exclusively English, 93 English and Spanish, and 106 exclusively taught in Spanish. The exclusively English shools are taught in the cities; the mixed in the cities and large settlements; those exclusively taught in Spanish are in the remote settlements off the railroads, where the people are too poor to engage English-speaking teachers.

The native population is very anxious to acquire an English education, and wherever an opportunity is offered they readily take advantage of it. They have made great progress within the past ten years, even with the poor advantages offered. The people desire and prefer free non-sectarian public schools. There is a good public-school system established by the local law, which, with a few amendments, will compare favorably with the common-school law of any State in the Union.

The United States has failed to protect the citizens against the hostile Indians, and until within the last four years a large proportion of the able-bodied citizens have been virtually under arms to protect their homes and families, and hundreds of thousands of dollars have been destroyed by hostile Indians and late Confederate troops, and not a dollar has been refunded. The Government has erected no public buildings in the Territory except one court-house, while in many other Territories the Government has erected capitol, penitentiary, and other buildings.

Mr. GEORGE. I should like to have the Chief Clerk reread the clause which indicates the present population and the school statistics of the Territory.

The PRESIDING OFFICER. The Chief Clerk will read as requested.

The Chief Clerk read as follows:

New Mexico has an area of 123,000 square miles; has a population of fully 200,000; has of children of school age fully 70,000. The public records show an enrollment of 43,000 children, which does not include all those in attendance at private and denominational schools, which would add several thousand more.

Mr. JONES, of Arkansas. The Senator from Oregon [Mr. MITCHELL] asked me a few minutes ago if anybody in New Mexico and Arizona wanted to be admitted into the Union, in effect, and the Senator from Connecticut [Mr. PLATT] stated to the Senate that there was now under consideration a constitution in New Mexico and a proposition to admit the Territory as a State under that constitution. To show the unfairness of that, in the first place, and to show the desire on the part of the Territory, in the second place, to be admitted into the Union, I propose to read briefly from a speech delivered in the House of Representatives by the Delegate from that Territory.

Mr. GEORGE. By Mr. JOSEPH?

Mr. JONES, of Arkansas. Mr. JOSEPH. He said:

The bill introduced by me in the early part of this session providing for the admission of New Mexico was merely an enabling act to permit the people of the Territory to form a State constitution under which they would be admitted to the Union. A constitution for New Mexico adopted by a convention composed almost exclusively of Republican delegates has been presented to this House, and I understand that a proposition has been placed before the Committee on Territories that New Mexico should be admitted under this constitution.

In opposing such a condition to the admission of New Mexico I believe that I represent not only the wishes of all the Democratic voters of the Territory, but of more than three-fourths of its Republican voters. An act was passed by the Territorial Legislature authorizing a constitutional convention, but the apportionment of delegates to this convention was characterized by the most outrageous partisanship. The following extract from a letter by ex-Governor Edwin G. Ross to the gentleman from Missouri [Mr. MANSUR], of January 5, 1890, shows the partisan nature of the apportionment of delegates and the action of the Democratic voters and Democratic central committee of New Mexico:

This is a quotation from Governor Ross's letter:

Primarily, that refusal was based on the exceeding unfairness of the apportionment fixed in the act of the Legislature authorizing the election of the delegates to the convention. That apportionment made it impossible for the Democrats to elect anything approaching a proportionate representation in that convention. It was so fixed with the avowed purpose, by the reputed author of the convention bill, of preventing such a representation.

Including and since the election of 1882 the popular vote of the Territory for Delegate in Congress has been Democratic by more than 1,500 majority at every election, though by reason of an equally unfair apportionment for the election of members of the Legislature (which was made the basis of the apportionment for the election of the convention), the several Legislatures have uniformly been Republican.

To illustrate that unfairness a few examples will suffice.

The counties of Colfax and Mora are contiguous northern counties. At the last general election they cast, respectively, 1,680 and 2,212 votes, or an aggregate of 3,892—Democratic by majorities of 168 and 700, respectively. They were each allowed four delegates in the convention, making eight. The county of Bernalillo is Republican by 430 majority. It has a voting population of 3,564, 328 less than Colfax and Mora, yet was given ten delegates, two more than were allowed the larger number of voters in Colfax and Mora.

The Democratic county of Doña Ana, with 2,015 voters, was allowed three delegates, while the Republican county of Valencia, with 2,064 voters, was allowed six.

The Democratic county of Grant, with 2,297 voters, had three delegates, while the Republican county of Socorro, with 2,524 voters, had six.

These data were before the convention, and there can be no justification of these inequalities.

These constitute one-half of the counties and more than one-half of the population of the Territory, and fairly illustrate the character of the system of apportionment that has prevailed in the election of our Legislatures and of delegates to this constitutional convention.

To have gone into that election under such conditions would have been folly and suicidal.

The Democrats were practically and intentionally disfranchised, but, unwilling to be placed in the attitude of obstructionists until all efforts for a compromise should have failed, it was determined to seek an arrangement whereby this unjust disparity could be at least partially remedied, and they permitted, without an absolute sacrifice of self-respect, to contest the election of delegates to the convention.

Accordingly a conference between the central committees of the two political parties was asked and had.

The whole number of delegates to the convention was 73. Though in a large majority on the popular vote, and believing themselves entitled to and could elect, with a fair apportionment, a corresponding majority of the delegates, the Democratic committee proposed to concede to the Republicans, as the basis of an arrangement under which they would consent to go into the election, a majority of 5 in the convention.

That more than fair proposition was rejected by the Republican committee, and it was then determined to take no part in the election.

Now, on a constitution framed by a convention called under circumstances like that the Committee on Territories are now considering the propriety of admitting New Mexico and of submitting that constitution to the people when the Democrats were absolutely disfranchised. I agree with the Senator from Connecticut that if he means to admit New Mexico under this constitution adopted with this infamous apportionment, in all human probability New Mexico will be Republican, although it has elected uniformly, without a solitary exception, I believe, a Democratic Delegate to the House of Representatives.

At the last election for Delegate to Congress—

Says Mr. JOSEPH—

a vote of nearly 32,000 was polled. At the election for delegates to the constitutional convention so great was the disapprobation of the people for the methods used in calling this constitutional convention, which should have been as free from partisanship as possible, that the total vote for delegates was but little in excess of 7,000.

Here is a convention elected by a total vote of a little over 7,000 people in this Territory, and that is to be accepted as a fair constitution for that Territory and as adopted by its people. It is a fine parallel with the Territory of Wyoming which is proposed to be admitted by a vote of 6,000. Neither of these can be held by any fair-minded man as being properly adopted by the people of either Territory.

It seems to me but fair and just and reasonable, in view of this manifest unfairness, that we should have an enabling act that will allow a fair, a full, and a free vote upon this question, and then let them come in as they choose. There certainly ought to be no objection to doing this. It seems to me to be absolutely unreasonable that anybody should complain that these inequalities be got rid of before these Territories become States.

The framers of that constitution—

Says Mr. JOSEPH—

knew so well that it could not receive the approbation of a majority of the voters of the Territory that they made no provision in it, nor has the Legislature since made any provision, for its submission to the people.

We understand from the Senator from Connecticut, the chairman of the committee, who has charge of these measures, that they are now considering the propriety of admitting this Territory as a State, submitting first this constitution to a vote of the people, knowing perfectly well that the adoption of any such measure will be a simple and a hollow mockery, and that the people of New Mexico if they had the op-

portunity to vote upon this question would stamp and spit upon it; that they will repudiate it; that they will have none of it. Thereby, then, it can be said hereafter that New Mexico might have been a State in the Union but for her own obstinacy and willfulness; that she spurned a proposition by Congress to admit her into the Union, offering a constitution that every man in the Senate must know is scorned by the large majority of the people of the Territory. It can not be possible that any such thing can be considered a fair proposition to admit New Mexico into the Union.

Mr. PLATT. Will the Senator allow me a single interruption?

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from Connecticut?

Mr. JONES, of Arkansas. With pleasure.

Mr. PLATT. I think the Senator ought to state, when he is making these wholesale charges with relation to the constitution and how it is regarded by the people of New Mexico, that a committee consisting of thirty or forty of the prominent citizens of New Mexico, who came here to urge legislation of other character in favor of land-grant legislation, composed both of Republicans and Democrats, appeared before our committee and asked us to do that very same thing. Here is the hearing before the committee, and, whatever political differences may have existed, they certainly sank them for that occasion and recommended that the Territory should be admitted upon the submission of that constitution.

Mr. JONES, of Arkansas. That is true, and it is also true that the gentlemen who were present there then said they were acting for themselves, and that they believed they were representing the people of the Territory and that that would be satisfactory to the people of the Territory; but the Democrats present said in the committee, in the presence of the Senator from Connecticut and all the rest of us, that it was because there had been an agreement come to between the Democrats and Republicans that this unfair and monstrous apportionment should be corrected, and it was because they were willing to trust them and believed that they would make that correction.

But there is the proposition; it stands there; and its unfairness can not be successfully questioned. It was not questioned by the Republicans who were present before the committee, and the Democrats who appeared there themselves made the charge that this unfairness existed, but that they were willing to trust them to make a correction and it was agreed to by both sides; but not one solitary word fell from the lips of any human being questioning one word of all these charges of unfairness and gross injustice.

Mr. PLATT. There was not anything said about it, that I remember, in that hearing.

Mr. JONES of Arkansas. I remember it distinctly, and the record will show it, if the Senator will read it, if the stenographer took it down. If he did not, I can find the man who said it.

Mr. President, the present governor of the Territory of New Mexico is a Republican. He has lived for some years in that Territory. He appreciates the troubles, the hardships, and the unfairness of being kept in this state of tutelage for so many years, and he is anxious that the Territory should be admitted. In reply to the charges that have been made as to the qualifications of the citizens of New Mexico to become citizens, I want to read an extract or two from his report to the Secretary of the Interior for 1889, the last report. He says:

> The people of New Mexico were disappointed that, in the final action of Congress last spring relative to the admission of new States, our Territory was not included. The House of Representatives passed the admission bill, but the Senate refused concurrence, and in the conference committee New Mexico was omitted.
>
> In fact we felt more than disappointed, for we had an obvious right to admission far exceeding that of any other Territory except Dakota. New Mexico was a much older Territory than either of those admitted; its population largely exceeded that of Montana or Washington; it had a special right to self-government under the treaty of Guadalupe Hidalgo; it had only failed of admission in 1876 by an accident, after the enabling act had passed both Houses of Congress by large majorities; its resources were both greater and more varied, and its population was better adapted for safe and conservative self-government than that of other sections of the West.

I should like to call right there the attention of the Senator from Oregon [Mr. MITCHELL] to the fact that when he attempted to make the point awhile ago that in 1876 the Senate passed a bill admitting New Mexico and a Democratic House refused to admit it, the Republican governor says that both Houses passed an enabling act, but I suppose passed separate acts, and because it was not the same bill it failed to become a law. But both Houses of Congress passed it.

> This refusal to admit has forced us to recognize that there is a prejudice in the older States against New Mexico, which, although based solely on ignorance of our condition, yet is none the less powerful and injurious. One idea prevalent in the East is that New Mexico is not prepared for statehood. On the contrary no Territory ever had such thorough preparation. For forty years she hasbeen electing her Legislatures and enacting her laws, the only officers usual in States and now appointed by outside authority being the governor, secretary, and supreme judges. As long ago as 1850 she adopted a State constitution and elected her governor and senators, and was only kept out by the adoption of the celebrated "compromise measures" of that year.
>
> Twenty years afterwards she held a constitutional convention which formulated a constitution really admirable in its provisions. In 1876 the bill to admit her to statehood passed both Houses of Congress, and only by non-concurrence in an amendment failed to become a law.
>
> Another common objection is that the ratio of illiteracy is high. That this is true of the older native population no one will deny. But that condition is being rapidly changed. Official reports show that the ratio was reduced 20 per cent. in five years, and Governor Ross stated in a recent letter to the President: "In no community have more persistent and successful efforts been inaugurated for the promotion of public education than in New Mexico within the last few years."

The clause which I have just read was from Governor Ross. Governor Prince goes on to say:

> She has many hundreds of public schools, and a larger share of her general taxation is appropriated to education than in any State. That she has no school fund is simply because she is a Territory, and not a State, and admission will provide fully for that. The people are eager for education, and but few of the new generation will not speak English. Besides the public schools there is an unusual number of colleges, academies, and private schools.
>
> To many the character of the population seems to be a bugbear, but this is because the facts are entirely misunderstood.
>
> Only a few months ago a leading journal of national influence spoke of "four-fifths of the population" as being "peon Aztec Indians," whatever they may be! It is true that we may have about 10,000 Pueblo Indians in the Territory; but, in the first place, they are remarkably far from being "peons," and, secondly, they do not vote in Territorial elections, though, if they did, their character is such that they would be a good element in any body politic.

I wish Senators would bear in mind that this is a statement made by the Republican governor, the present governor of the Territory appointed by this Administration, who occupied the position of chief-justice under administrations there before, who has been a resident of the Territory for a number of years and is familiar with the people. He has studied the condition of things there, and he ought to be, and I believe is, a straightforward, intelligent, honest man.

But to the uninformed—

He goes on to say—

> the large number of voters of Spanish descent is looked upon as a grave misfortune. There could not be greater mistake. It is the possession of that conservative element in connection with the energetic and enterprising American from the East which gives New Mexico her special advantages as a self-governing community over most other Territories. Every one familiar with the far West knows that the principal danger in new communities arises from the unsettled and irresponsible character of much of the population. The inhabitants are continually changing. The number of men through all that region with whom two years is a long residence in any one place is astonishing.
>
> The habit of moving is upon them, and they are always looking for some new place to which to migrate. An average change of 10 per cent. each year in the population of the towns is less than the registry lists will show. Of course there are many solid, substantial citizens; but this restless, nomadic population constitutes an element that is always active, aggressive, and noisy. They are eager for office, ready to vote for any amount of bonds and taxation, and to their irresponsible action are principally due the heavy indebtedness and not infrequent bankruptcy of so many Western cities and counties. They do the mischief and are gone before its effects are felt.
>
> The chief danger in a new community comes from this class of men and from the overenthusiasm of others who think that life in the new West is a continual boom; and many a State and Territory has suffered from it. But New Mexico runs no such risk. She has a solid, stable, responsible, and conservative element in her native population which counteracts the danger. They are attached to the soil and have no thought of leaving. They are identified with the country and naturally opposed to rash schemes which involve extravagant expense and debt. By themselves they might be too slow and non-progressive, but mixed with our overzealous Americans, they form an admirable combination. It is this conservative element which makes New Mexico far more ready in many respects for safe self-government than most other Territories can hope to be for years.

Mr. President, I commend this conservative, carefully prepared statement of the governor of the Territory, made over his official signature, to the thoughtful consideration of all American citizens, and especially to that class of men who believe that New Mexico can not safely be admitted on account of her population.

But there are numbers of other things in this connection which I will not have time to allude to. I am already fatigued to such an extent that I shall have to conclude in a few minutes.

The Senator from Mississippi [Mr. GEORGE] asks to have restated again the statement made by the committee as to their population a short time ago, and in that connection I will call attention to a statement made by the governor:

> The only estimate of population made since 1885 is that prepared by the Territorial bureau of immigration in 1889, which reads as follows. San Juan County having been formed in 1887 from territory which in 1880 belonged to Taos County and in 1885 to Rio Arriba.

I will not go through all the counties, but each county is named and the population in each county is given, aggregating 204,090 population, according to this official statement, in the Territory. The governor upon this says:

> I am inclined to think that this is somewhat too high an estimate, and that the real population is below rather than above 200,000. The registration of voters just prior to the election of 1888 is probably the best index that we have to the exact number, although the ratio of men over twenty-one to the remaining population varies somewhat in the different counties, those in which there are many miners and ranchmen, who are usually without families, containing of course a larger proportion of voters. The following table gives the number of voters registered in each county in 1888, and an estimate in round numbers of the population based on that registration, which, I believe, is as nearly accurate as we can hope to obtain before the next census.

And here he gives the counties with a registration of 42,871, and he estimates the population at 195,500. Now the estimates are a little below 200,000.

In the Territory of Wyoming, which we are proposing to admit with objectionable features in the constitution, the Senator from Connecticut claims in his extreme limit a population of 125,000. I have shown that, if that is correct, perhaps not one-tenth of the voting population cast their votes to ratify this constitution, and if he is not right, if the estimates made by this committee are correct they have fifty or sixty

thousand in that Territory which we propose now to make haste to admit into this galaxy of States, and the Territory of New Mexico with 200,000 is compelld to remain a stepchild and to be kept out for an indefinite time. Is there any justice in that? It seems to me the injustice of it would demand a rebuke at the hands of every fair-minded, right-thinking man.

There are a number of other things which are presented by the governor, but as one of the chief objections made to the admission of this Territory has been on account of its condition as to education, I will only allude to that very briefly and then conclude. This Republican governor said on the subject of education:

There is a constant improvement in educational matters in the Territory, and their condition, while not entirely satisfactory, is very encouraging. The territorial auditor, Hon. Trinidad Alaria, in publishing his annual statement, which is condensed from the school reports of county officers, says:

"The progress made in the public schools is quite encouraging, and by working all together in favor of education I hope to see the public schools in the Territory as prosperous as any in the Union. Our people are taking a sincere interest in the advancement of education."

Our school law is by no means perfect and is specially defective in not providing a Territorial superintendent as a responsible head of the system of public education. This, as well as other defects, will be remedied as soon as the State constitution goes into effect, as it contains excellent provisions on the subject.

The lack of a school fund is a serious drawback to successful work, but without special Congressional action the lands reserved for this purpose are not available while New Mexico continues a Territory. Allusion is made to this under its appropriate head.

I have not been able to obtain as complete statistics as are desirable, but the following figures are substantially correct:

Number of pupils enrolled (three counties estimated)	16,803
Average daily attendance (two counties estimated)	12,394
Number of male teachers (four counties estimated)	303
Number of female teachers (four counties estimated)	185

These figures refer to public schools only. Our private educational institutions, colleges, seminaries, academies, etc., are numerous, well conducted, and successful. All of these are conducted in English.

In view of a prevalent misconception at the East as to the languages in which our public schools are taught, I have endeavored to procure information on that subject, but have not heard from all the counties. The following figures show the number of schools taught in English, the number taught in Spanish, and the number in which both languages are used in each of the counties named.

The aggregate is 342 schools, of which 143 are taught in English, 106 in Spanish, and 93 in both languages. When the delegates from that Territory were before the Committee on Territories and were asked about the number of schools taught in Spanish they gave this solution, which struck me as being perfectly reasonable: In the remote neighborhoods, in the cañons of the mountains, where settlements are sparse and very few people live, the older residents have been there for a long time. They speak Spanish. They learned it from their fathers. It is the language of their families, it is the language, the only language of that country, and when undertaking to get some little education, not having access to the public schools, not having free access to educational advantages, they must secure teachers in the best way they can get them, and young people are picked up in the neighborhood and employed to teach these little schools, as everybody well understands that knows anything about country schools. It is not because they have any objection to the English language, not because every New Mexican is not anxious to have his children taught English, but because they are pecuniarily unable to do it.

The sixteenth and thirty-sixth sections of public lands were given to the new States of the West to aid in the cause of education, and you have given magnificent school funds to these Territories, and you propose now to give large quantities of land to this Territory of Wyoming which you are about to admit; limiting the smallest price to $10 an acre, it will be a magnificent school fund for the people of the Territory; but New Mexico, with all the difficulties and troubles she has had to contend with, is not to be given at the same time the same fair consideration that we give to other localities. How can they improve their condition, how can they educate their children, unless the Government will give them the same sort of assistance that we propose to give to the others?

If we compare the educational condition of New Mexico with that of other Territories, with a population of 200,000 intelligent citizens who are devoted to the flag and have made a record as honorable as that of any State in the Union in the trying hour of the nation's trouble, is it not the proper thing to give them the same rights that you give to other States, and the record they will show will be as entirely satisfactory, not only to the Territory, but it will be an honor to them.

Now, upon the condition of society in the Territory, this community that the Senator from Connecticut is unwilling to have authorized to organize a State, I wish to call attention to a statement made by the governor in this respect and then I will leave the subject:

I can not close this report without a word as to the admirable condition of society which exists.

Mr. GEORGE. Who is that?

Mr. JONES, of Arkansas. The present governor of New Mexico, Governor L. Bradford Prince, a Republican:

I can not close this report without a word as to the admirable condition of society which exists and the quiet and good order which is everywhere prevalent in the Territory. My first experience in New Mexico, as chief-justice in 1879, was at a time when the advancing railroads were bringing an influx of the violent and the vicious into New Mexico, from which it suffered for several years. The rough class of men supposed to be characteristic of border life were also represented in our population at that time, and the courts were well occupied by the criminal business alone. The native population, however, was, as a rule, law-abiding and respectful to authority and was chargeable with but few crimes.

The years have wrought a great change. The horde that followed the railroad has passed on to other lands, only leaving a few representatives in our penitentiary. The desperado and the "bold bad man" have disappeared. The days of Billy the Kid, of Rudebaugh, and Hoodoo Brown are long since over, and one can scarcely realize that such characters ever existed among us.

No more peaceful or safe community is to be found in the whole land. Crime is more rare than in staid New England, and one may traverse the whole Territory on horseback alone without danger. A recent fact presents a strong illustration of this peaceful condition.

The county of Lincoln is of great size. It contains over 26,500 square miles and exceeds in area the four New England States of New Hampshire, Massachusetts, Rhode Island, and Connecticut, with New Jersey and Delaware added. It borders on Texas, and it is devoted principally to ranching and mining. Its sheriff is an efficient officer, who would let no criminal escape. I visited that county during last July, and examined its jail. It was empty! There was not a single man undergoing imprisonment there, nor one in confinement awaiting trial! I submit that no similar area in the whole country can show such a record as that.

Now, Mr, President, when we have the governor of New Mexico, a man whose character is certainly not to be impeached by any gentleman in sympathy with this Administration, telling us that this is the state of society in New Mexico, how can a friend of the Administration and of that party stand in his place on the other side of this Chamber and say he is a unwilling to admit New Mexico because he is not quite satisfied that the people are fit to govern themselves?

Mr. President, I have about exhausted myself, and I know I have exhausted the patience of the Senate, but some of the other gentlemen who are serving upon the Committee on Territories with me are away and I have endeavored to present as concisely as possible the reasons why this Territory of Wyoming ought not to be admitted under the present proposed constitution, the reasons why it is fair and right and proper that it shall come into the Union as a State, but that it ought to be done in a regular and proper way, and that the other Territories ought to do the same thing.

I have presented this amendment which provides an enabling act for these four Territories, hoping that the calm, deliberate judgment and consideration of this body will justify the passage of such a bill and its enactment into law, and that we may soon see these four Territories take their places as States.

I have not time just now to go over the resources of Arizona. It is next to New Mexico in point of area. It was next to her in 1880 in population and wealth, and while we have no definite and specific data by which we can compare her with the others now, it is a reasonable supposition that she has held her own with the others. There is this circumstance about it: It is stated that there has not been one solitary acre of public land surveyed in Arizona in twelve years. What the purpose is, what the reason is, why it should be so, I do not know. It would seem that the public lands ought to be surveyed, so that if people desire to go there to live they should have the privilege of doing so. Just why this is so I can not say, but it will be taken into consideration in connection with the other fact that while the older Territories are more populous, and while they are larger and wealthier than those north of them, there is an unwillingness on the part of Congress to pass any law that will allow them to become States, while they are making haste to admit the others which have not the same claims to consideration for admission into the Union.

Mr. GEORGE. What is the proportion of the public lands not surveyed in Arizona to those in the other Territories?

Mr. JONES, of Arkansas. I can not say about that. It is a very large proportion. But a very small part of them has been surveyed.

Mr. President, New Mexico has been a Territory for forty years. As I said awhile ago, there have been twenty-seven Legislatures in that Territory. More than half of them have memorialized Congress to be admitted into the Union. Once, in 1874, the Legislature called a constitutional convention; a constitution was adopted and submitted to the people, and there were 40,000 votes cast for a Delegate, and yet only 4,000 voted at all on the question of the ratification of the constitution, not because they did not want to be admitted into the Union; but because the call in their opinion had not been regular.

So conservative are these people, so observant are they of the proper way of doing things, so observant of legal rights and obligations, that they absolutely refused to vote upon the constitution which had been submitted to them by their own Legislature, because they had no enabling act. What a striking contrast with the action of the people of Wyoming and Idaho, who, notwithstanding Congress had given them no enabling act, nor had the Legislature of the Territory authorized it, but the governor, upon his own motion in each case, called a convention and submitted the constitution, which was voted for by a mere handful. I think that that circumstance alone speaks volumes in favor of the conservatism and patriotic loyalty of people of the Territory of New Mexico.

In the Forty-third Congress both Houses passed an enabling act for New Mexico, but, as I said awhile ago, on account of an amendment, it fell through and did not become a law. In the Forty-fourth Congress the Senate passed another enabling act for New Mexico. And yet with all this she is still kept out, and it seems that now she is as far from being admitted as ever before. I submit if we are to admit

New Mexico, if we are to allow these Southern Territories a fair and equal chance with the others, the proper thing to do is to pass an enabling act and to allow all four of these Territories to come into the Union.

Mr. STEWART. Mr. President, I am glad that the Senator from Arkansas has come to the same conclusion that most of us have with regard to the propriety of admitting Wyoming as a State. There appears to be no difference of opinion that she ought to be admitted. The only question is whether we ought to admit some other Territories which are not applying, or whether to do it in some other way. It seems to me that we have got a very simple thing before us now to act upon, and there will be time enough to act upon New Mexico and Arizona when they are before us in the regular way.

The Territories of Idaho and Wyoming have both formed constitutions, submitted them to their people, and have applied for admission.

Neither New Mexico nor Arizona has done so; their cases are not before Congress on their motion at the present time, and I think it would be very well to act upon the question before us.

As to the criticisms on the constitution of Wyoming made by the Senator from Arkansas, they appear to be of no value, and the same is true of the criticisms made by the Senator from Missouri yesterday with regard to it. Their criticisms are directed to section 29 of the constitution, which reads:

> No distinction shall ever be made by law between resident aliens and citizens as to the possession, taxation, enjoyment, and descent of property.

That is not different from any of the forty-two States in the Union. None of them make any such distinction at all. So far as the possession, taxation, enjoyment, and descent of property are concerned, all the States of the Union, so far as I am informed, treat alien residents the same as they do citizens.

Then if the constitution of Wyoming is in conformity with the practice of all the States in the Union, it seems to me there can be no objection to the admission of the Territory as a State because Congress did pass an act prohibiting the acquisition of public lands by aliens. That act was passed in order to meet the difficulties which were alleged, that they were buying up public lands so as to monopolize them. As to the necessity of that act, there is a difference of opinion. Certainly it has worked badly as to the development of the mines, and the Senate passed a bill in the last Congress, which failed in the other House, to change that, so far as the mines are concerned, on complete investigation and after full discussion of the whole subject. But it certainly can not be objected to this State that it proposes to do what the others do.

As to the question of woman suffrage, we refused in the case of Washington to interfere with that question at all, although we were pressed very hard to do so. We left it to the people of the State.

Surely we should not undertake to dictate on the question of suffrage in a State. If it was postponed any given length of time, if this proposed enabling act should pass, we should have a constitution presented in the same form. So far as the constitution is concerned, it is republican in form and a good constitution, and it can not be successfully criticised.

Then Wyoming being, as conceded by the Senator, qualified to be admitted as a State, having the requisite resources and the capacity to support a State government, it seems to me it is unfriendly to load the bill down with other amendments involving other questions after this has been considered and passed by the other House. Let us admit Wyoming and Idaho, and we shall then go on to treat the others fairly. I have no idea that there is any disposition on the part of any member of the Senate to treat any one of these Territories unfairly. They will all be treated fairly and be admitted as soon as their condition will warrant it. It is the disposition, I believe, on all sides to admit these Territories as soon as practicable and get them out of the Territorial condition, which is a very embarrassing and a very bad kind of government for people to live under and deny to them the right of self-government which the people of the State enjoy.

This bill having passed the other House, having been favorably reported at an early stage of the session in this body, and having been fully discussed and the State being entitled, according to the argument of the Senator who has just taken his seat, to admission, it seems to me the mode devised is as good as any that can be adopted.

I think we ought to act upon this bill for the admission of Wyoming and then upon the bill for the admission of Idaho, and then I will join the Senator from Arkansas in letting in the other Territories as States as fast as practicable, as fast as their condition and circumstances will warrant. I want to get the people in these distant parts of the country out of a Territorial condition, and that is the disposition of every member of the committee. We have got one case before us now. It is not a good practice to let several Territories in at a time, although we did have an omnibus-bill at the last Congress, but a good many Senators thought it would have been better to act upon each of them separately.

We make no mistake in letting in Wyoming, for it is a Territory of vast resources. I will not stop to enumerate, although I might, for I have given it some special attention. Its coal mines are probably equal to those of any State in the Union. Its valleys and its mountains furnish a greater grazing field than can be found in almost any State in the Union. The natural grasses are of the most nutritious kind, and it has a vast amount of the finest agricultural country, and particularly the northern portion of it, on the headwaters of the Yellowstone and other streams, and there is an abundance of fruit and vegetables of all kinds. It has great agricultural resources and great mineral resources. Besides coal, it has iron and the precious metals, gold and silver, and it is a prosperous, growing community, wealthy and capable of coming into the Union. I do not see why this bill should be loaded down to keep this Territory out and wait for something else to turn up when we have got a Territory that is ready and fit to come in as a State with a constitution that can not be criticised successfully.

I do not see why we should delay. I do not see any issue we have got at all except to admit this Territory as a State.

Mr. REAGAN. The Senator from Oregon [Mr. DOLPH], I understood, desires to address the Senate, but seems not to be present, and I will say a few words on the subject of the admission of this Territory. I think it is unfortunate for the people of Wyoming and for the cause of good government throughout the Union that we can not consider this question upon the merits of the constitution and the circumstances which attend its formation and submission.

That condition is connected with another, which undoubtedly has its influence, that by the admission of this Territory as a State, whether its application for admission has been regular and proper or not and whether the provisions of its constitution are such as ought to be adopted or not, two Republican Senators will be added to the majority already here and one Republican member to the other House and three Republican members to the electoral college for President and Vice-President.

It seems to me that this suggestion is warranted by the fact that here comes before us a constitution which has been formed by a convention called by the governor of the Territory without any enabling act or authority of the Congress of the United States, and an election held upon a notice confessedly insufficient to give the people of that Territory time to consider and act upon the question, and under no authority which made a violation of the law in relation to the election an offense, but simply comes to us as the work of a sort of voluntary meeting of the people.

This, together with the other facts that come to our view, showing that so small a proportion of the people of the Territory voted on a question of so great moment, and connected with the further fact that plainly the constitution shows that political gerrymandering prevailed to such an extent as to disfranchise a very large portion of the people, are all questions that might well give us pause and thought before we admit this new State under this constitution.

I agree with the Senators who have criticised the provision of this constitution allowing aliens to become the owners of land in the proposed State, and I agree with the criticisms that have been made upon the provision allowing women to vote, and I say on that subject, if there had been proper authority for the calling of a convention, if time had been given in the calling of that convention for the people to consider the question before them, if a reasonably fair number of the people of that Territory had voted upon the ratification or rejection of the constitution, whether I agreed with them or not upon these two provisions, I would recognize their right to control their own policy and to adopt such institutions as suited them, they being republican in form. I do not propose to go over the discussion on these subjects, but I do propose to call attention very briefly to that provision authorizing female suffrage.

The chivalric sentiments of men naturally incline them to the sentimental in considering this question, but it is a great and grave question, in my judgment, which requires something more than sentiment for its solution.

Mr. President, this Government was organized and our State governments have been organized upon the idea that the people of this country are capable of self-government. They have been organized upon the idea that our governments, Federal and State, are governments of consent, governments of agreement amongst the people, as contradistinguished from the forms of government which prevail in other parts of the world. The old idea of government was, and the monarchical idea is, that governments must be so organized as to have repressive and coercive force sufficient to preserve order in society and to give security to life and person and property. That is the idea of the monarchies of the Old World.

One of the most distinguishing features of our Republican system of government is that it was exactly the reverse of this, that the Government should not have that power of repressing and coercing the people against their will, but that it was the people's Government, made by them, and for them, and administered for their benefit, and that they were capable by their intelligence and their virtue of organizing a government, enacting laws, and administering and enforcing laws so as to give repose to society and security to life, to person, and to property.

This was originally our theory of government. I submit, Mr. President, that we have made some dangerous progress upon the subject of suffrage already. If this Republic and the State governments are to be preserved, or rather if liberty and peace and security to life and person and property are to be preserved in them, it must be by the intelligence of the men who make and carry on the governments, the voters of this country.

Our Revolutionary fathers, in the organization of the early State gov-

ernments, were so jealous of this as to be careful in nearly all the States to make provision, according to the doctrine laid down by Aristotle and sustained by many of the wisest men from his time, that both persons and property should be represented. Dr. Franklin's anecdote as to whether the mule or the man was entitled to vote did a good deal to dispel this conservatism, but it is too grave a subject to be controlled by anecdotes or sentiment.

We have ceased in all the States to regard it as necessary that property should at all be represented in our governments. We have adoped the idea in nearly all the States that persons alone are to be represented in the formation and organization of our governments. But we have gone beyond this. Instead of requiring qualifications showing the intelligence and capacity of the voter to organize, maintain, and support government in its true spirit, the appeals of demagogism to classes, in the hope of securing their votes, have made us do away with all our restriction upon the right of suffrage, and further they have caused us in this country to enfranchise everybody with the right of suffrage in most of the States.

It is so in the State which I have the honor in part to represent, and people who are not citizens, who have come to this country and merely declared their intentions to become citizens and been here six or twelve months, more or less, have been given the right of suffrage, so that men who come here familiarized with the monarchies of the Old World and looking to the Government as a great central power to control the conduct of the people by its paternal care, and having no conception of our dual system of government carried on by the people, come here with their ideas of a like kind about monarchies and the habits of monarchies, and we clothe them with the power to vote before many of them have been able to read the Constitution, and some of them are never able to read it. Before they know anything of our system of government and without reference to their character and intelligence, people of this sort are admitted to the franchise to make and carry on governments before they become citizens of the United States.

I know, Mr. President, that if I consulted the feelings of demagogues instead of those of the citizen looking to the welfare of the country and of good government, I should feel that this was dangerous ground to tread upon. While I have the honor of a place in the Senate or any other place where the question of good government shall arise, I trust that neither now nor at any other time shall I be found weak enough to seek popularity at the expense of good government.

That has been the trouble with us, and political parties have been running after power and hold out inducements and temptations to classes that they shall be enfranchised, so as to secure votes without reference to intelligence and virtue. I do not blame one party more than another. I blame them all alike. They are all reprehensible for the dangers which we encounter by forgetting that this is a Government to be carried on and perpetuated by the intelligence and the virtue of the people and omitting in the organizations of government to make any provision that intelligence and virtue shall rule in their formation and in the making of laws and the administrations of the governments.

Here we are now confronted with another view, that the women of the Territory of Wyoming are to become voters. That subject has been agitated for a great many years. It has obtained some foothold, to a greater or more limited extent, in several of the States, and we are told repeatedly by newspapers and by politicians of the demagogue order that it is a growing power and must be respected, that the party which stands in the way of it must go down before its numbers and its power.

Mr. President, I will not admit that any living man has greater respect for the women of the country than I have. I will not admit that any living man would go further to protect them in the enjoyment of all their rights than I would go. I will not agree that any living man should be willing to confer upon them privileges and advantages consonant with their nature, their sex, beyond what I would do.

But what are we going to do, what are the people of this Territory going to do by the adoption of this constitution? They are going to make men of women, and when they do that the correlative must take place that men must become women. So, I suppose we are to have women for public officers, and women to do military duty, women to work the roads, women to fight the battles of the country, and men to wash the dishes, men to nurse the children, men to stay at home while the ladies go out and make stump speeches in canvasses.

Now, Mr. President——

Mr. PADDOCK. Will the Senator yield to me?

Mr. REAGAN. Does the Senator wish to make an inquiry?

Mr. PADDOCK. The Senator is *par excellence* the best State-rights man here, or among the best. I should like to know of the Senator if the people of Texas were disposed to have female suffrage whether he would think it a proper subject for the Congress of the United States to consider and determine. I ask whether for that State and for the people of that State, under such circumstances, Congress should make expression as to what its rule of franchise should be or if he thinks it should intervene in respect of the same. Why, then, for an inchoate State, for a State just organizing its own government, on the popular sovereignty idea, in accordance with the views, and the wishes, and the policies thought to be the best by the people of such young State, or such Territory about to become a State, ought he to ask us to interfere? I ask the Senator if he does not think that a people thus organizing a State have not the same inherent right as his people would have without intervention on the part of Congress to fix their own rule of franchise, to frame their own institutions.

Mr. REAGAN. If the Senator from Nebraska had heard my opening remarks I do not think he would have felt called upon to ask me that question.

Mr. PADDOCK. I was unfortunate in that respect, I admit.

Mr. REAGAN. I stated then and I repeat now that if the people of that Territory had proper authority for calling that convention, if they had had time to consider the question of the adoption of the constitution, and if they had voted in sufficient numbers to indicate that it was the real opinion of the people of that Territory, I would not discuss that question.

Mr. PADDOCK. What is the difference as to the form of authority given to the people to express themselves primarily as to such a matter as this, if they do finally and absolutely express themselves? if they do record their wishes and their judgment in respect to the proposition before the proceeding is concluded? and if their legislative authority afterwards did formally subscribe to it by unanimous vote, as happened in this case? and if all the political parties, where the question should be raised, as it was in this case, and all public expression should be in concurrence therewith, as it was in this case?

Mr. REAGAN. If the Senator from Nebraska had heard my opening remarks I think he would not have thought it necessary to propound his question. I hope the Senator will allow me to go on. He has his views about that subject and I have my views upon the facts which I have presented already, and I do not feel like going over them again. I ask to have the privilege of completing the statement I wish to make upon the subject.

The PRESIDING OFFICER (Mr. CULLOM in the chair). The Senator will not be interrupted without his consent.

Mr. PADDOCK. I certainly should not have interrupted the Senator if he had not accorded to me the privilege of making an observation.

Mr. REAGAN. Mr. President, when the Almighty created men and women he made them for different purposes, and six thousand years of experience have recognized the wisdom and justice of the Almighty in this arrangement. It is only latterly that people have got wiser than their Creator and wiser than all the generations which have preceded them. How is it possible that women can be clothed with the duties and responsibilities of men and at the same time perform the natural and necessary duties of women? The one or the other must be abandoned. The constitution of society, the necessity for the existence of society, the necessity of home government, which is the most important of all the parts of government, can only be preserved and perpetuated by keeping men in their sphere and women in their sphere.

Men must do the outdoor work, men must cultivate the fields, men must build the public works, men must build the residences, men must work the roads, must do military duty, men must fight the battles of the country when that becomes necessary. They are by nature qualified for these duties. They are by their constitution enabled to meet the rugged responsibility and serious labor involved in these. While in the active performance of these duties, however, it is a pleasant, it is a wholesome thing to reflect that after a hard day's struggle and of rough contacts which men must have with each other, they can go to a home presided over by one there who soothes the passions of the day by the sweetness of her temper, the gentleness of her disposition, and the happiness which she brings around the family circle. But if the wife and the husband are both out in the bitter contests of the day, making speeches, electioneering with voters, pushing their way to the polls, they will both be apt to go home in a bad humor, and there will not be much happiness in the family during the remainder of the day that follows such a scene. And while they are both out, what will become of the children? Are they to take care of themselves?

Mr. President, sentimentalism may do for some things, but in the practical affairs of this world as the Almighty has made it and as mankind has respected it until the wisdom of these latter years, it has been found that the happiness of all, the welfare of all, was best consulted and best promoted by the women working in their sphere and the men working in their sphere.

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

Mr. REAGAN. Certainly.

Mr. BLAIR. How long is it since men began to vote in this world generally, and how long have they been voting in this country—the English-speaking race or the human race—and how much voting have the most of men done, notwithstanding what God intended them for, according to the Senator?

Mr. REAGAN. I have read some ancient history, Mr. President, perhaps not as much as the Senator from New Hampshire, and I have read how men voted in a sort of way away back in the time of Greece and Rome, and men have been voting all through the years of modern Europe. There are some places in the world where, perhaps, they do not vote yet, or vote but little, as in monarchies, but I do not under-

stand that because men vote therefore women must vote, for if that sort of view is correct, that they must vote also because they are human beings, then children must vote also because they are human beings, and many of them very intelligent ones before they get to be twenty-one years of age.

But that, I submit to the Senator from New Hampshire, does not meet the question which I am presenting, that the good of society, the happiness of the family, the welfare of the country depend upon the preservation of the family organization, depend upon women remaining in the place that God made for them and men performing the duties and accepting the responsibilities that their nature and condition impose upon them.

Mr. BLAIR. Does the Senator hold that the privilege of voting or the exercise of that privilege by men or by women has much to do with the family organization? Does he think that if men vote and women also vote it will destroy the family organization? If so, I would ask the Senator how it happens that the family is an institution coeval with the commencement of society and that probably, taking the human race together from the beginning down, not one man in five hundred has ever exercised the right of suffrage, and not one in five thousand for that matter.

Mr. REAGAN. I am well aware, and I say it with no disrespect to the Senator from New Hampshire, that he has great respect for short-haired women and long-haired men. I can not say that I have that character of respect for them at all. I am trying to argue the question upon philosophical grounds, upon grounds which, it seems to me, should appeal to the reason of every one interested in good government.

Why, sir, family government has, so far as I know, through all the history of the world, been a most interesting and necessary part of government; and I believe more in the doctrine of the common law of family government than I do in the doctrine of the civil-law system of family government; though I think it is well that the common-law system should have ingrafted upon it so much of the civil-law system as secures the rights of property to married women and protects them against any harsh or improper conduct by the husband or the father.

It has been urged by those who favor female suffrage that it is necessary that women should enjoy the suffrage in order that they may be protected in their rights. I have not read the codes of all the States, but I have read some of them and have a general idea of them enough to appeal to the code of laws of every State in the American Union and to appeal to the action of the courts and the juries in every State of the Union to show that every possible right which women can desire for the protection of their persons and the protection of their personal rights, and in most of them the full protection of their separate property, is secured to them, and if anybody needs protection in the courts of the country with which I am familiar, it is the men who need protection against the mere question of sentiment.

I know in the State in which I live—and I think it is so in all the States with which I am familiar—if a case comes before a court in which there is a woman on one side, or minor children on one side, and a man of full age on the other side, the law first, and then the judge, and then the jury are on the side of the woman or of the children, and the man has to fight his way through as best he can. I do not complain of this. I rather feel proud that it is so, that that spirit of chivalry and manhood which must protect them asserts itself in this way, as it asserts itself in every way in human society with which we are familiar.

What rights can women expect to have that they do not have now? They are clothed with the protection of law. If they are abused by their husbands, they have an appeal to the law; and the right to vote would not make their situation better or worse in this respect. If their individual property is interfered with by their husbands, they have an appeal to the law; and the right to vote or not to vote would not change their condition this respect.

It certainly is not to be assumed that they wish to pass laws which would be unjust and unequal, and I have yet to see the first law in any one of the States pointed to which unjustly discriminates against women or minor children. Men inspired by the feelings of men feel that their own welfare, the welfare of society, the rights and happiness of their mothers, their wives, and their daughters depend upon the passage of laws and the cultivation and enforcement of public sentiment which gives the women and children security and protection.

In my judgment, Mr. President, the day that the flood-gate of female suffrage is opened upon this country, the social organism will have reached the point at which decay and ruin begin.

I know it is assumed that women are purer than men, and I believe that to be true; but it can hardly be assumed that their intellects are stronger, though many of them have evinced great strength and power of intellect. But when we talk of the purity of women and of the intellect of women, we talk of that class who have had the higher and the better advantages of education and moral training. But we must remember that some women, like some men, have enjoyed such advantages, while many of them have not been blessed with those advantages, but have been left in ignorance and with insufficient moral training; and when we open the franchise to them all, these will be let in. All the dangers to the family organization, to society, and to government to which I have referred will then arise.

Mr. President, two of the ablest articles that I have ever seen written or printed against female suffrage were by women, urging reasons with more power and force than I am able to urge at this time, one of them taking hold of the very core of this question and inquiring what was woman made for and why was she made as she is, and what was man made for and why was he made as he is, and reasoning that each in their several spheres, if they perform their several duties, will promote the happiness of both and promote the welfare of society and the good of government.

Mr. President, in view of the amount of demagogy that controls the politics of our generation and the seeming incapacity of the people to reason when sentiment can be invoked or to look to the safety of the Government when political advantage can be obtained, it seems almost like a waste of breath to talk upon the subject. If we could only remember that here in the greatest Republic that has been seen in the world, with the most thoroughly informed, energetic, and active race of men that perhaps the world has ever seen, here with the ark of the covenant of liberty in our keeping, this recklessly going forward and seeking political advantages at the expense of morality, at the expense of justice, at the expense of good government, is something to discourage those who love their country and who love to see its blessings perpetuated, we should be induced to pause.

To me it seems, with such a people holding domination over such a country, having such responsibilities in their hands, that not only grave Senators but every citizen hoping for the welfare of his country should be willing to consider carefully all the measures which tend to secure good government or to endanger good government. What matters it that one party may get into power one day and another another, by means fair or unfair. Whoever goes into power the great masses of the people are not interested, except in the welfare of the Government.

The great masses of the people have none of the aspirations and expectations of those who hold the offices and administer the Government. Theirs is not a question of patronage and power. Their question is a question of good government, of cheap government, of just government, on principles which should perpetuate that good government and promote and preserve and perpetuate the well-being of society.

Mr. SANDERS. I should like to ask the Senator from Texas a question. My respect for his sincerity and ability is such that possibly I can obtain an answer to this interrogatory which has addressed itself to me: Ought not the law to be the expression of the intellectual and moral sense of the people? Question number one.

Question number two: Is the statement that "governments derive their just powers from the consent of the governed" true or false?

Mr. REAGAN. Mr. President, if I were to answer the abstract questions presented by the Senator from Montana as abstractly as they are asked, the Senate would not be much wiser or much better satisfied than it is now. I suppose the object of asking those questions is to inquire whether all men and all women are not the source of power.

I am trying to answer that question the best I can do by endeavoring to show that God in His providence created women for the domestic circle, to make them the mothers of the world, to make them the mistresses of the homes of the world, to make there a place of repose to which men, after the trials of the day, can go and have peace and repose and a home of comfort and happiness; and that political duties, the right to vote, the right to hold office, the right to perform the duties which nature and the world's experience of six thousand years have assigned to man, are inconsistent with the duties of home, of mother, and of wife, and that the one can not be performed without ignoring the other. When the two are joined, the effect must be in a large measure to uproot the very foundations of society and to destroy the happiness of the people and endanger or destroy government itself in the vortex of anarchy. Such is my opinion of attempting to violate the laws of nature for political purposes.

Why, sir, what is the advantage? If the head of the family votes he is apt to reflect the views of the family. It is more convenient than to have all the family going out to vote. Sometimes there may be differences of opinion on political questions between husband and wife, but that does not very often occur, not sufficiently often to justify the endangering of social order and the good of the Government on that sentiment. My own view is clear as to what should be done if it were possible, though I see no way of retracing our steps upon the subject, for if once we confer the elective franchise I fear it is never to be gotten back until it goes through its dreadful course and ends in anarchy. If it were possible to retrace our steps, I should hope that it might be that none but citizens of the United States, and male citizens, should vote and that no one should vote who did not have some conception of the character of his Government and of the necessity for preserving good government.

Mr. President, the danger of republics consists in the excesses of republics. If we could hold to the conservatism which prevailed at the close of the Revolution and the half century after it, there would be no danger to the liberties of the people of this country; but if we continue to go step by step broadening the elective franchise, opening a wider field for reckless demagogy, we shall certainly endanger popular liberty, and if we go on in that way the end is anarchy. Nothing can prevent it but conservatism and wisdom such as will ascertain what

will constitute good government and how it is to be constituted and preserved. It can not be constituted, it can not be preserved simply by numbers, nor can it be constituted or preserved by ignorance and by vice, or by either. Good government must be preserved by good sense and the virtue of the people and their capacity to understand what government means, and what it means to make laws, to enforce laws, and to administer a government.

Mr. President, I regret to discuss a question of this kind with so little of previous thought with a view to such a discussion, for I do regard this as one of the gravest questions that can be submitted to any part of the American people, and I discuss it now because of the reasons which I stated some time back, that I did not think the people of Wyoming had sufficient opportunity to express their will. There was no call by anybody having authority upon the people to express themselves as to whether they would have a convention. The call for a convention was one voluntarily made, and an election was held without the obligation of law. If that election had brought out a full vote, it might have obviated much of the objection which I make; but when it is seen that not 40 per cent. of the voters voted at that election and that the time was so short that it was absolutely impossible for the people of that large Territory to be advised of the fact that a constitution was submitted to them and to have an opportunity to consider it, and when we look at the fact that it is shown plainly that for political purposes a very large part of the people of that Territory were disfranchised, I should be glad to see this constitution go back to the people of that Territory.

Let them have time to consider the character of government they wish to form. In forming constitutions it is true in late years we have got to changing pretty rapidly, but they ought to be formed on such general principles as would not need such frequent reforms. They ought to be formed upon full deliberation. I know, sir, that in this constitution there are many good and wise provisions, many that I am glad to see in it, but it seems to me that, all the facts considered, it is right that it should go back to the people for their more careful and deliberate consideration.

While I express this as my conviction, Mr. President, so long as there are two Senators and one Representative and three members of the Electoral College for another party depending upon this action, I shall not very much hope for wisdom and justice to prevail in the decision of this question.

The PRESIDING OFFICER (Mr. PADDOCK in the chair). The question is on the amendment proposed by the Senator from Arkansas [Mr. JONES]. Is the Senate ready for the question?

Mr. REAGAN. I ask for a call of the Senate.

The PRESIDING OFFICER. The Secretary will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Berry,	Farwell,	Moody,	Ransom,
Blair,	Faulkner,	Morgan,	Reagan,
Casey,	Frye,	Paddock,	Sanders,
Coke,	Gorman,	Payne,	Sawyer,
Cullom,	Hawley,	Pettigrew,	Stewart,
Davis,	Higgins,	Pierce,	Teller,
Dawes,	Jones of Arkansas,	Platt,	Washburn.
Dixon,	Jones of Nevada,	Plumb,	
Dolph,	Manderson,	Power,	
Edmunds,	Mitchell,	Pugh,	

The PRESIDING OFFICER. Thirty-seven Senators have answered to their names. A quorum is not present.

Mr. PLATT. I move that the Sergeant-at-Arms be directed to request the attendance of absent Senators.

The PRESIDING OFFICER. The Senator from Connecticut moves that the Sergeant-at-Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant-at-Arms will execute the order of the Senate and request the presence of absent Senators.

Mr. DAWES. Is it in order to ask that the members of the Committee on Appropriations may be excused from attendance?

The PRESIDING OFFICER. Nothing is in order until the order of the Senate to secure the presence of absent Senators has been executed.

Mr. SHERMAN and Mr. SPOONER appeared.

Mr. EDMUNDS. I suggest that under the order of the Senate, as soon as Senators whose names were not responded to come in they should announce their presence to the Chair, and that they be entered.

Mr. SPOONER. Mr. President——

The PRESIDING OFFICER. The Secretary will call the name of the Senator from Wisconsin [Mr. SPOONER].

Mr. SPOONER. I was absent from the Chamber on business of the Senate and was in the building.

The PRESIDING OFFICER. The name of the Senator from Ohio [Mr. SHERMAN] will be called.

Mr. SHERMAN. I wish to say that I was engaged in my official capacity, and did not hear the signal for a call of the Senate.

Mr. HISCOCK appeared and responded to his name.

Mr. CARLISLE. Mr. President, I was absent in the barber-shop when the roll was called.

Mr. JONES, of Arkansas. I move that the Senate adjourn. There is evidently not a quorum present, and at this hour of the afternoon it is difficult to get a quorum here.

The PRESIDING OFFICER. The Senator from Arkansas moves that the Senate do now adjourn. [Putting the question.] The noes seem to have it.

Mr. JONES, of Arkansas. I call for a division.

Mr. EDMUNDS. Let us have the yeas and nays. They will show who is here and who is not.

The PRESIDING OFFICER. On the motion to adjourn the yeas and nays are demanded.

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

Mr. FAULKNER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. QUAY].

Mr. HIGGINS (when his name was called). I am paired with the Senator from New Jersey [Mr. MCPHERSON]. If he were present, I should vote "nay," and I shall vote hereafter if it becomes necessary to make a quorum.

Mr. MORGAN (when his name was called). I am paired with the Senator from New York [Mr. EVARTS].

Mr. PETTIGREW (when his name was called). I am paired with the Senator from Florida [Mr. CALL].

Mr. SAWYER (when his name was called). I am paired with the Senator from Georgia [Mr. COLQUITT], but I transfer my pair to the Senator from Michigan [Mr. STOCKBRIDGE], who is home sick. I vote "nay."

The roll-call was concluded.

Mr. EDMUNDS. I think it right to say that my colleague [Mr. MORRILL] is absent from the city to obtain three or four days of necessary rest, and I think everybody will understand that he is not derelict in his duty in doing so.

Mr. FAULKNER. I desire to state that my colleague [Mr. KENNA] is detained from the Senate and is paired with the Senator from Colorado [Mr. WOLCOTT].

Mr. DIXON. I announce the pair of my colleague [Mr. ALDRICH], who is absent, with the Senator from South Carolina [Mr. HAMPTON].

Mr. HAWLEY. I had something to do with arranging a pair between the Senator from Missouri [Mr. COCKRELL] and the Senator from Iowa [Mr. ALLISON]. It ought to be announced, perhaps, that they are both absent from the Senate on account of afflictions in their families.

Mr. BLAIR (after having voted in the negative). I withdraw my vote. I am paired with the senior Senator from Mississippi [Mr. GEORGE]. I will state that my colleague [Mr. CHANDLER] is absent by reason of his state of health and is paired with the Senator from New Jersey [Mr. BLODGETT].

Mr. HISCOCK. I desire to announce that my colleague [Mr. EVARTS] is away on account of ill health and is paired with the Senator from Alabama [Mr. MORGAN].

Mr. MANDERSON (after having voted in the negative). I have voted on this question notwithstanding the fact that I am paired with the Senator from Kentucky [Mr. BLACKBURN], not looking upon it as a party question and being desirous of making a quorum of the Senate.

Mr. PADDOCK (after having voted in the negative). I am paired with the Senator from Louisiana [Mr. EUSTIS]. I did not know when I voted that he was absent. As my vote is necessary to make a quorum, I will allow it to stand, under the circumstances.

Mr. HIGGINS. As it is necessary to make a quorum, I will vote. I vote "nay."

Mr. DAVIS. As it is necessary to make a quorum, I will vote. I vote "nay."

Mr. WILSON, of Maryland. I vote "yea," to make a quorum.

The result was announced—yeas 12, nays 30; as follows:

YEAS—12.

Berry,	Gorman,	Pasco,	Ransom,
Carlisle,	Gray,	Payne,	Walthall,
Coke,	Jones of Arkansas,	Pugh,	Wilson of Md.

NAYS—30.

Casey,	Frye,	Moody,	Sawyer,
Cullom,	Hale,	Paddock,	Sherman,
Davis,	Hawley,	Pierce,	Spooner,
Dawes,	Higgins,	Platt,	Stewart,
Dixon,	Hiscock,	Plumb,	Teller,
Dolph,	Jones of Nevada,	Power,	Washburn.
Edmunds,	Manderson,	Reagan,	
Farwell,	Mitchell,	Sanders,	

ABSENT—42.

Aldrich,	Cameron,	Harris,	Squire,
Allen,	Chandler,	Hearst,	Stanford,
Allison,	Cockrell,	Hoar,	Stockbridge,
Barbour,	Colquitt,	Ingalls,	Turpie,
Bate,	Daniel,	Kenna,	Vance,
Blackburn,	Eustis,	McMillan,	Vest,
Blair,	Evarts,	McPherson,	Voorhees,
Blodgett,	Faulkner,	Morgan,	Wilson of Iowa,
Brown,	George,	Morrill,	Wolcott.
Butler,	Gibson,	Pettigrew,	
Call,	Hampton,	Quay,	

So the Senate refused to adjourn.

The PRESIDING OFFICER. No quorum has voted. The Sergeant-at-Arms is still engaged in executing the order of the Senate.

Mr. PLATT. When the motion was made to adjourn the Sergeant-at-Arms was executing the order of the Senate to request the attendance of absent Senators. I should like to inquire how many Senators have answered to their names on the call of the Senate which was had to determine whether a quorum was present.

The VICE-PRESIDENT. Forty-one Senators answered to their names.

Mr. PLATT. How many answered on the motion to adjourn?

The VICE-PRESIDENT. Forty-two.

Mr. PLATT. Some Senators announced that they were paired on that vote.

The VICE-PRESIDENT. Senators announced that they were paired and voted.

Mr. PLATT. I ask unanimous consent that the roll may be again called for the purpose of determining whether we have a quorum present.

Mr. EDMUNDS. Without interfering with the execution of the order?

Mr. PLATT. Without interfering with the execution of the order.

The VICE-PRESIDENT. Is there objection to the request made by the Senator from Connecticut?

Mr. GORMAN and others. No objection.

The VICE-PRESIDENT. The Chair hears none, and the roll will be again called.

The Secretary called the roll, and the following Senators answered to their names:

Allen,	Edmunds,	Mitchell,	Pugh,
Berry,	Farwell,	Moody,	Reagan,
Blair,	Faulkner,	Morgan,	Sanders,
Carlisle,	Frye,	Paddock,	Sawyer,
Casey,	Gorman,	Pasco,	Sherman,
Coke,	Hale,	Payne,	Spooner,
Cullom,	Hawley,	Pettigrew,	Stewart,
Davis,	Higgins,	Pierce,	Teller,
Dawes,	Hiscock,	Platt,	Walthall,
Dixon,	Jones of Nevada,	Plumb,	Washburn,
Dolph,	Manderson,	Power,	Wilson of Md.

The VICE-PRESIDENT. Forty-four Senators have answered to their names. A quorum is present.

Mr. PLATT. It has been suggested to me by the Senator from Maryland [Mr. GORMAN] that it was not supposed a vote would be reached to-day upon this bill, and that several Senators have gone away expecting to be present at a vote which would be taken or reached to-morrow, and that there would be no objection to a unanimous consent that debate shall cease upon the bill and the vote be taken on the amendments and the bill at a certain hour to-morrow, say 3 o'clock.

Mr. CULLOM. I did not hear the first part of the Senator's statement. Does that include both the Wyoming and Idaho bills?

Mr. FAULKNER. Make it 4 o'clock.

Mr. CULLOM. The agreement ought to include both bills. The same discussion ought to answer for both practically.

Mr. PLATT. Would the Senate be willing to extend the agreement to taking the vote on both bills to-morrow?

Mr. CULLOM. At say 4 or 5 o'clock.

Mr. PLATT. At 4 o'clock?

Mr. MORGAN. The amendment of the Senator from Arkansas has so broadened out this question that a Senator can not speak on it very well under perhaps thirty or forty or sixty minutes. I understand there are three Senators who desire to speak on the bill.

Mr. PLATT. I understand there would be no objection to a vote upon the amendments and upon the bill to-morrow, say at 3 o'clock.

Mr. MORGAN and Mr. GORMAN. Four o'clock.

Mr. PLATT. At 4 o'clock. Then I ask unanimous consent that the debate upon this bill and the amendments cease and the vote be taken upon the bill and amendments at 4 o'clock to-morrow.

The VICE-PRESIDENT. Is there objection to the request made by the Senator from Connecticut? The Chair hears none. It is so ordered.

Mr. STEWART. I suggest that the bill be temporarily laid aside and that the other bill be read this evening.

Mr. PLATT. I want to say something on the pending bill.

Mr. EDMUNDS. Mr. President, I wish to have it understood, so far as I am concerned, that this is not an order of the Senate, but is only an understanding that everybody agrees, as an understanding, that it is to be done; and if any gentleman feels it to be his duty to violate the understanding the Chair does not enforce it. I wish to preserve that distinction.

The VICE-PRESIDENT. It will be so understood.

Mr. HALE. Mr. President, I rise to a parliamentary question.

The VICE-PRESIDENT. The Senator from Maine will state his parliamentary question.

Mr. HALE. What is the difference between an order of the Senate and a unanimous agreement of the Senate with any Senator who expects to follow out the unanimous agreement of the Senate? I have never been able to see the difference. An agreement of the Senate entered into by proposition and counter-proposition and understood by both sides, and solemnly fixed, if there is any solemnity about a full Senate agreeing to a thing, ought to have the full effect, and every Senator ought to understand that it has the full effect, of an order of the Senate. Why it is that it is continually brought to the attention of the Senate that an agreement of this kind may be violated, and that nobody is doing the wrong thing if he does violate it, passes my understanding. I for one am willing that it shall be entered as an order of the Senate and be equivalent to any order that has been made; and I shall propose in any matter that I have charge of, where a unanimous agreement of the Senate is made, that it shall have the force of an order; and I would be willing to stand by it.

Mr. EDMUNDS. Mr. President——

The VICE-PRESIDENT. Will the Senator suspend for one moment? The Chair would like the decision of the Senate with reference to continued action by the Sergeant-at-Arms. He is still executing the order of the Senate.

Mr. PLATT. I move that further proceedings under the call be dispensed with.

The VICE-PRESIDENT. The Senator from Connecticut moves that further proceedings by the Sergeant-at-Arms under the order of the Senate be suspended.

The motion was agreed to.

Mr. EDMUNDS. I wish to say, in response to my friend from Maine, that the difference is entirely immaterial, so far as it regards the personal honor and obligation of Senators, and I have never known it except in some extreme emergency to be departed from, and I hope it never will be. But an order of the Senate changes its standing rules in respect of the liberty of debate, and I believe in the liberty of debate in this body. If any Senator wishes to debate in order to procrastinate affairs, his brother Senators who do not like it can stay as well as he can and have it out. There ought to be one body in this country where freedom of debate may continue, as it has always in this body. It has always been understood that these unanimous understandings, while they bound the honor of gentlemen fully and fairly, were not a rule of the Senate, but I assume that every gentleman present and every one not present is just as much bound as if it were an order of the Senate.

Mr. HALE. I suppose that the freedom of debate, which I believe in for this body as much as the Senator from Vermont, does not prevent all the Senators present at any time from agreeing not to talk. It ought not to.

Mr. STEWART. Mr. President, if these agreements are not binding and not so regarded by members of the Senate, it will lead to very unpleasant results. There is much talk about having the previous question. The unanimous agreement takes the place of it and enables us to terminate debate. When I was in the Senate previously I never knew such an agreement to be violated. If it can be kept sacredly by all Senators, it answers every purpose and gives us the freedom of debate.

Mr. EDMUNDS. And it always is.

Mr. FAULKNER. I should like to ask for information of the Senator from Nevada whether he has ever known those agreements to be violated at all.

Mr. STEWART. There was a case the other day where it was not observed, as I understand.

Mr. FAULKNER. I have not heard of any such case myself.

Mr. EDMUNDS. It is very rare.

Mr. STEWART. It is very rare. All I wish to do is to call attention to the importance of observing these agreements as binding. Otherwise other results will happen that would prevent the Senate from being that deliberative body which it always has been. They are very important agreements. We can terminate debate in that way; when the nature of it is perfectly understood I presume that no Senator will violate the agreement, and it is not necessary to have it an order further than binding upon the honor of the Senate, because every one sees the importance of it.

Mr. PLATT. I do not understand that the suggestion which was made by the Senator from Vermont was intended in any way to militate against the unanimous consent which had been reached upon the pending bill.

Mr. EDMUNDS. Not at all.

Mr. PLATT. And there is no suggestion that that agreement shall not be kept in good faith?

Mr. EDMUNDS. Of course not.

Mr. GORMAN rose.

Mr. PLATT. Does the Senator from Maryland wish to address the Senate?

Mr. GORMAN. I was going to move an adjournment.

Mr. PLATT. I should like to reply for a few moments to one point made by the Senator from Arkansas [Mr. JONES] in his remarks. If I have the floor I will address myself to one point that was made in the argument of the Senator from Arkansas upon the bill.

The VICE-PRESIDENT. The Chair recognizes the Senator from Connecticut.

Mr. PLATT. I am sorry not to see the Senator from Arkansas in his seat, but I can not waste the time of the Senate because he happens to be absent.

Mr. GORMAN. Do I understand that the Senator from Connecticut is going on with the bill this afternoon?

Mr. PLATT. I desire to reply to some observations that were made by the Senator from Arkansas. I shall be very short.

Mr. GORMAN. There is no earthly objection to that. I only wanted to have an understanding with the Senator, when I made the suggestion of an understanding to the Senator, it was for the purpose of facilitating public business, and we were to have no vote to-night I understand.

Mr. PLATT. Not upon this bill.

Mr. GORMAN. Not on the pending question?

Mr. PLATT. No.

Mr. President, the Senator from Arkansas concedes that Wyoming, upon the facts, upon the conditions, upon her resources, upon her population, is entitled to admission; and I thank him for that concession. The only new objection that he makes, so far as I was able to follow his remarks, is that the convention which formed the constitution that has been presented here was irregular; that it was not called in pursuance of any act of the Territorial Legislature. I ought perhaps to say that he criticised the size of the vote upon the adoption of the constitution; but the principal point that he made was that that convention was irregularly held; that it was not called in pursuance of an enabling act of Congress or of an act of the Territorial Legislature. I suppose that stress was laid upon the fact that it was not called in pursuance of an act of the Territorial Legislature, because it is too late in the history of the admission of States to claim that a State is not properly admitted when the Territorial Legislature has taken action for the calling of a constitutional convention, and the constitutional convention has been held in pursuance of that act, and the constitution submitted to the people, and ratified by any vote, large or small, so that a majority was cast in favor of the adoption of the constitution. State after State has been admitted in that manner, and all those objections have been passed upon by the Senate.

But I want to go a little further, Mr. President, and I want to show that an argument that the convention which framed the constitution was irregular has never prevailed when the question of the admission of a State has been before the Senate or before Congress. State after State has been admitted when the convention which formed the constitution was not as regularly called as in this case, where no enabling act had even been reported which authorized the call of the convention to form a constitution.

This convention was called by the governor. It was called upon the petition of a majority of the representatives of the counties of Wyoming. An election was ordered; an apportionment in all items was made, such as obtained for the election of members of the house and senate in the Territorial Legislature. The law relating to the election of members of the Legislative Assembly of the Territory was followed in the voting. The election was called in the manner in which elections for members of the Legislative Assembly are called. All the conditions required to elect a Legislative Assembly were observed in the election of delegates to this constitutional convention.

Mr. President, States have been admitted where that had not been done. The constitutional convention which framed the constitution on which California was admitted to the Union was called by the military governor of California, at the request of no one, at the request of no counties, at no request of the people—called upon his own motion. That convention was held, a constitution was framed by that convention, and it was submitted to Congress, and California was admitted in that manner.

So far as I can read the record with reference to the admission of the Senator's own State of Arkansas, this convention was more regular than the convention which framed the constitution upon which Arkansas was admitted into the Union. If there was ever any convention called in Arkansas by any authority whatever when its constitution was framed it does not appear in any of the public documents of the time. Arkansas came into the Union in this way: In the Twenty-fourth Congress, at the first session, Document No. 133 of the House of Representatives is the memorial of the convention praying for the admission of Arkansas into the Union as a State, and it says this:

> The people of Arkansas, animated with a desire for the enjoyment of independence and self-government, have, by an expression of their will, approximating to unanimity, elected representatives, to meet in convention at the city of Little Rock, with full and ample powers to make a constitution and system of State government for Arkansas. The accompanying constitution is the result of their deliberations.

The constitution starts with this declaration:

> We, the people of the Territory of Arkansas, by our representatives in convention assembled at Little Rock, on Monday, the 4th of January, A. D. 1836, and of the Independence of the United States the sixtieth year, having the right of admission into the Union as one of the United States of America, consistent with the Federal Constitution and by virtue of the treaty of cession by France to the United States of the Province of Louisiana, in order to secure to ourselves and our posterity the enjoyment of all the rights of life, liberty, and property, and the free pursuit of happiness, do mutually agree with each other, etc.

The message of the President, transmitting the constitution which had been framed, was dated March 10, 1836, and is to be found in Document 164 of the Twenty-fourth Congress, first session, House of Representatives. It was sent by Andrew Jackson, and that Democratic President made no suggestion of irregularity in the proceedings in the holding of the convention in Arkansas and the framing of a constitution. His message is this:

> WASHINGTON, *March* 10, 1836.
>
> *To the Senate and House of Representatives:*
>
> I transmit herewith a report from the Secretary of State communicating the proceedings of a convention assembled at Little Rock, in the Territory of Arkansas, for the purpose of forming a constitution and system of government for the State of Arkansas. The constitution adopted by this convention and the documents accompanying it, referred to in the report from the Secretary of State, are respectfully submitted to the consideration of Congress.
>
> ANDREW JACKSON.

The letter of the Secretary of State is as follows:

> DEPARTMENT OF STATE, *March* 9, 1836.
>
> The Secretary of State has the honor to report to the President that he yesterday received a letter dated at Little Rock, in the Territory of Arkansas, on the 1st of February, 1836, signed by John Wilson, as president, and countersigned by C. P. Bertrand, as secretary, of the convention assembled at that place for the purpose of forming a constitution and system of government of the State of Arkansas, accompanied by a duplicate of the constitution and other documents, and requesting the Secretary of State to have the same laid before Congress.
>
> The Secretary respectfully submits to the President copies of the above-mentioned letter, together with the duplicate original of the constitution and other documents which accompanied it.
>
> JOHN FORSYTH.
>
> To the PRESIDENT OF THE UNITED STATES.

This is John Wilson's letter, addressed to the Secretary of State:

> LITTLE ROCK, A. T., *February* 1, 1836.
>
> Hon. JOHN FORSYTH, *Secretary of State:*
>
> SIR: As president of the convention assembled at this place for the purpose of forming a constitution and system of government for the State of Arkansas, I have been directed, etc.

I will not read the whole of it. Then, as president of the convention, he addresses the honorable the Senate and House of Representatives in Congress assembled:

> The people of Arkansas, through their representatives in convention assembled, respectfully represent to your honorable body that the Territory of Arkansas, by an accession of population within her limits, has now that number of inhabitants that justifies her to look with confidence to her admission into the Union as one of the free and independent States of the American Confederacy at as early a period as the necessary forms of admission can be complied with.

Nothing was said here about a Territorial Legislature having authorized the convention.

> The people of Arkansas, animated with a desire for the enjoyment of independence and self-government, have, by an expression of their will approximating to unanimity, elected representatives to meet in convention at the city of Little Rock, with full and ample powers to make a constitution and system of State government for Arkansas. The accompanying constitution is the result of their deliberations.

Then follows the constitution; and I look through that constitution in vain for any provision requiring it to be submitted to the people, and I look through all these documents in vain to find that that constitution was ever submitted to the people or ever voted upon by the people of Arkansas before its presentation to the Congress of the United States. The question of its irregularity was made in Congress, in the Senate, and Senators replied that that was not the question; that the question was whether the constitution was republican in form, whether Arkansas was entitled under the treaty, according to her population and resources, to admission as a State into the Union; and it prevailed in the Senate with only 6 votes against it. It was, I think I am justified in saying, never voted upon by the people. The argument could have been made then, not that only 8,000 people voted on it, but it could have been made that nobody voted on it; that it was an irregular, unauthorized convention that presented a constitution here; and yet Arkansas was admitted under those circumstances, and Arkansas polled in the next Presidential election only 3,638 votes.

Mr. President, it seems to me that it is altogether too late to stand here and say that this Territory shall be kept out of the Union, that all these proceedings shall be had over again, simply because no act of the Territorial Legislature was passed authorizing the calling of this constitutional convention. It was held. The best men of the Territory were elected to take part in it. No political dissension characterized the deliberations of that convention. There has been no protest sent here from that Territory.

We are treated to arguments of this character, that in some newspaper somewhere it has been stated that at a precinct in the Territory the vote was not proper and legal. That was denied on the floor of the body where the charge was first made, and denied, I believe, by the authorized Representative of the Territory of Wyoming upon that floor. Why should that be brought here? It is not a fair, manly, open way of meeting this question. The proceedings have been as regular here as in any of the States that have been admitted upon a constitution framed without an enabling act, and twelve States at least, I think thirteen States, have now been admitted upon constitutions passed by conventions held, some of them by authority of the Territorial Legislature, some of them without the authority of the Territorial Legislature, and none of them having the authority behind them of an enabling act of Congress.

Mr. PADDOCK. Mr. President, I simply wish to make a statement in respect to what occurred in my own State in connection with our movement for and our admission into the Union. There was no con-

vention whatever held in my State. The Legislature appointed a committee to draught a constitution. That constitution was draughted by the committee so appointed and reported to the Legislature. The Legislature submitted the constitution to the people direct, and the people ratified it at the general election thereafter. The vote upon the ratification was 3,938 for the adoption of the constitution and 3,838 against it. There was a very sharp controversy, a very bitter opposition to the adoption of the constitution. The majority, therefore, was very small.

But it is a significant fact in connection with what the Senator from Arkansas has said respecting the smallness of the vote in Wyoming on the adoption of that constitution that although the vote for the adoption of the constitution of the State of Nebraska occurred at a general election, when all the State officers and members of the Legislature were chosen, so that the incentive for a large vote was very great, nevertheless at that election the vote for the State officers was 9,120; and this was 1,244 more votes than were cast upon the question of the adoption and the ratification of the constitution. About one-eighth of the entire vote of the State or Territory was not polled upon the question of the ratification or adoption of the constitution.

Mr. PLATT. The estimated population of Nebraska at that time was 100,000, and it very much exceeded that, undoubtedly.

Mr. PADDOCK. No, Mr. President; as I stated to the Senator from Missouri [Mr. VEST] yesterday when he made the statement as to the population, that estimate was incorrect. The real population at that time did not exceed 45,000. Taking the entire vote upon the election of State officers, 9,120, and allowing a ratio of five persons for each vote, which would be a liberal estimate in a Territory such as Nebraska was at that time, it would come to about 45,000 people. I stated to the Senator from Missouri yesterday that my recollection was that the population as we supposed it to be at that time was about 50,000. It could not have been more than 45,000.

Mr. REAGAN. Mr. President——

Mr. PADDOCK. Again, Mr. President, if the Senator will allow me a moment, in 1875 a new constitution was framed regularly by a convention appointed by the Legislature duly elected, etc. That constitution also was submitted at a general election at which the State officers, etc., were voted for. The vote for the State officers at that time, at a general election, an important biennial election, was 46,483, whereas the vote upon the adoption of the constitution at that time was only 35,676.

So it would appear from this practical illustration that the point made by my friend from Arkansas in respect to the small vote in Wyoming upon the adoption of the constitution at a special election in an inclement season of the year, where women who were voters could not be expected to get out to vote, is not a very strong one.

Mr. REAGAN. I wish to ask the Senator before he takes his seat if he desires to be understood that the Territorial Legislature of Nebraska inaugurated a movement for the adoption of the constitution.

Mr. PADDOCK. That is exactly what I said.

Mr. REAGAN. I find in looking——

Mr. PADDOCK. If the Senator will allow me, I will give him a little more history on this subject.

Mr. REAGAN. I find in looking at part 2 of the Charters and Constitutions of the United States——

Mr. PADDOCK. If the Senator will allow me, I anticipate what he wishes to say.

Mr. REAGAN. On page 1201 of volume 2, there is the enabling act, dated April 19, 1864, authorizing Nebraska to form a constitution——

Mr. PADDOCK. That is very true; there was an enabling act, as my friend states.

Mr. REAGAN. Providing how it shall be done.

Mr. PADDOCK. There was an enabling act passed in 1864, and in pursuance of that act a convention was called in that year for the purpose of framing a constitution and delegates thereto were chosen, but the people were almost universally hostile to the movement, and in response to this overwhelming sentiment the convention met at the appointed time and adjourned upon the same day of its meeting without taking any action whatever. But three years later the Legislature itself, without reference to the enabling act, took action in this informal and irregular way that I have described.

COURT AT DANVILLE, ILL.

Mr. CULLOM. I ask unanimous consent that the bill under consideration be temporarily laid aside that I may call up the bill (H. R. 9289) to provide for a term of court at Danville, Ill. There will be no discussion upon it. It is a bill reported from the Judiciary Committee.

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

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

PAY OF LETTER-CARRIERS.

Mr. SAWYER. I report from the Committee on Post-Offices and Post-Roads an original joint resolution, on which I ask immediate action. I think there will be no objection to it. If there is I will explain it.

The joint resolution (S. R. 106) to continue the unexpended balance of appropriation for the free-delivery service of the Post-Office Department for the fiscal year ended June 30, 1888, was read the first time by its title, and the second time at length, as follows:

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the unexpended balance of $99,439.07 of the appropriation for the free-delivery service of the Post-Office Department for the fiscal year ended June 30, 1888, be continued and made available to June 30, 1891, for discharging the claims of letter-carriers for compensation for extra time in the months of May and June, 1888, made under the provisions of an act entitled "An act to limit the hours that letter-carriers in cities shall be employed per day," approved May 24, 1888.

The VICE-PRESIDENT. Is there objection to the present consideration of the joint resolution? The Chair hears none, and it is before the Senate as in Committee of the Whole.

Mr. SAWYER. If any one wishes I have a letter from the Postmaster-General which I can have read.

The VICE-PRESIDENT. If there be no amendment as in Committee of the Whole, the joint resolution will be reported to the Senate.

The joint resolution was reported to the Senate without amendment.

Mr. REAGAN. I take it for granted that we shall have to pass this joint resolution. The Department charged with the details of arranging pay for the letter-carriers at the period of eight hours a day, it is understood and stated in the paper which the chairman of the Committee on Post-Offices and Post-Roads has, has not had sufficient force to enable them to complete the business of determining the amount to be paid to each of the letter-carriers up to this date; and I take it for granted we shall have to pass the joint resolution. I do not want to discuss it, but simply to say that I wish I had the opportunity to vote for a repeal of the law which authorized such a proceeding and such an unnecessary expenditure of money.

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

Mr. SAWYER. I ask to have the letter of the Postmaster-General in support of the joint resolution printed in the RECORD. It shows why the measure is necessary.

The VICE-PRESIDENT. The letter will be printed in the RECORD, if there be no objection.

The letter is as follows:

OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., June 25, 1890.

SENATOR: I have the honor to state that the Department is now adjusting the claims of letter-carriers for services performed in excess of eight hours under the act of Congress approved May 24, 1888, entitled "An act to limit the hours that letter-carriers shall be employed per day," and that it has been and will be impossible, on account of insufficient clerical force, to complete the adjustment of any considerable number of these claims which will be chargeable to the appropriation remaining unexpended made for the fiscal year ending June 30, 1888, in time for their payment prior to said date, and to request the passage of a joint resolution by Congress authorizing the continuance until June 30, 1891, of the balance unexpended on said June 30, 1888, amounting at this date to $99,439.07, which by law will be covered into the Treasury July 1, 1890. A form of resolution is herewith inclosed for your consideration.

Respectfully,

JNO. WANAMAKER,
Postmaster-General.

Hon. PHILETUS SAWYER,
Chairman Committee on Post-Offices and Post-Roads, United States Senate.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MARTIN, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 9603) making appropriations for the diplomatic and consular service of the United States for the fiscal year ending June 30, 1891, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HITT, Mr. DUNNELL, and Mr. MCCREARY managers at the conference on the part of the House.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 9856) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1891, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BINGHAM, Mr. KETCHAM, and Mr. BLOUNT managers at the conference on the part of the House.

The message further announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 4570) to authorize the Leavenworth and Platte County Bridge Company to substitute a pivot draw-bridge over the Missouri River in place of a ponton bridge, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BAKER, Mr. ANDERSON of Kansas, and Mr. DAVIDSON managers at the conference on the part of the House.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 7263) to increase the pension of Henry L. Potter, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. MORRILL, Mr. BELKNAP, and Mr. TURNER of New York managers at the conference on the part of the House.

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

A bill (H. R. 8047) to construct a wagon bridge across the Mississippi River at Hastings, Minn.;

A bill (H. R. 8155) to grant school district No. 7 of the township of Dearborn, Wayne County, Michigan, certain lots of land for school purposes;

A bill (H. R. 8792) to authorize the construction of a bridge across the Mississippi River at Winona, Minn.; and

A bill (H. R. 10086) granting leaves of absence to clerks and employés in first and second class post-offices.

POST-OFFICE APPROPRIATION BILL.

Mr. PLUMB. I ask the Chair to lay before the Senate the message of the House of Representatives in relation to the Post-Office appropriation bill.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives, non-concurring in the amendments of the Senate to the bill (H. R. 9856) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1891, and requesting a conference on the disagreeing votes of the two Houses.

Mr. PLUMB. I move that the Senate insist on its amendments and accede to the request of the other House for a conference.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate; and Mr. PLUMB, Mr. ALLISON, and Mr. BLACKBURN were appointed.

CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

Mr. PLUMB. I ask that the message of the House of Representatives relating to the consular and diplomatic bill be also laid before the Senate.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives, non-concurring in the amendments of the Senate to the bill (H. R. 9603) making appropriations for the consular and diplomatic service of the United States for the fiscal year ending June 30, 1891, and requesting a conference on the disagreeing votes of the two Houses.

Mr. PLUMB. I move that the Senate insist on its amendments and accede to the request for a conference with the other House.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate, and Mr. HALE, Mr. ALLISON, and Mr. BLACKBURN were appointed.

WASHINGTON IRON WORKS.

Mr. HIGGINS. I am authorized by the Committee on Claims to present a report on the bill (S. 1187) for the relief of the Washington Iron Works, being a substitution for a report heretofore made.

The VICE-PRESIDENT. The report will be printed.

PROTECTION OF TIMBER ON PUBLIC LAND FROM FIRE.

Mr. PADDOCK. I ask unanimous consent that the Senate proceed to the consideration of the bill (S. 4156) for the protection of trees and other growth on the public domain from destruction by fire. It is a bill that was sent to the Senate by the President on the request and recommendation of the Secretary of the Interior.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that any person who shall maliciously or negligently and carelessly set on fire or cause to be set on fire any woods, underbrush, or prairie on any of the public lands of the United States, and any person who shall maliciously or negligently permit or suffer any fire, which he may have lighted on other lands, to pass therefrom to the public lands of the United States, to the injury of the trees, undergrowth, or prairie upon such public lands, shall be deemed guilty of a misdemeanor, and, upon conviction thereof in any district court of the United States having jurisdiction of the same, shall be fined in a sum not more than three times the value of the trees or other growth so destroyed or injured, or imprisoned for a term not more than three years, or both, one half of the fine to go the informer and the remaining half into the public-school fund of the county in which the trees or other growth so destroyed or injured are situated.

Mr. TELLER. Is that confined to the Territories? Does it not include the States?

Mr. PADDOCK. No, sir; not the States; only public lands, the general public domain under the undisputed jurisdiction of the United States.

Mr. PLATT. I should like to be sure whether it does or does not relate to public lands in the States.

Mr. PADDOCK. I did not quite understand the interrogatory of the Senator from Colorado. I am inclined to the opinion that it relates to the public domain wherever it may be. This bill came to the Senate from the Secretary of the Interior through and with the indorsement of the President of the United States. There is immediate urgency for the passage of the bill; and the reports of the Interior Department are of such a character——

Mr. TELLER. I think if the Senator will reflect a moment he must know that the Government of the United States can not create an offense in the State of Nebraska or in Colorado, except on those lands where they have exclusive jurisdiction.

Mr. PADDOCK. Then if the Government of the United States can not do it, it is not provided to be so done by the bill.

Mr. TELLER. It does not look well for us to pass such a law. The bill should be confined to the Territories of the United States. It is like a great many other things that are attempted to be done nowadays; it will amount to nothing.

Mr. PADDOCK. I do not think the point the Senator makes is good. My belief is that the forests upon the public land of the United States may be guarded by proper legislation by Congress; and certainly they ought to be in the light of recent reports as to the denudation of the forests upon the public domain by fires resulting from causes which this legislation aims to remove.

Mr. TELLER. The United States Government has no authority whatever to say what shall be larceny nor what shall be a misdemeanor on the public lands in the State of Colorado. It has no right to make it a criminal offense to burn timber in the State of Colorado. The relation of the Government of the United States to its timber in Colorado and its land is like that of any other proprietor. It can not say that a man who should trespass on it is an offender in that sense, and I object——

Mr. PADDOCK. I do not care to discuss the question raised by the Senator at this time. He may be correct, but I think not. But there is no time now to discuss this phase of the question.

Mr. TELLER. I object to the passage of a law of this kind myself. If the Senator will confine the bill to the Territories, it is all right. Otherwise, I want to enter my protest against this kind of legislation.

Mr. PADDOCK. So far as I am concerned, as one Senator I am willing to consider any amendment in the direction indicated that the Senator desires to propose.

Mr. TELLER. I will say further that in most of the States there are such laws; and in the State in which I live we have had such a law for many years. While I was Secretary of the Interior I protected the public land under the State law—I tried to do so, at least—against fire. The State passed a law against the setting out of fires, practically the same as this is. There is no occasson for it in any of the States, so far as I know. Although it may have come from the Interior Department it may have been drawn carelessly and sent here without the attention of the head of that Department, because I am sure he knows better than to attempt to have Congress pass such a law.

Mr. PADDOCK. The reports to the Department of the Interior from its inspectors have been of such a character as to make it an imperative duty of the National Government to undertake, so far as it can do so, to protect this careless and willful setting of fires in the timber of the United States wherever it may be. If the Senator's position is correct as to Federal jurisdiction, and possibly it may be as to the jurisdiction in respect to the timber lands in the States, this bill will not operate as to them, if his view, as I have said, is correct about it. The report which accompanies the bill, covering the statements made by the Secretary of the Interior, was sent to the Senate by the President himself, because of the very great importance of the legislation recommended; which statements and recommendations I should be very glad to have the Senate hear and consider at this time.

Mr. PAYNE. I raise the question whether we ought to proceed with important legislation with so thin a Senate as we have now. I raise the question that there is not a quorum here.

Mr. TELLER. I think the bill had better go over until it can be looked into.

Mr. PADDOCK. I have no objection to its going over.

Mr. TELLER. I do not care about letting it pass in this way, although it may be a good bill.

Mr. PADDOCK. I ask the Senator to look at the bill.

The VICE-PRESIDENT. The bill will go over.

Mr. PADDOCK. I ask that the report of the Committee on Agriculture and Forestry on the bill may be printed in the RECORD.

The VICE-PRESIDENT. The Chair hears no objection, and it is so ordered.

The report, submitted by Mr. PADDOCK June 25, 1890, is as follows:

Your committee to whom was referred Executive Document No. 152, being a message from the President of the United States, transmitting a draught of a bill for the protection of trees and other growth on the public domain from destruction by fire, having considered the same, hereby report as follows:

Several measures have been pending before the Committee on Agriculture and Forestry looking to the objects sought to be subserved in part by the legislation herein suggested. Such measures have been of wider scope and necessarily more voluminous in detail. They have been chiefly directed towards the enactment of a general forestry law which would place all the forests on the public domain under rigid national supervision, prevent depredations and waste, and protect the timber supply.

The present bill is intended to prevent destruction of forests, timber, and other growth by fire, by making the malicious, negligent, or causeless kindling of fires on the public domain a misdemeanor punishable under the United States laws. It very properly extends its provisions to fires kindled on the prairies or suffered to pass from private lands to the public domain through negligence.

The necessity of such legislation is clearly shown in the message of the President of the United States transmitting the letter of the Secretary of the Interior

with the accompanying communications, portions of which are hereby appended:

DEPARTMENT OF THE INTERIOR,
Washington, November 11, 1889.

SIR: I have the honor to transmit herewith a copy of a letter from the Commissioner of the General Land Office, dated the 31st ultimo, with duplicate of report, dated September 27, 1889, from Special Agent Thomas J. Matthews, and accompanying affidavits, relative to a certain forest fire, which began August 18, 1889, and continued until about the middle of September, in and about Graham, Boisé County, Idaho, and was started by C. C. Havird, sheriff of the said county, and a posse of twenty-seven men, acting under the direction of John Lemp, of Boisé City, and F. F. Church, cashier of Boisé City Bank, Boisé City, all of said Territory.

From the statement of facts set forth in the special agent's report, showing apparently unnecessary conduct on the part of the sheriff and those whom he represented, resulting in the needless destruction of much valuable Government property, I concur in the recommendation of the Commissioner that the United States attorney for Idaho be instructed to institute criminal proceedings against F. F. Church, John Lemp, and the said sheriff of Boisé County, and Deputy Sheriff T. E. Crofton, if upon a careful examination of the facts in the case such action is deemed justifiable and for the best interests of the Government.

Very respectfully,

GEO. CHANDLER,
Acting Secretary.

The ATTORNEY-GENERAL.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., May 7, 1890.

SIR: Referring to my recommendation of October 31, 1889, in the case of C. C. Haviird and others setting fire to Government timber in Idaho, I have the honor to acknowledge receipt, by reference from the Department, of the Attorney-General's letter, dated the 25th ultimo, inclosing copy of a letter from the United States attorney for Idaho, with which he returns all the papers in the case forwarded to the Department of Justice by your letter of November 11, 1889, and stating that there is no way of reaching the case under United States statutes.

In view, not only of the alleged fact that this fire extended over 4 square miles of timbered country, destroying great quantities of fine Government timber, but the further fact that disastrous and wide-spread forest fires raged in Idaho, Montana, and Oregon last year, in which millions of trees were destroyed and many lives lost; and that in response to an appeal from the governor of Idaho there was a large expenditure of Government money authorized by this Department in payment for services rendered in fighting the fires in Idaho, it is very evident that adequate legislation by Congress on the subject is imperatively needed.

I believe the statement to be entirely within bounds, that for every tree destroyed by the woodman's ax, at least ten trees are destroyed by conflagration arising, in nearly every instance, from careless, if not willful, neglect to take the most ordinary precautions.

The urgency for some law on the subject is so apparent as to require no argument. I therefore most respectfully submit herewith for your consideration, and such action as you may deem necessary, a draught of a proposed law which I believe will fully meet the requirements.

Very respectfully,

LEWIS A. GROFF, *Commissioner.*

The SECRETARY OF THE INTERIOR.

The proposed legislation is of a particularly urgent character because the season is at hand when forest fires are most numerous and destructive. It would seem to be of the highest importance that the Government should be empowered to prevent and to punish offenses of this nature, and that a deterrent measure of the simple character suggested should be enacted into a law at once.

The more extended inquiry which your committee is now making as to what additional legislation can be enacted for the preservation of the nation's timber land from denudation by the ax of the marauder is not affected by this bill to alleviate the wanton waste by fire.

Your committee therefore recommend favorable action on the bill.

SHIPPING COMMISSIONERS.

Mr. FRYE. There is a little bill which it is rather important should be sent over to the other House, to which I think there will be no objection, which I should like to have passed. It is the bill (S. 3787) to amend the laws relative to shipping commissioners. The shipping commissioners are shipping crews for coastwise vessels, and the sailors are not bound at all by the agreements of the shipping commissioners unless this bill is passed.

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

It provides that when a crew is shipped by a shipping commissioner for any American vessel in the coastwise trade, or the trade between the United States and the Dominion of Canada, or Newfoundland, or the West Indies, or Mexico, as authorized by section 2 of chapter 421 of the public laws passed by the Forty-ninth Congress, an agreement shall be made with each seaman engaged as one of such crew, in the same manner and form as is provided by sections 4511 and 4512 of the Revised Statutes for the shipment of the crews of other vessels; and the provisions of sections 4522, 4524, 4525, 4526, 4527, 4528, 4554, 4596, 4597, 4598, 4599, 4601, 4602, 4603, 4604, 4605, 4610, and 4612 of the Revised Statutes shall extend to and embrace such vessels in the coastwise trade and the trade between the United States and the Dominion of Canada, or Newfoundland, or the West Indies, or Mexico, where their crews have been shipped by a shipping commissioner, to the same extent and with the same force and effect as if these vessels had been mentioned and embraced in the language and terms of the sections specified.

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

BALTIMORE COURT-HOUSE BUILDING.

Mr. WILSON, of Maryland. I ask unanimous consent for the consideration of the bill (H. R. 8342) for the removal of the United States court-house building at Baltimore, Md.

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

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

The preamble was agreed to.

NORTHERN PACIFIC AND YAKIMA IRRIGATION COMPANY.

Mr. ALLEN. I ask unanimous consent for the consideration of the bill (S. 3745) granting to the Northern Pacific and Yakima Irrigation Company a right of way through the Yakima Indian reservation, in Washington. It is a very short bill.

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

The bill was reported from the Committee on Indian Affairs with an amendment, which was, in section 3, line 3, after the word "way," to insert "and for whatever property of said Indians may be taken in the construction of said canal;" so as to make the section read:

That it shall be the duty of the Secretary of the Interior to fix the amount of compensation to be paid the Indians for such right of way, and for whatever property of said Indians may be taken in the construction of said canal, and provide the time and manner for the payment thereof, etc.

The amendment was agreed to.

Mr. ALLEN. In section 1, line 8, I move to strike out the words "at section 33" and in lieu thereof to insert the words "in either section 4, 8, 9, or 10;" in line 9 of the same section to strike out the word "thirteen" and insert in lieu thereof the word "twelve;" and at the end of line 12 to strike out the word "seven" and insert in lieu thereof the word "seventeen."

Mr. FRYE. Is that an amendment agreed upon by the committee?

Mr. ALLEN. This amendment was not agreed upon by the committee. I will explain that it was found that this right of way was not upon the Indian reservation at all as it was described in the bill, but the amendment which I propose places it upon the corner of the reservation at the point it was supposed to have crossed.

Mr. SPOONER. It merely corrects the description, then, in the location?

Mr. ALLEN. That is all.

Mr. FRYE. It is entirely satisfactory to me.

The VICE-PRESIDENT. The amemdment will be stated.

The CHIEF CLERK. In section 1, line 8, after the word "reservation," it is proposed to strike out the words "at section 33" and insert "in either sections 4, 8, 9, or 10;" in line 9, after the word "township," to strike out "thirteen" and insert the word "twelve;" and in line 12, to strike out the word "seven" and insert the word "seventeen;" so to make the section read:

That the right of way is hereby granted, as hereinafter set forth, to the Northern Pacific and Yakima Irrigation Company, a corporation organized and existing under the laws of the State of Washington, for the construction of an irrigating canal through the Yakima Indian reservation from a point on the boundary of said reservation in either sections 4, 8, 9, or 10, township 12 north, range 18 east of the Willamette meridian, in Yakima County, in the State of Washington; thence extending in a southeasterly direction to a point on the boundary of said reservation at section 17, township 12 north, range 19 east of the said meridian.

The amendment was agreed to.

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

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

UNION RAILWAY COMPANY, OF CHATTANOOGA, TENN.

Mr. BATE. I ask unanimous consent to call up the bill (H. R. 4635) granting certain privileges to the Union Railway Company, of Chattanooga, Tenn.

By unanimous consent, the Senate, as in Committee of the Whole, resumed the consideration of the bill. It proposes to grant to the Chattanooga Union Railway Company, a corporation duly organized and existing under the laws of Tennessee, and its sucessors and assigns, a right of way 35 feet wide, running on a 15-degree curve across the southwesterly corner, and in a 12-degree curve across the southeasterly corner of the United States reservation at Chattanooga, Tenn., as indicated on plat annexed; also the privilege of occupying for depot purposes a suitable portion of land on the reservation, including the location of the present depot. It is expressly understood that no part of this land or right of way shall be used for storage of cars, and that a depot shall be maintained by the company at the road leading from the railway to the gate of the national cemetery, at or about the location of the present depot.

Mr. BATE. This is the bill that objection was offered to by the Senator from Vermont [Mr. EDMUNDS] on Saturday a week ago, because I could not then find the report of the Secretary of War. However, I found that report subsequently and handed it to the Senator from Vermont, and he offers no objection now to the passage of the bill.

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

PUBLIC BUILDING AT PARIS, TEX.

Mr. SPOONER. I ask unanimous consent to proceed to the consideration of the bill (H. R. 833) providing for the erection of a public building at Paris, Tex.

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

The bill was reported from the Committee on Public Buildings and Grounds with an amendment, to strike out all after the enacting clause and insert a substitute.

Mr. SPOONER. As I shall ask the Senate to reject the committee amendment and concur in the bill as it passed the House of Representatives, I ask unanimous consent that the reading of the amendment, which is quite long, be omitted, and that the bill as passed by the House be read.

The bill was read.

Mr. SPOONER. I ask that the substitute reported by the committee be rejected.

The VICE-PRESIDENT. The question is on agreeing to the amendment reported by the committee.

The amendment was rejected.

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

ARMY OFFICERS ON RETIRED-LIST.

Mr. HAWLEY. I ask consent to proceed to the consideration of the bill (S. 1636) for the relief of certain officers on the retired-list of the Army.

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

The bill was reported from the Committee on Military Affairs with an amendment, in line 10, after the word "authorized," to strike out "and directed to rectify the injustice thus done" and to insert "to nominate;" so as to make the bill read:

Be it enacted, etc., That whereas since the 1st day of January, 1886, certain officers of the Army, being at the time the senior officers in rank in their respective grades, and under the provisions of section 1257, Revised Statutes, entitled to be promoted to vacancies then existent in the next higher grades, were nevertheless placed upon the retired-list of the Army without such promotion, the President is hereby authorized to nominate, and by and with the advice and consent of the Senate to appoint, all such officers to the respective grades to which they were severally entitled, to take rank and date from the several times when their respective rights to promotion to vacancies became established, and to place them on the retired-list of the Army in the grades to which they are promoted.

The amendment was agreed to.

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

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

DISTRICT CHURCH PROPERTY.

Mr. VANCE. I move to take up the bill (S. 3460) to release certain church property in the District of Columbia from arrears of taxation. It is a bill to relieve certain churches in this city from special taxes and assessments that have been made against them. A number have been relieved by special bills, and this is a general relief for all churches in the same situation.

Mr. FRYE. From arrears alone?

Mr. VANCE. Yes, sir; from arrears alone.

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

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

SCHOOL OF MINES IN SOUTH DAKOTA.

Mr. MOODY. I ask consent of the Senate to proceed to the consideration of the bill (S. 3139) to aid the State of South Dakota to support a school of mines.

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

The bill was reported from the Committee on Public Lands with an amendment, to add at the end of section 1, "nor shall it exceed the amount annually expended by the State of South Dakota for said school of mines out of its treasury;" so as to make the section read:

That the State of South Dakota shall annually receive 50 per cent. of all moneys paid to the United States for mineral lands within the State of South Dakota, for the maintenance of the school of mines established at Rapid City, in the county of Pennington, in said State: *Provided*, That said sum so to be paid shall not exceed the sum of $12,000 per annum, nor shall it exceed the amount annually expended by the State of South Dakota for said school of mines out of its treasury.

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.

BROOKLYN NAVY-YARD AND NAVAL-HOSPITAL LANDS.

Mr. HISCOCK. I ask the Senate to proceed to the consideration of the bill (H. R. 6946) providing for the sale of navy-yard and United States naval-hospital lands in the city of Brooklyn, N. Y.

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

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

EIGHT-HOUR LAW IN THE DISTRICT.

The VICE-PRESIDENT laid before the Senate a communication from the commissioners of the District of Columbia, transmitting, in response to a resolution of the 15th ultimo, certain information in regard to the application of the eight-hour law to laborers employed by the District government on public works in the District of Columbia; which, with the accompanying papers, on motion of Mr. BLAIR, was referred to the Committee on Education and Labor, and ordered to be printed.

REFERENCE OF EXECUTIVE COMMUNICATION.

Mr. SHERMAN. Mr. President, I ask that the letter of the Secretary of War, which came in during my absence and was laid on the table, be referred to the Committee on Appropriations.

The VICE-PRESIDENT. It will be so ordered, if there be no objection. The Chair hears none.

EXECUTIVE SESSION.

Mr. SAWYER. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After 7 minutes spent in executive session the doors were reopened, and (at 5 o'clock and 28 minutes p. m.) the Senate adjourned until to-morrow, Friday, June 27, 1890, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate the 26th day of June, 1890.

REGISTERS OF THE LAND OFFICE.

Ben Wade Ritter, of Durango, Colo., to be register of the land office at Durango, Colo., *vice* Richard McCloud, whose term of office will expire July 2, 1890.

Adolph Dobrowsky, of Shasta, Cal., to be register of the land office at Redding (formerly Shasta), Cal., *vice* Sylvester Hull, term expired.

INDIAN AGENT.

John Tully, of Miles City, Mont., to be agent for the Indians of the Tongue River agency in Montana, *vice* Robert L. Upshaw, whose term of office will expire July 25, 1890.

COLLECTOR OF CUSTOMS.

Rockey P. Earhart, of Oregon, to be collector of customs for the district of Willamette, in the State of Oregon, in place of Hyman Abraham, to be removed.

POSTMASTERS.

W. White Jones, to be postmaster at Greensborough, in the county of Hale and State of Alabama, in the place of James W. Locke, whose commission expired May 25, 1890.

Charles L. Reed, to be postmaster at Longmont, in the county of Boulder and State of Colorado, in the place of Joseph J. Topliff, whose commission expires July 3, 1890.

Jabez T. Denning, to be postmaster at Augusta, in the county of Richmond and State of Georgia, in the place of Key Boyce, whose commission expired April 16, 1890.

John J. Hays, to be postmaster at Osborne, in the county of Osborne and State of Kansas, in the place of Millard E. Smith, whose commission expires July 26, 1890.

James Ord, to be postmaster at Medfield, in the county of Norfolk and State of Massachusetts, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1889; the nomination of Frank K. Bonney, sent to the Senate January 30, 1889, not having been confirmed.

Harvey Barker, to be postmaster at Portsmouth, in the county of Bay and State of Michigan, in the place of John King, removed.

Silas N. Harrington, to be postmaster at Marshall, in the county of Lyon and State of Minnesota, in the place of Michael Sullivan, resigned.

Lew Coleman, to be postmaster at Deer Lodge City, in the county of Deer Lodge and State of Montana, in the place of George W. Carlton, removed.

Chauncey P. Smith, to be postmaster at Jamestown, in the county of Stutsman and State of North Dakota, in the place of Anton Klaus, whose commission expired May 28, 1890.

John I. Lanphere, to be postmaster at Silver Creek, in the county of Chautauqua and State of New York, in the place of Franklin Smith, removed.

Mrs. Minnie B. Taylor, to be postmaster at Hicksville, in the county of Defiance and State of Ohio, in the place of Jacob Wisner, whose commission expires July 3, 1890.

George Griffith, to be postmaster at Kane, in the county of McKean and State of Pennsylvania, in the place of Otis G. Kelts, resigned.

Benjamin F. Wagenseller, to be postmaster at Selin's Grove, in the county of Snyder and State of Pennsylvania, in the place of H. Harvey Schoch, who was appointed and commissioned by the President May 7, 1889, but whose nomination sent to the Senate December 19, 1889, has been rejected.

John A. Stroube, to be postmaster at Chamberlain, in the county of Brûlé and State of South Dakota, in the place of William Gilman, whose commission expires July 3, 1890.

Robert B. Wood, to be postmaster at Hampton, in the county of Elizabeth City and State of Virginia, in place of Mattie K. Chisman, whose commission expired March 31, 1890.

PROMOTION IN THE ARMY.

Quartermaster's Department.

Lieut. Col. Richard N. Batchelder, Deputy Quartermaster-General, to be Quartermaster-General with the rank of brigadier-general, June 26, 1890, *vice* Holabird, retired from active service.

CONFIRMATION.

Executive nomination confirmed by the Senate May 22, 1890.

POSTMASTER.

John H. Johnston, to be postmaster at Danville, in the county of Pittsylvania and State of Virginia.

HOUSE OF REPRESENTATIVES.

THURSDAY, *June* 26, 1890.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

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

BRIDGE ACROSS THE MISSISSIPPI AT WINONA, MINN.

Mr. DUNNELL. I ask unanimous consent that the bill (H. R. 8792) to authorize the construction of a bridge across the Mississippi River at Winona, Minn., may be considered at this time. I will state that this bill has heretofore been read except the two closing sections, when the gentleman from New York [Mr. SPINOLA] objected. I understand that he will not now make objection.

Mr. DOCKERY. What is the bill?

Mr. DUNNELL. It is a bill for the construction of a bridge at the city of Winona, Minn. The bill was written at the War Department.

Mr. MCCREARY. I desire to inquire whether the bill contains simply the usual provisions.

Mr. DUNNELL. The bill is in the usual form. It was prepared at the War Department.

Mr. SPINOLA. I have no objection.

The SPEAKER. Unless the reading of the whole bill be called for, the Clerk will read the two sections not heretofore read.

The Clerk resumed and concluded the reading of the bill.

There being no objection, the House proceeded to the consideration of the bill.

The substitute recommended by the Committee on Commerce was agreed to.

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

Mr. DUNNELL 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.

LEAVE OF ABSENCE TO POST-OFFICE EMPLOYÉS.

Mr. KETCHAM. I ask unanimous consent that the Committee of the Whole on the state of the Union be discharged from the further consideration of the bill (H. R. 10086) granting leaves of absence to clerks and employés in first and second class post-offices, and that the House now proceed to consider the bill. I will simply state that this bill has been recommended by the Post-Office Department, has been unanimously approved by the Committee on the Post-Office and Post-Roads, and will involve no additional expense to the Government.

The bill was read, as follows:

Be it enacted, etc., That from and after July 1, 1890, the clerks and employés attached to first and second class post-offices be allowed leaves of absence, with full pay, for not exceeding fifteen days in any one fiscal year: *Provided*, That no clerk nor employé be granted a leave until he has performed service for one year.

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

Mr. FLOWER. I hope there will be no objection. The bill does not involve one dollar of expense to the Government. I can say from personal observation, founded on an experience of six years in connection with the postal service, that no class of people employed by the Government more fully earn their salaries than this class of post-office employés, and they are certainly entitled to this little relief that the present bill affords them. I hope the bill will pass, and I trust also that we shall as soon as the opportunity arises give our post-office clerks the benefit of the eight-hour system.

Mr. DOCKERY. I will inquire of the gentleman from New York [Mr. KETCHAM] whether this bill carries an appropriation?

Mr. KETCHAM. It does not.

Mr. BLAND. Has the bill been reported from any committee?

Mr. KETCHAM. It has received the unanimous approval of the Committee on the Post-Office and Post-Roads.

Mr. BLAND. Understanding that the bill has been reported favorably by a committee of this House, I shall not object to its consideration; otherwise I should do so.

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

Mr. KETCHAM 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.

DONATION OF LAND FOR SCHOOL PURPOSES.

Mr. CHIPMAN. I ask unanimous consent for the present consideration of the bill (H. R. 8155) to grant school district No. 7 of the township of Dearborn, Wayne County, Michigan, certain lots of land for school purposes.

The bill was read, as follows:

Be it enacted, etc., That the following described lands, situate in the township of Dearborn, county of Wayne and State of Michigan, to wit, lots 68, 69, 70, 71, 72, 95, 96, 98, 99, are hereby granted to school district No. 7 of said township, to be used for school purposes, the said lands being bounded by Center street, Mason street, Morley avenue, and Garrison street, according to the plat of the United States military reservation in said township.

The amendment recommended by the Committee on the Public Lands was read, as follows:

Add the following as new sections:

SEC. 2. That the Secretary of the Interior shall cause the unsold portion of the grounds, and the building thereon known as the Dearborn arsenal, in the State of Michigan, except the lots named in section 1 of this act, to be reappraised and sold for cash, at not less than the appraised value, to the highest bidder, after giving not less than ninety days' notice of such sale in three of the most prominent newspapers published in said State: *Provided*, That each subdivision, together with any buildings, building materials, or other property, thereon, shall be appraised and offered separately, at public outcry, to the highest bidder, after which any unsold subdivision or subdivisions, together with any buildings, building materials, or other property thereon, shall be subject to sale at private entry for the appraised value, at the proper land office.

SEC. 3. That the sum of $500, to be immediately available, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to carry into effect the provisions of this act.

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

Mr. TAYLOR, of Illinois. Is there a report in this case? If so, I should like to hear it read.

Mr. CHIPMAN. Let the report be read; it is very short.

The report (by Mr. PAYSON) was read, as follows:

The Committee on the Public Lands, to whom was referred the bill (H. R. 8155) to grant school district No. 7 of the township of Dearborn, Wayne County, Michigan, certain lots of land for school purposes, having fully considered the same, respectfully report:

By act of Congress of March 3, 1875, volume 18, Statutes at Large, page 510, certain lands of the United States adjoining Detroit, Mich., and called the Detroit arsenal, were ordered to be platted, appraised, and sold at not less than the appraisement.

Under this, one hundred and fifty-three lots were laid off and seventy-four sold. The remainder, seventy-nine, are still the property of the United States. Only ten lots have been sold in the past six years; the value has largely depreciated, and the Secretary of the Interior has recommended a new appraisement and sale of the remainder of the lots.

The authorities of the school district in which the lots lie ask for a donation of one block, nine lots, as a school site, and, as the community is poor, the lots not valuable, probably not exceeding $600 to $800, we recommend the passage of the bill, amended by adding two appropriate sections for the sale of the remaining lots.

There being no objection, the House proceeded to the consideration of the bill.

The amendment reported by the Committee on the Public Lands was agreed to.

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

Mr. CHIPMAN 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.

WAGON-BRIDGE AT HASTINGS, MINN.

Mr. HALL. I ask unanimous consent for the present consideration of the bill (H. R. 8047) to construct a wagon-bridge across the Mississippi River at Hastings, Minn.

Mr. HEMPHILL. After this I will call for the regular order. I had agreed with some gentlemen here that inasmuch as there had been two recognitions on the other side for requests for unanimous consent I would not object to two on this side.

The SPEAKER. As the Chair understands, the regular order is demanded.

Mr. FLOWER. I hope the gentleman from South Carolina [Mr. HEMPHILL] will withdraw his objection. When this is disposed of my colleague [Mr. SPINOLA] desires consent for the consideration of a small bill.

Mr. HEMPHILL. I would like to say in explanation that I did

agree with some gentlemen here that inasmuch as two gentlemen on the other side had been recognized to call up bills by unanimous consent I would not object to two on this side. But if our friends over there come in and our friends over here want to do the same thing constantly, we shall never get through.

The SPEAKER. The Chair thinks an examination will show that the recognitions have been equally divided between the two sides; that there has not been enough difference to account for the difference in numbers of the two sides.

Mr. HEMPHILL. I am not making any criticisms of the Chair.

The SPEAKER. The Chair is very glad to have an opportunity to make this statement, because he has noticed that some criticism has been made on this point.

Mr. GEISSENHAINER. I understand the objection is withdrawn.

The SPEAKER. Is the objection withdrawn by the gentleman from South Carolina [Mr. HEMPHILL]?

Mr. HEMPHILL. Yes, sir.

The bill was read.

Mr. BLAND. Has this bill been favorably reported by a House committee?

Mr. HALL. Yes, sir; it is reported favorably by the Committee on Commerce; the report accompanies the bill.

There being no objection, the House proceeded to the consideration of the bill.

The amendments reported by the Committee on Commerce were read, as follows:

After the word "structure," in line 27 of section 4, insert:
"And for the safety of vessels passing at night there shall be displayed on said bridge, from the hour of sunset to sunrise, such lights or other signals as may be prescribed by the Light-House Board."

Add a section, to be known as section 7, as follows:
"SEC. 7. That this act shall be null and void if actual construction of the bridge herein authorized be not commenced within one year and completed within three years from the date of the passage of this act."

The amendments were agreed to.

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

Mr. HALL 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. MCCOOK, its Secretary, announced that the Senate had passed with amendments, in which concurrence was requested, a joint resolution (H. Res. 166) authorizing Ensign J. B. Bernardou, United States Navy, to accept two vases presented to him by the Government of Japan.

The message also announced that the Senate had passed with amendments a joint resolution (H. Res. 104) to permit the Secretary of War to grant a revocable license to use a pier, as petitioned by vessel-owners of Chicago, Ill., asked a conference with the House on the bill and amendments, and had appointed Mr. CULLOM, Mr. DOLPH, and Mr. RANSOM conferees on the part of the Senate.

The message further announced that the Senate had passed bills of the following titles, in which concurrence of the House was requested:

A bill (S. 3917) to adopt regulations for preventing collisions at sea; and

A bill (S. 3918) in regard to collision at sea.

LEAVE OF ABSENCE, PER DIEM CUSTOMS EMPLOYÉS.

Mr. SPINOLA. Mr. Speaker, I ask unanimous consent to consider Senate bill No. 276, providing for leave of absence to the officers and employés of the customs service of the Government who receive per diem compensation.

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

The bill was read at length.

Mr. HOLMAN. Mr. Speaker, I wish to suggest to my friend from New York that this measure should be broadened, I think. We have been legislating in this direction for several years past, making exception of a case here and there, but enacting no legislation broad enough to cover the various departments of the Government.

Mr. CUMMINGS. Let me suggest to the gentleman from Indiana that this bill does not take one penny out of the Treasury of the United States.

Mr. HOLMAN. I so understand, and I am not referring to that as a provision of the bill. I am not objecting on that ground.

Mr. SPINOLA. You can bring in a general bill at any time hereafter. Let this bill go through now.

Mr. FLOWER. Yes, we can get them all in hereafter in some general measure.

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

Mr. HOLMAN. I am not objecting, Mr. Speaker, but I do not think this is the right kind of legislation. There are, for instance, our navy-yards and certain people about the Capitol here employed, for whom no provision is made.

Mr. BUCKALEW. Mr. Speaker, I retained the right to object, as this seemed likely to lead to discussion and consumption of time.

The SPEAKER. Does the gentleman object?

Mr. BUCKALEW. Yes, I do object, and demand the regular order.

The SPEAKER. Objection is made.

Mr. HOLMAN. I have not objected to the consideration of the bill.

The SPEAKER. But the gentleman from Pennsylvania objects and demands the regular order.

FEDERAL ELECTION LAW.

The SPEAKER. The House under the special order proceeds to consider the bill (H. R. 11045) to amend and supplement the election laws of the United States, etc. The gentleman from Massachusetts [Mr. LODGE] is recognized.

Mr. LODGE. Mr. Speaker, I desire to ask first that this bill and the report accompanying it may be reprinted for the use of the House. The supply, I am informed at the document-room, is entirely exhausted. I ask that both the majority report and the views of the minority be ordered reprinted, together with the bill.

The SPEAKER. In the absence of objection, the order will be made.

There was no objection, and it was so ordered.

The SPEAKER. The first thing in order is the reading of the bill.

Mr. LODGE. I ask unanimous consent to dispense with the reading of the bill.

The SPEAKER. Is there objection?

There was no objection.

Mr. LODGE. Mr. Speaker——

Mr. BUCKALEW. Before the gentleman from Massachusetts proceeds I want to understand, as a member of the minority of the committee which reported the bill, how members will have the time assigned to them in debate upon the floor; whether the chairman of the Committee on Election of President and Vice-President has anything to propose in regard to the matter? If so, I hope he will suggest some such arrangement before proceeding with his argument.

Mr. LODGE. I understand, Mr. Speaker, that the time is to be equally divided, whatever it may be, between the two sides of the question; and that the recognitions, of course, will be in the usual manner. I know of no other arrangement that can be made, or has been suggested. I know there are a great many more requests for time on this side of the House than the time allotted to debate will allow; and I suppose we will have to do the best we can in regard to that matter. Of course any arrangement as to the division of time on the other side the gentleman chooses to make, or that will be satisfactory to that side, will be entirely satisfactory to me. I shall not object to any such arrangement on their part.

Mr. BUCKALEW. I would ask if the gentleman from Massachusetts proposes to control the recognitions on the majority side.

Mr. LODGE. I suppose, Mr. Speaker, that outside of the members of the committee themselves, who are entitled to their time, the recognitions must proceed from the Chair, the time having been fixed by a general rule or order of the House. I do not suppose it lies with the chairman of the committee to control it.

Mr. BUCKALEW. Unless by common consent.

Mr. LODGE. Of course, unless by common consent. I have no wish personally on the subject. I have not the slightest objection to your controlling absolutely your time on that side.

Mr. BLOUNT. Mr. Speaker, I make this suggestion: That we go on for an hour or so, and I have no doubt that in the mean time some arrangement can be made which will be satisfactory to all parties.

Mr. BUCKALEW. I wish merely to say in behalf of the minority of the committee, that a large number of gentlemen, some twenty-five or thirty of the minority, have applied to the members of the commitee who made the minority report for time; and their names have all been taken down, with the understanding that the minority of the committee would control the time on this side of the House. But if that arrangement is not made by consent of the House, if assignments are to be made by the Speaker, of course——

The SPEAKER. The Chair will be very glad to listen to any suggestion of the gentleman from Pennsylvania as to the control of the time on that side of the question, if he desires to control it, and no objection is made by other members of the House.

Mr. BUCKALEW. I wish to continue, Mr. Speaker, the suggestion that a number of gentlemen have also submitted their names to the Speaker for recognition and there is liability of confusion unless some understanding can be reached in the House as to the division of the time on the subject. In that event, I shall abdicate any concern about it and these gentlemen can make their own arrangements. I merely wish to add that individually I do not care a straw as to what arrangement may be made, provided it is satisfactory to the gentlemen themselves.

Mr. TUCKER. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusette [Mr. LODGE] control the time on that side of the House, and the gentleman from Pennsylvania [Mr. BUCKALEW] be considered as controlling the time on this side of the House.

Mr. KERR, of Iowa, and Mr. SPINOLA objected.

Mr. KERR, of Iowa. I have no objection to the gentleman from Pennsylvania controlling the time on that side of the House.

Mr. BLOUNT. I call for the regular order, with the hope, Mr. Speaker, that after debate has proceeded for some time, some arrangement may be made.

The SPEAKER. The Chair thinks there is no doubt that some satisfactory arrangement can be made, if gentlemen on the committee will endeavor to do so.

Mr. LODGE. Mr. Speaker, I do not think that any graver or more important subject could come before this House than the one presented by the pending bill. The subject is one which demands the most serious and deliberate treatment on the part of the House. So far as I am concerned, I desire to say that I have absolutely no personalities to indulge in; that I have no bitter reflections to make upon any one anywhere, and that it will be my endeavor to treat the question as dispassionately and as temperately as I can.

Such argument as I have to make, Mr. Speaker, I should like to make, complete and connectedly, as a whole, without being broken in upon or diverted to side issues; and I therefore would take the liberty of asking that I may be allowed to proceed without interruption, and I trust that I shall not be considered discourteous if I decline to yield to questions.

The bill before us proposes to extend and perfect existing laws in regard to the supervision of the elections of members of this body, so that they will be effective throughout the United States, wherever the application of the law is demanded. It is needless for me to say to the House that the power of the United States in regard to elections extends only to those at which members of this body are chosen. This bill proposes to exercise this power, when demanded, in such a way as to secure, so far as possible, fair and honest elections for Representatives in Congress, without disturbing or overthrowing in any way the State machinery employed for the same purpose.

The bill provides that a chief supervisor shall be appointed by the circuit courts in each judicial circuit of the United States, that on petition of 100 citizens in an entire Congressional district, or in a city of over 20,000 inhabitants, or on the petition of 50 citizens in a county, such city, Congressional district, or county shall be put under the operation of this law. Unless citizens desire the application of this law it will not be applied. If citizens do desire it to the numbers that I have mentioned, it will be applied. The duties of the officers appointed by the chief supervisor upon petition to carry out the instructions and duties imposed upon them by the bill are to act simply as officers of supervision and observation, and they stand side by side with the local officers who register and receive the votes, who count and who return them. No local machinery is disturbed, no local officer is displaced, no man, if this law is applied to a district, will cast his vote in any manner different from that in which he now casts it. No State which has adopted a system of a secret and official ballot is interfered with. On the contrary, a special provision is made for the existence of such systems, and, in a word, the operation of this law leaves the local systems entirely untouched.

The first duty of the officers appointed under this bill is that of observation and report, first on registration where registration exists, in order that such registration may be pure; that no man's name may be upon it which does not belong there, and that no man's name may be taken from it which has a right to be there. Their next duty is to stand at the polls and watch the reception of the vote. Their next duty is to take part in the count of the votes and make a return to the chief supervisor. If the law applies simply to a city or a county, their duty ends there. If, however, it applies to an entire Congressional district, the law provides for the establishment of a United States board of canvassers, also to be appointed by the circuit courts, who shall canvass and return the votes as returned to them by the supervisors, and make certificate of the same to the Clerk of this House. If that certificate agrees with the certificate of the State officers, of course the man holding both certificates is seated. If, however, they differ—and this is the only point where the law gives absolute control to the United States—the certificate of the United States board of canvassers is to be *prima facie* evidence, and is to place the name of the holder upon the roll of the Representatives of this body.

The penal sections now existing in regard to violations of election laws have been revised so as to make the punishment commensurate with what the committee believes to be the most serious crimes in their way that can be committed, crimes against the suffrage.

The general purposes and methods of the bill can be easily understood from the outline of its objects which I have given. Now one word as to the principles on which it rests.

The great safeguard to the public welfare of this country is publicity. Public opinion always governs in the last resort, and that it should govern rightly it needs only to be correctly informed. Everything which concerns government, from the selection of the pettiest town officer to the conduct of the vast affairs of the nation, should be done so that it may be seen and known of all men. Darkness is noxious to free institutions, but in the brightest light that can shine upon them they flourish and grow strong.

The business of the people must not be transacted in dim corners or in locked rooms, but openly, before the people's eyes, and this applies with tenfold force to the foundations upon which the whole vast system rests. The greatest assurance of honest elections lies in making absolutely public every step and every act by which the Representatives of the people are chosen to their high offices. To secure complete publicity at every stage of an election, therefore, is the leading principle of this bill. From the earliest process by which citizens are made to the very last by which Representatives are certified, every step under this bill is to be watched over and reported by officers of the United States; every transaction, no matter how trivial, if it has relation to elections and to voting, is to be brought out into light so that the people of the United States may behold and understand it. If all is well and rightly done, it will be known. If aught is wrong, it too will be known, and wrong withers away when it is dragged out into the bright light of day.

To secure absolutely this great safeguard of publicity by an accurate report of every fact, this bill provides that the officers charged with this duty shall represent the two leading parties at every registration office and every polling place where they are posted. If an officer has a political interest which leads him to misrepresent the facts, he has by his side an associate of the opposite interest to disclose the truth. These officers derive their authority from the source which is farthest removed from party politics, the courts of the United States, and their chief is so far as possible placed above temptation by holding his office by a tenure which depends solely on his fidelity to his trust and not on the chances of politics. Such is the security for an honest and entire publicity given in the bill. But a still further security is found in the fact that the local officers stand side by side with the officers of the United States. They conduct the registration and the elections, and they report them also. Thus we have two reports from two different sources of all the facts connected with the election; concealment becomes impossible without a resort to violence, and violence is in itself publicity.

The first principle in the bill, therefore, is to secure this absolute publicity in regard to everything connected with the election of a member of Congress. The second is to make sure that every man who is entitled to vote has an opportunity to cast his vote freely and have it counted, and that no man who is not entitled to vote shall be allowed to vote. To the qualified voter this bill aims to give full opportunity. If he is threatened it seeks to protect him; if he is ignorant it seeks to inform him. On the other hand, in order to prevent the man who is trying to vote in violation of the law or the officer who is fraudulent and corrupt from carrying out his wrongdoing, this bill offers the means of speedy punishment and of collecting the evidence necessary to conviction.

Such, in brief, are the provisions and the principles on which this bill rests. To the honest voter it offers no interference, but only protection in his rights; to the honest party, seeking success only by honest means, it has no terrors. But to the man or the party who seeks to do wrong and to profit by fraud, corruption, or violence, it brings publicity and punishment.

Such being the principles and purposes of the bill, two questions arise in regard to it: First, is it within the power of Congress to enact such a law; and, second, if Congress has the power, is it necessary and expedient to exercise it? As to the first point, the constitutional power to enact such legislation, there is not, I think, much room for discussion. The language of the Constitution is so plain that it admits of but one interpretation, and if doubt ever could have existed, the decisions of the Supreme Court make doubt no longer possible.

This necessary power is found in section 4, Article I, of the Constitution of the United States, which 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 language employed in this section is so plain that it would seem almost superfluous to enter into argument or discussion as to its meaning. If words mean anything those just quoted mean that the power of Congress over the conduct of elections of members of this body is absolute and complete. The Constitution says that Congress may make all regulations in regard to the election of Representatives, and the power to "make regulations" thus conferred is in terms exclusive and paramount.

But out of abundance of caution the framers of the Constitution went further and added to the word "make" the words "to alter;" that is, under the Constitution, Congress has power to assume complete control of elections of its members and conduct them at such times and places and through such officers and under such rules as it may see fit. On the other hand, Congress may under this clause leave the entire regulation of the election of Representatives to the States, or it may take a partial control of a part of the necessary procedure and leave what remains to the State, or it may alter and amend the State regulations and supervise and enforce their execution.

On a matter of such importance, however, it will not be amiss to cite a few controlling authorities and to show that the power of Congress in regard to the election of Representatives is not only paramount, but that it can be exercised to any degree, from total control downward, which Congress may deem wise. In the convention of 1787, on the 9th

of August, Mr. Pinckney and Mr. Rutledge moved to strike out the words which in the draught then before the convention conferred this power upon Congress. The motion was lost, apparently without a division, and, if we may judge from Mr. Madison's notes, had no serious support in the convention. The remarks made, however, in opposition to the motion of Mr. Pinckney show clearly the view taken of this clause by the framers of the Constitution and the paramount character of the power conveyed by it, although in the draught then under consideration the clause was much less sweeping than it afterwards became in the instrument as adopted.

Mr. MADISON. The necessity of a general government supposes that the State Legislatures will sometimes fail or refuse to consult the common interest at the expense of their local conveniences or prejudices. The policy of referring the appointment of the House of Representatives to the people and not to the Legislatures of the States supposes that the result will be somewhat influenced by the mode. This view of the question seems to decide that the Legislatures of the States ought not to have the uncontrolled right of regulating the times, places, and manner of holding elections. These were words of great latitude. It was impossible to foresee all the abuses that might be made of the discretionary power. Whether the electors should vote by ballot or *viva voce;* should assemble at this place or that place; should be divided into districts or all meet at one place; should all vote for all the Representatives or all in a district vote for a number allotted to the district—these and many other points would depend on the Legislatures, and might materially affect the appointments.

Whenever the State Legislatures had a favorite measure to carry they would take care so to mold their regulations as to favor the candidates they wished to succeed. Besides, the inequality of the representation in the Legislatures of particular States would produce a like inequality in their representation in the National Legislature, as it was presumable that the counties having the power in the former case would secure it to themselves in the latter. What danger could there be in giving a controlling power to the National Legislature? Of whom was it to consist? First, of a Senate to be chosen by the State Legislatures. If the latter, therefore, could be trusted, their representatives could not be dangerous.

Secondly, of Representatives elected by the same people who elect the State Legislatures. Surely, then, if confidence is due to the latter it must be due to the former. It seemed as improper in principle, though it might be less inconvenient in practice, to give to the State Legislatures this great authority over the election of the Representatives of the people in the General Legislature as it would be to give to the latter a like power over the election of their representatives in the State Legislature.

Mr. KING. If this power be not given to the National Legislature, their right of judging of the returns of their members may be frustrated. No probability has been suggested of its being abused by them. Although this scheme of erecting the General Government on the authority of the State Legislatures has been fatal to the Federal establishment, it would seem as if many gentlemen still foster the dangerous idea.

Mr. Gouverneur Morris observed that the States might make false returns, and then make no provisions for new elections.—*The Madison Papers*, volume 3, pages 1280, 1281.

The interpretation then given to this clause of the Constitution has never been shaken. Mr. George Ticknor Curtis, in the latest edition of his Constitutional History of the United States, which is, as everybody is aware, a work of very high authority and great research, says in regard to this clause:

This provision originated with the committee of detail; but as it was reported by them, there was no other authority reserved to Congress itself than that of altering the regulations of the States, and this authority extended as well to the place of choosing the Senators as to all the other circumstances of the election. In the convention, however, the authority of Congress was extended beyond the alteration of State regulations so as to embrace a power to make rules, as well as to alter those made by the States. But the place of choosing the Senators was excepted altogether from this restraining authority and left to the States. Mr. Madison, in his minutes, adds the explanation that the power of Congress to make regulations was supplied, in order to enable them to regulate the elections if the States should fail or refuse to do so. But the text of the Constitution, as finally settled, gives authority to Congress "at any time" to "make or alter such regulations;" and this would seem to confer a power which, when exercised, must be paramount, whether a State regulation exists at the time or not.—*Constitutional History of the United States*, volume I, pages 479, 480.

We are not left, however, merely to the views of the convention or of the commentators upon the Constitution to learn the meaning of this clause, conferring the power to regulate elections. Its correct interpretation has been twice given in the fullest manner by the supreme judicial tribunal upon which the Constitution confers the authority to determine finally upon the meaning of its own provisions. In the case of Siebold (*Ex parte* Siebold, 100 United States, 371), Mr. Justice Bradley delivering the opinion of the court, Justices Clifford and Field dissenting, the following passages give the views of the court upon this important power of Congress:

It seems to us that the natural sense of these words is the contrary of that assumed by the counsel of the petitioners.

After first authorizing the States to prescribe the regulations, it is added, the Congress may at any time, by law, make or alter such regulations. "Make or alter!" What is the plain meaning of these words? If not under the prepossession of some abstract theory of the relations between the State and National Governments, we should not have any difficulty in understanding them. There is no declaration that the regulations shall be made either wholly by the State Legislatures or wholly by Congress. If Congress does not interfere, of course they may be made wholly by the State; but if it chooses to interfere, there is nothing in the words to prevent its doing so, either wholly or partially.

On the contrary, their necessary implication is that it may do either. It may either make the regulations or it may alter them. If it only alters, leaving, as manifest convenience requires, the general organization of the polls to the State, there results a necessary co-operation of the two governments in regulating the subject. But no repugnance in the system of regulations can arise thence, for the power of Congress over the subject is paramount. It may be exercised as and when Congress sees fit to exercise it. When exercised, the action of Congress, so far as it extends and conflicts with the regulations of the State, necessarily supersedes them. This is implied in the power to "make or alter." (Pages 383, 384.)

So in the case of laws for regulating the elections of Representatives to Congress. The State may make regulations on the subject; Congress may make regulations on the same subject, or may alter or add to those already made. The paramount character of those made by Congress has the effect to supersede those made by the State, so far as the two are inconsistent, and no further. There is no such conflict between them as to prevent their forming a harmonious system perfectly capable of being administered and carried out as such. (Page 386.)

The objection that the laws and regulations, the violation of which is made punishable by the acts of Congress, are State laws and have not been adopted by Congress is no sufficient answer to the power of Congress to impose punishment. It is true that Congress has not deemed it necessary to interfere with the duties of the ordinary officers of election, but has been content to leave them as prescribed by State laws. It has only created additional sanctions for their performance, and provided means of supervision in order more effectually to secure such performance. The imposition of punishment implies a prohibition of the act punished. The State laws which Congress sees no occasion to alter, but which it allows to stand, are in effect adopted by Congress. It simply demands their fulfillment. Content to leave the laws as they are, it is not content with the means provided for their enforcement. It provides additional means for that purpose, and we think it is entirely within its constitutional power to do so. It is simply the exercise of the power to make additional regulation. (Pages 388, 389.)

On the contrary, as already said, we think it clear that the clause of the Constitution relating to the regulation of such elections contemplates such co-operation whenever Congress deems it expedient to interfere merely to alter or add to existing regulations of the State. If the two governments had as [illegible] equality of jurisdiction there might be an intrinsic difficulty in such co-operation. Then the adoption by the State government of a system of regulations might exclude the action of Congress. By first taking jurisdiction of the subject the State would acquire exclusive jurisdiction in virtue of a well-known principle applicable to courts having co-ordinate jurisdiction over the same matter. But no such equality exists in the present case. The power of Congress, as we have seen, is paramount, and may be exercised at any time, and to any extent which it deems expedient; and so far as it is exercised, and no further, the regulations effected supersede those of the State which are inconsistent therewith.

The Supreme Court also discussed this clause of the Constitution still more fully in *Ex parte* Yarborough (110 U. S., 651) when Mr. Justice Miller delivered the opinion of the court and no dissent was noted:

That a Government whose essential character is republican, whose executive head and legislative body are both elective, whose most numerous and powerful branch of the Legislature is elected by the people directly, has no power by appropriate laws to secure this election from the influence of violence, of corruption, and of fraud is a proposition so startling as to arrest attention and demand the gravest consideration.

If this Government is anything more than a mere aggregation of delegated agents of other States and governments, each of which is superior to the General Government, it must have the power to protect the elections on which its existence depends from violence and corruption.

If it has not this power it is left helpless before the two great natural and historical enemies of all republics, open violence and insidious corruption. (Pages 657, 658.)

Will it be denied that it is in the power of that body to provide laws for the proper conduct of those elections? To provide, if necessary, the officers who shall conduct them and make return of the result? And, especially, to provide in an election held under its own authority for security of life and limb to the voter while in the exercise of this function. Can it be doubted that Congress can by law protect the act of voting, the place where it is done, and the man who votes from personal violence or intimidation and the election itself from corruption and fraud?

If this be so, and it is not doubted, are such powers annulled because an election for State officers is held at the same time and place? Is it any less important that the election of members of Congress should be the free choice of all the electors because State officers are to be elected at the same time? (*Ex parte* Siebold, 100 U. S., 371.)

These questions answer themselves; and it is only because the Congress of the United States, through long habit and long years of forbearance, has, in deference and respect to the States, refrained from the exercise of these powers that they are now doubted.

But when, in the pursuance of a new demand for action, that body, as it did in the cases just enumerated, finds it necessary to make additional laws for the free, the pure, and the safe exercise of this right of voting they stand upon the same ground and are to be upheld for the same reasons. (Pages 661, 662.)

If this were conceded, the importance to the General Government of having the actual election—the voting for those members—free from force and fraud is not diminished by the circumstance that the qualification of the voter is determined by the law of the State where he votes. It equally affects the Government; it is as indispensable to the proper discharge of the great function of legislating for that Government that those who are to control this legislation shall not owe their election to bribery or violence, whether the class of persons who shall vote is determined by the law of the State or by the law of the United States, or by their united result. (Page 663.)

If the Government of the United States has within its constitutional domain no authority to provide against these evils, if the very sources of power may be poisoned by corruption or controlled by violence and outrage without legal restraint, then, indeed, is the country in danger, and its best powers, its highest purposes, the hopes which it inspires, and the love which enshrines it, are at the mercy of the combinations of those who respect no right but brute force, on the one hand, and unprincipled corruptionists on the other. (Page 667.)

The court in *Ex parte* Siebold also ruled very plainly in regard to the power of Congress under this clause of the Constitution to treat State officers conducting elections as officers of the United States:

It is objected that Congress has no power to enforce State laws or to punish State officers, and especially has no power to punish them for violating the laws of their own State. As a general proposition this is undoubtedly true, but when in the performance of their functions State officers are called to fulfill duties which they owe to the United States as well as to the State, has the former no means of compelling such fulfillment?

In view of the fact that Congress has plenary and paramount jurisdiction over the whole subject, it seems almost absurd to say that an officer who receives or has custody of the ballots given for a Representative owes no duty to the National Government which Congress can enforce, or that an officer who stuffs the ballot-box can not be made amenable to the United States. If Congress has not, prior to the passage of the present laws, imposed any penalties to prevent and punish frauds and violations of duty committed by officers of election it has been because the exigency has not been deemed sufficient to require it, and not because Congress has not the requisite power. (Pages 397, 388.)

They also decided that it conferred upon Congress the power to appoint officers of its own to act as police at the polls, where a member

of Congress is being chosen, for the preservation of order and for the protection of the electors in their right to freely and peaceably cast their ballots:

> The counsel for the petitioners concede that Congress may, if it sees fit, assume the entire control and regulation of the election of Representatives. This would necessarily involve the appointment of the places for holding the polls, the times for voting, and the officers for holding the election; it would require the regulation of the duties to be performed, the custody of the ballots, the mode of ascertaining the result, and every other matter relating to the subject. Is it possible that Congress could not, in that case, provide for keeping the peace at such elections and for arresting and punishing those guilty of breaking it?
>
> If it could not, its power would be but a shadow and a name. But if Congress can do this, where is the difference in principle in its making provision for securing the preservation of the peace, so as to give to every citizen his free right to vote without molestation or injury, when it assumes only to supervise the regulations made by the State, and not to supersede them entirely? In our judgment there is no difference; and if the power exists in the one case it exists in the other. (*Ex parte* Siebold, page 396.)

In view of the language of the Constitution, of its intention as explained by its framers, and of the full and elaborate decisions of the Supreme Court on every point which could be involved therein, there can be no need for your committee to offer further argument as to the constitutional powers of Congress to pass such a bill as that which they report herewith. This bill is only a partial exercise of the plenary power of Congress in regard to the election of Representatives. It provides merely that the United States shall watch over every stage of an election which concerns the choice of a member of this body, shall give to all those proceedings the utmost publicity, which in this country is the surest safeguard of the rights of the people, and shall by a single act of control, if necessary, prevent the false certification of a member by any State officer or officers who may be ready to violate the laws.

Mr. Speaker, I will not enter further into the constitutional question, for it seems to me to be wholly needless. It is safe to say that no clause of the Constitution is more plainly expressed than that which relates to the control by Congress of Congressional elections, and that none has ever been more decisively construed by the great tribunal upon whom the high duty of finally interpreting the Constitution devolves. Congress has the absolute power to deal with the election of members of this House as it pleases; and the fact that it has never used this or any other power sparingly makes no difference in the argument. Power implies responsibility, and where responsibility exists it can not be shirked by leaving in abeyance the exercise of the power designed to meet it. If citizens of the United States entitled to vote for Representatives in Congress are deprived of their rights, it is the duty of Congress to see that they are protected. If Congressional elections anywhere are tainted with fraud or corruption, or are perverted by violence, it is the duty of Congress to interfere, and that duty is imperative, because the power of interference exists. If the people, or any considerable body of people, believe that Congressional elections anywhere are fraudulent or corrupt, it is the duty of Congress to interfere in order to restore public confidence.

It is not enough that elections should be fair; they must be known to be fair. They must be known to be fair beyond the reach of doubt or questioning. It is as important to have public confidence in the verdict of the ballot-box as it is to have the verdict itself honest. If people come to believe that the result of the elections is not in reality the will of the majority, the day is not far distant when that result will be set aside by force and the very foundations of the Government will be shaken. If popular distrust is not well founded Congress must demonstrate that elections are fair. If fraud and violence really exist they must really be rooted out. Congress therefore has the power, and with the power the duty, to legislate; and the method in which it proposes to deal with the question, under this bill, is before the House. The only point that now remains to be considered, and it is the most important of all, is that which relates to the expediency and necessity of such legislation—a question to be determined by an appeal to facts.

This bill is a national bill, intended to guard Congressional elections in every part of the country when it may be demanded. I have heard it freely charged that it is not national but sectional, yet when I observe the heat of the persons and of the newspapers who make the assertion, their vehemence leads one to remember "that suspicion always haunts the guilty mind." It was said many years ago by a distinguished statesman of my own State that freedom was national and slavery sectional. So it may be said with equal truth that honest elections are national and dishonest elections are sectional. If an impure ballot-box was a universal condition the frame of the National Government could not long endure. Anything that makes for purity of elections must be national in its scope, and fraud, although not confined to any section of the country, is, fortunately for us, always local and sporadic, and therefore never national. The facts in the case, however, demonstrate the national character of this measure more thoroughly than anything else.

The legislation of which this is an extension and improvement was made necessary by the gigantic frauds in the city of New York prior to the enactment of the legislation of 1870 and 1871. That certainly is not a sectional origin, in the sense in which the word is used against this or any other measure which aims to secure honest elections. It is now proposed to bring within the provisions of an effective law of similar character all parts of the country where fraud, violence, or corruption at the ballot-box is known or suspected, and I propose to show, first, the need of such legislation in certain Northern districts, and to prove it by our experience under the existing law.

In May, 1870, there was a special election held in New York for the office of chief-justice, a special election for a legal office, not calling forth, probably, any great display of party feeling. In the first eight wards of New York there were polled at that special election 37,780 votes—that was the total of the votes of all sides. Before the November election the first part, and a very limited part, of the existing supervisors law was enacted, and at the November election, at a general election for a member of Congress, those same eight wards cast 22,839 votes; a decline of 14,941 votes in six months. Starting with that vote of 37,780 in May, 1870, for chief-justice, I have here a statement of the votes of those wards in each Presidential election except 1884, which are accidentally omitted in the table subjoined (see appendix, Table I, A and B), up to the Presidential election of 1888. From the election of November, 1870, when these wards polled 22,000 votes, there has been a steady but normal increase in the vote, just as the population has increased, until in 1888 those wards polled 32,004 votes. That is, there was a total loss in all the wards but one of 9,454 votes, a gain over 1870 in one ward of 3,678 votes, and in the total Presidential vote of 1888, compared with the vote of the special election for chief-justice in 1870, there was a net loss of 5,776 votes.

Now, Mr. Speaker, I want to look at that same body of votes in another way. (See appendix, Table I, C.) I have here thirteen election precincts selected from those wards in order to show the proportion of the vote to the total population of the district. In the sixth election district of the First ward, for every three of the total population there was one vote. In the twelfth election district of the Eighth ward there was one vote for every two of the population. In the thirteenth election district of the Eighth ward there was one vote for every 1.67 of population; and when we come to the tenth election district of the Sixth ward, we find there that for every ninety-three of the population, men, women, and children, there were cast 100 votes! [Laughter.] In the tenth election district of the Sixth ward, in 1870, the Democratic vote alone, throwing out the vote of other parties, was 884, or 14 more than the whole number of persons resident in the ward, men, women, and children, native, naturalized, and aliens. [Laughter.]

Mr. Speaker, in those earlier and "better days," before modern realism had come in to put its fetters upon fiction, persons of fertile imagination who desired to make up election returns made them up in the method of the romantic school of writers. They were not troubled by the desire of plausibility or reality. They made their returns big and handsome, just as the old novelists made all their heroes brave and all their heroines beautiful. [Laughter.]

There was another feature of New York elections at that time, known as the naturalization frauds of 1868. Under the supervisors law, which came in 1870 and 1871, many of the men who participated in those frauds were brought to justice and most of them gave up naturalization papers which they had obtained illegally in 1868. I have examined those files a little, and I have looked at the affidavits of the men who themselves gave up their papers fraudulently obtained and made affidavits as to how they had obtained them.

I will not weary the House by going into details, but I will mention a few merely to show the methods by which the work was done. For instance, there is the case of a Spaniard who, after he had been a few days in the country, had a certificate of naturalization left for him at his house. This was the usual procedure, the certificate of naturalization was generally left at the man's house as a free gift to the person whose fraudulent vote it was desired to secure. Here is another: John Lawrence, who was under age and had been only a few days in the country, was handed his certificate of naturalization in a liquor store. One man, although two years had not elapsed since his declaration of intention, received a certificate on presenting a card from the City Hall to the clerk of the court. Joseph Carey received his in a liquor store; but in order to make it seem more real and natural, he paid the proprietor of the store a fee of $2. Another had his certificate handed to him in the City Hall corrider; another received his on the horse-cars; and so it went.

Now, Mr. Speaker, naturalization is the foundation of citizenship—the way in which citizens are made in this country.

Mr. FLOWER. Mr. Speaker——

Mr. LODGE. I should be obliged if the gentleman would allow me to proceed without interruption. These frauds there were largly carried on and were checked if not extirpated by the supervisors' law. Where they still exist they are the product of the great Northern cities and Northern States where foreign immigration chiefly comes. Mr. Speaker, I do not think we can put too high a value on the gift of American citizenship. I believe that this should be more sacredly guarded than anything else that we have to give, and any law which checks naturalization can not be too rigid or too widely extended and enforced.

Now, in case it should occur to any one to say that this is merely the substitution of one set of officers in the interests of one party for another set of officers in the interests of another party, and that the results are no more reliable in one case than in the other, I desire to

call the attention of the House to the fact that it has never been shown that any legal voter has ever been interfered with in his right to vote in the city of New York since that time by the law appointing United States supervisors. No such case at least has ever been presented so far as I have been able to find out. But in further proof of the fact that this law has done no harm, but has done great good, I will invoke here the testimony of a distinguished public man who was never listened to in this House with aught but respect, who was a Representative of the city of New York, and who as the head of a special committee made a careful examination into this subject in 1877. Hon. S. S. Cox, in his report as the chairman of the Committee on Alleged Fraudulent Registration and Fraudulent Voting in the cities of New York, Philadelphia, Brooklyn, and Jersey City, took occasion to say:

Whatever may be said about the United States law as to elections or their supervision by United States authority, whatever may be said as to the right of a State to regulate in all ways such elections, this must be said, that the administration of the law by Commissioners Davenport, Muirheid, and Allen, the United States functionaries and their subordinates, was eminently just and wise and conducive to a fair public expression in a Presidential year of unusual excitement and great temptation.

The testimony of Mr. Davenport, the United States commissioner for the southern district of New York, is a remarkable statement, which the committee would adopt as the basis of their report as to the three cities.

I think no one who will look at these figures, showing the enormous frauds committed in the city of New York, before the United States stood guard over the elections, can refuse to say that such legislation was of enormous value in the interest of honest voting and of the good Government which honest voting can alone produce, and that it has helped forward the cause of ballot reform and of improved election methods, in respect to which New York stands to-day in the very front rank.

New York, however, Mr. Speaker, is not the only large city in the United States, nor is it the only city where at times the elections have been tainted with fraud and corruption. There has been an investigation running on all winter into the frauds of a city close by New York. I need not go over that testimony. Everybody has seen the evidence as to the Hudson County frauds, but when at the close of an election there are found, as I understand, in a patent-locked ballot-box the shirt-cuffs and shirt-buttons of the inspector of elections, it indicates that somewhere or other there is a break in the law or in the box.

Mr. Speaker, there are other such districts elsewhere of similar character. They are plague spots which should be promptly cured. I need not go over the questions of the poll-list and tally-list forgeries and other election frauds with which we are all familiar. They have become notorious, and there is no need to do more than allude to them.

But, now, let us take a more general state of facts. In some States there is what is called a permanent registration. That is the case in my own State. No matter how honestly the registration is carried out, it is my belief that any permanent registration in a large city must accumulate names which represent nobody, and which, therefore, throw open the door for an ever-increasing fraud. Those names stand there a constant temptation, to be kept on the list by unscrupulous men of both parties and of all shades of opinion, so that they may vote upon them other men whom they can control, and thus be enabled to repeat in voting. Nothing can be more wholesome than to have those permanent lists thoroughly overhauled from time to time by men who stand outside with no local interests to subserve. It brings them out into the light; it gives them publicity. As a resident in a State where that system of registration prevails, I have no hesitation in saying that I believe it would be well, very well, to have those permanent registration lists in large cities overhauled in this way. If there is nothing wrong, then it will dispose of such accusations as are now made from time to time that the lists are not right. If they are wrong, it will remedy the wrong, and I do not believe that anything or anybody or any party that is honest in its intentions, purposes, and aims was ever hurt by having the truth and the whole truth known about elections, from beginning to end.

Mr. Speaker, the elections in the great Northern cities are not the only ones which have come under suspicion. It is believed by a very large portion of the American people that there are districts in the South where fraud in some form controls despotically the verdict of the ballot-box. I have always observed, sir, among the gentlemen who represent those States a noble zeal against the varied forms of wrong-doing which have at times disfigured Northern elections. Nothing can be finer than the honest and manly rage with which they denounce bribery, the great factor, they say, in Northern elections, and the foundation of Republican success. Whoever benefits by bribery, it is an evil thing and a grave peril to-day in the commonwealth. I, for one, do not underestimate it or blink it in the least. I say frankly that I will join hands with any of our zealous friends on the other side in promoting legislation which will put a stop to it.

If I could have my way, Mr. Speaker, I would put the secret and official ballot into every district of this country, because that is the only thing I have ever seen which actually and practically stops the use of money at elections. It must not be forgotten, however, that legislation against bribery or any other crime against free suffrage must be national in its character. I am more than ready to make it so, and we have gone as far in this bill against it as we can go in a bill which does not provide for a secret and official ballot. In return I ask my friends who are so warm on the subject of corruption to unite with me in legislation which shall be applicable not only to bribery and corruption but to the other evils which beset elections. Since they are so eager to remove the mote from their brother's eye they might agree that it is but fair to take the beam from their own.

In regard to Southern elections, Mr. Speaker, one of two things must be true—the elections are either fair, free, and honest, or they are not. There can be, unfortunately, no question of the widespread belief among a large body of the American people that many of these elections are the very reverse of fair, free, and honest. Whichever state of facts is the correct one, it is the paramount duty of the National Government to restore to the people confidence in these as in all other elections. If, as I have heard it stated on this floor, Southern elections are perfectly fair, and the black man goes carolling to the voting place by the side of his employer, seeking only to cast his vote for those whose interests are identical with his own, then, sir, it is the duty of the United States Government to uncover this pleasing picture and display it to the country so that confidence may be restored, and no man may suspect longer that Southern elections are open to criticism.

If all is right and well in elections in the South this law can hurt no one, but will be, on the contrary, of unprecedented value to those communities now accused of wrong-doing. No people will be so much benefited by it as the people of the South, for it will demonstrate at once that the generally accepted Northern view is groundless and unjust. If, on the other hand, the belief of large masses of the people, that in certain regions of the South such a thing as a fair election is unknown, is well founded, then it is high time that the United States should put a stop to that evil, if they have to exercise to the very last point every power that the Constitution has put into their hands.

If, Mr. Speaker, as I have said all is well with Southern elections, as we hear declared on this floor by Representatives from that region with all the solemnity of Roman augurs, there can be no possible objection to this legislation. On the contrary, they of all people ought to desire it. But if, when the Roman augurs retire from the public gaze they hold a different language in the recesses of the temple, if they fight with the utmost fury against every attempt to regulate or improve elections, then we are forced to believe that these accusations are not groundless, and it is easy to show why we should deal with the existing facts as here proposed.

It would not be fair to cite here anything in the nature of a private conversation, but now and then some of these lovers of honest elections grow careless, and their utterances on the subject creep out into light of day to be much admired and pondered by all men.

The newspapers of the South also always discuss this matter with great vigor and with a frankness which is as charming as the language they use is polished and civilized.

But again we can spare ourselves anything which seems to savor of personality by a consideration of certain figures to which I now ask the attention of the House. The total vote returned for ten Representatives from Georgia in 1886 was 27,520; in 1888 it was 130,134. In Mississippi the total vote returned for seven Representatives in 1886 was 46,748, and in 1888 it was 115,216. In South Carolina the total vote returned for seven Representatives was 39,077, while in 1888 it was 76,369. I have the figures here from one hundred and sixty-four other districts, which I will print as an appendix, and from which I wish merely at this time to draw a few comparisons. (See appendix, Table II, A.)

An analysis of this table shows that there were one hundred and fifty-one Congressional districts in each of which the total vote returned for Representative in 1886 exceeded the aggregate vote returned from the ten Congressional districts of the State of Georgia; that there were thirteen districts in each of which the total vote returned in 1886 exceeded the aggregate vote from the seven districts of South Carolina, and that there were six districts in which the total vote returned exceeded the aggregate from the seven Congressional districts of Mississippi. Moreover, an inspection and comparison of the election returns of 1888 show that of four Representatives, one from Colorado [Mr. TOWNSEND], one from Kansas [Mr. PETERS], one from Minnesota [Mr. SNIDER], and one from Nebraska [Mr. DORSEY], each is backed by more votes than are the seven Representatives from South Carolina—from Colorado, 92,000; from the Seventh district of Kansas, 82,000; from the Fourth district of Minnesota, 82,000; and from the Third district of Nebraska, 77,000. Here are the figures: Total vote of South Carolina for Representatives in the Fifty-first Congress as returned, 76,369; total vote for one Representative from Colorado, 92,309; total vote Seventh Congress district of Kansas, 82,244; total vote Fourth Congress district of Minnesota, 82,373; total vote Third Congress district of Nebraska, 77,892.

The one hundred and fifty-one districts above enumerated each cast more than 27,520 votes for Congress candidates in 1886. It may be of interest to note the districts in each of which 15,000 votes or less were returned. I have them here in a table. (See appendix, Table II, B.) There are forty-five of them, each of which returned less than 15,000 votes for a Representative in the Fiftieth Congress, and forty-one of those districts are in the South. Only fifteen of those districts returned as many as 10,000 votes each in 1886; the average for the remaining

thirty districts—I desire to call the attention of the House particularly to this part of the comparison—the average for the remaining thirty districts being 4,167 votes each, or 26,673 votes less per district than the average per district of two hundred and four districts in the twenty-two States of the North and West.

To express it in another form, the thirty districts with thirty votes in the House of Representatives cast and returned a total of 125,015 votes, which was 11,000 votes less than the returned vote of the three districts of Nebraska; 3,000 votes less than the returned vote of the four districts of Maine; nearly 70,000 votes less than the returned vote of the six districts of California; only 2,000 more than the returned vote of the four districts of Connecticut; less than one-half of the returned vote of the seven districts of Kansas; 120,000 less than the returned vote of the twelve districts of Massachusetts; less than one-third of the returned vote of the eleven districts of Michigan; 79,000 votes less than the returned vote of the five districts of Minnesota; 104,000 votes less than the returned vote of the seven districts of New Jersey; considerably less than one-seventh of the returned vote of the thirty-four districts of the State of New York; a little more than one-sixth of the returned vote of the twenty-one districts of Ohio, and considerably less than one-half of the returned vote of the nine districts of Wisconsin.

Moreover it was 99,000 votes less than the returned vote of the ten districts of Virginia; 107,000 votes less than the returned vote of the ten districts of Tennessee, and 69,000 votes less than the returned vote of the nine districts of North Carolina; 25,000 less than the returned vote of the six districts of Maryland; 5,000 less than the returned vote of the four districts of West Virginia, and 293,000 votes less than the returned vote of the fourteen districts of Missouri.

These figures, Mr. Speaker, seem to possess some significance. They do not appear to me to be mere curiosities of arithmetic.

Now I have here another table (see appendix, Table III) which shows the ratio of the voting population to the total population, and it is interesting to notice that where States had a census in 1885, and where we can make comparisons, we find that the ratio of increase in the vote corresponds very accurately with the ratio of increase in the total population. That is, allowing for the differences of off years and Presidental years, there is a steady increase in the vote, which bears an exact relation to the increase of population. On these ratios I am grieved to say that there are three States which show an apparent decrease of population in the last ten years.

If the ratio of voting population to total population means anything, and it is usually perfectly accurate, then the population of Georgia has decreased 145,530 since 1880; the population of Mississippi, 123,154, and that of South Carolina, 533,027.

In Mississippi there was an enormous decrease of the vote between 1876 and 1880. In 1876 the total vote was 164,778, in 1880 only 117,078, a decrease of 47,700 votes in the short space of four years. In 1888 the total number of votes returned was only 115,567, showing a steady but slower decrease during the eight preceding years, and an aggregate decrease in twelve years of no less than 49,211 votes, or about 30 per cent.

Now, let us compare Mississippi and New Jersey. They both are Democratic States. They both have the same number of Representatives in Congress. The population, curiously enough, in 1880 was almost exactly identical. In 1880 the population of Mississippi was 1,131,597, and the population of New Jersey was 1,131,116. In 1880 Mississippi returned a total vote of 117,078, and New Jersey a total vote of 245,928.

In 1888 the total vote of Mississippi had shrunk to 115,567, and the total vote of New Jersey had swelled to 303,741. Each of the seven Representatives from Mississippi in the Fifty-first Congress represents an average of 16,459 votes cast and counted, and each of the seven Representatives from the State of New Jersey is backed by an average of 43,335 votes. (See appendix, Table IV.)

Now compare South Carolina and Kansas, one a Democratic and the other a Republican State. These States, in 1880, started in a race which was almost even as to population. South Carolina had 995,577 inhabitants; Kansas had 996,090. The representation of South Carolina was increased from 5 to 7 and of Kansas from 3 to 7. In 1880 the total vote of South Carolina was 170,956, and the total vote of Kansas was 201,236. In 1888 the total vote of South Carolina had dwindled to 79,750, a decrease of 91,206, or more than 53 per cent. in eight years. In 1888 the total vote of Kansas was 334,035, an increase of 132,799, or nearly 40 per cent. in eight years. Each Representative in the Fifty-first Congress from South Carolina is backed by an average of 10,909 returned votes, and each Representative from Kansas is backed by an average of 47,040 votes. (See appendix, Table V.)

In 1886 the total Congressional vote of South Carolina was 39,077, or 22,388 less than that of the district represented by Mr. PETERS, of Kansas. In 1888 the total vote returned for Congress in the seven South Carolina districts was 76,369, 5,875 votes less than the total vote cast and returned in the district now represented by Mr. PETERS.

Under the present apportionment the ratio of representation is 151,912. According to that ratio, supposing that the vote indicates correctly a decrease of the population, South Carolina is entitled to three instead of seven Representatives in Congress, on a population of 462,550; and Georgia, on the same basis, is entitled to nine Representatives instead of ten, if the Presidential vote of 1888 be taken as the multiplicand, and she would be entitled to eight Representatives instead of ten if the Congressional vote of 1888 should be taken as the multiplicand, the latter total being 12,705 less than the former and indicating a population of only 1,268,805.

Of course the foregoing comparisons are based upon the theory to which I have alluded, that elections are as free and fair and election returns as honest in Mississippi and South Carolina as in New Jersey and Kansas.

It may, perhaps, be urged that it is unfair to compare Northern States with Southern States. The three States of Georgia, Tennessee, and Virginia have an equal representation in Congress. The population and number of men of voting age in each State in 1880 were as follows:

State.	Population in 1880.	Men 21 years old and upward, 1880.
Georgia	1,542,180	321,438
Tennessee	1,542,359	330,305
Virginia	1,512,565	334,505

Georgia and Virginia were among the "original Thirteen" which fixed the basis of representation, and they with Tennessee have shared equally in the remarkable prosperity which has overspread many of the Southern States within the past twenty years. Georgia in 1880 contained about 15,000 more colored men twenty-one years old and upward than did Virginia—the totals being, respectively, 143,471 and 128,257. Georgia contained about 63,000 more colored men twenty-one years old and upward than did Tennessee, the totals being 143,471 and 80,250, respectively. The latter State was admitted into the Union only seven years after the adoption of the Constitution; both States have a large proportion of population engaged in agriculture; mining and manufacturing have gained a firm foothold in both States; they touch each other geographically. It is evident, therefore, that the normal political conditions of these States can not differ widely, and that a comparison of results can not be unfair. It is found in the table given in the appendix, numbered VI.

It will be noted that more votes were cast for Representative in the Third Tennessee district in 1886 than were cast in the ten Georgia districts in the same year, while in the First Tennessee district the number was only 174 less than the total for the ten Georgia districts.

Now, as to the weight in legislation and in conducting the National Government that is implied in these figures. In the Fiftieth Congress Georgia furnished the chairmen of the following House committees: Elections; Post-Office and Post-Roads; Education; Reform in the Civil Service; and one member each for the Committees on Ways and Means; Appropriations; Judiciary; Coinage, Weights, and Measures; Commerce; Foreign Affairs; Territories; Railways and Canals; Manufactures; Mines and Mining; Pacific Railroads; Labor; Patents; Pensions; Revision of the Laws; Expenditures in the State Department; Accounts; Enrolled Bills, and Census—four chairmen and nineteen other members of committees.

In the same Congress South Carolina furnished the chairmen of the Committees on Public Buildings and Grounds, District of Columbia, and Labor Troubles in Pennsylvania; and one member each of the following committees: Banking and Currency; Coinage, Weights, and Measures; Foreign Affairs; Military Affairs; Naval Affairs; Indian Affairs; Territories; Patents; Private Land Claims; Revision of the Laws; Reform in the Civil Service; Election of President, Vice-President, and Representatives, and Census—three chairmen and thirteen other members of committees.

Mississippi furnished the chairman of the Committee on Levees and Improvements of the Mississippi River, and one member each for the following committees: Elections (Mr. Barry, whose district had returned 3,086 votes); Rivers and Harbors; Agriculture; Foreign Affairs; Military Affairs; Post-Office and Post-Roads; Public Lands; Indian Affairs; Pensions; War Claims; Expenditures in Navy Department; Expenditures in Post-Office Department; Expenditures on Public Buildings, and Indian Depredation Claims—one chairman and fourteen other members of committees.

New Jersey furnished the chairman of Militia and one member each of the following committees: Coinage, Weights, and Measures; Agriculture; Foreign Affairs; Railways and Canals; Manufactures; Public Buildings and Grounds; Labor; Militia; Invalid Pensions; Election of President, Vice-President, and Representatives, and Indian Depredation Claims—one chairman and eleven other members of committees.

The twenty-four Representatives from the three States of Georgia, Mississippi, and South Carolina, who represented an aggregate returned vote of 113,345, filled eight chairmanships and forty-six other places on House committees in the Fiftieth Congress. In the same Congress the State of New York, with thirty-four Representatives backed by a total returned vote of 930,837, filled five chairmanships—the only one of importance being that of Census—and sixty-two other members of committees.

This was an average of 2¼ committee places for each Representative from the three States first named, the average vote of each district being 4,723, and an average of 1¾ committee places for each Representative in the State of New York, where the average total vote per district was 34,481, or more than seven times as great. The first three States had two members of the Elections Committee; New York had none. They had one representative on Ways and Means; New York had none. They had three members of Foreign Affairs; New York had one member.

Now, Mr. Speaker, I wish to call attention to the increase of the vote from one election to another. The picturesquely small votes of 1886 did not continue. They were increased. In the following year these votes rose. The vote of Alabama increased 100 per cent.; the vote of Arkansas increased 182 per cent.; the vote of Mississippi increased 146 per cent.; the vote of South Carolina increased 95 per cent., and the vote of Georgia in two years increased 370 per cent. These percentages of increase, Mr. Speaker, are beyond nature. They can only be considered as works of art, and I leave them for the consideration of the House without comment on my part, only adding——

The SPEAKER. The gentleman's hour has expired.

Mr. LODGE. The gentleman from Vermont, a member of the committee, will yield me further time.

Mr. STEWART, of Vermont. Mr. Speaker, I yield whatever portion of my time the gentleman may require.

Mr. LODGE. I only add that the average increase of the votes in the other States of the Union is between 30 and 40 per cent. from an off year to a Presidential year. (See Appendix, Table VII.)

Mr. Speaker, these statistics speak loudly enough as to the voting in the various States. I have no intention of going further and of entering upon an elaborate discussion of the overwhelming testimony to be found in countless election cases and in the unstudied utterances of Southern newspapers and of Southern representatives as to the actual manner in which Southern elections are sometimes conducted.

No intelligent and fair-minded man is going to deny that there have been frauds in Northern elections. I have no doubt that they have existed and that they still exist, and the greatest proof of it is the earnest effort now being made in every Northern State to-day by both parties to root out those evils and to destroy the suspicion of them if they do really exist, by the most elaborate devices that the wit of man can devise. This shows not only that these evils have existed, but that the people of those States are prepared to deal with them and are dealing with them. There is no occasion for getting into a condition of sensitiveness because we say these same evils in other forms may exist elsewhere. It ought not to be necessary to argue that there are districts in the South where the elections for Representatives in Congress are not universally fair and free; but in the problem there presented there is something far graver than a dispute as to the details of voting and counting.

The wrong where wrongdoing occurs in most districts in the North is simply an effort of one party to get ahead of another by illicit means, usually by fraud or bribery of a pretty vulgar kind. No doubt in Southern elections the desire of unscrupulous persons to defeat their opponents by any method plays its part; but the question which complicates and controls the issue there is the question of race. No one can afford to speak lightly of or indulge in recriminations about the race question in the South. I have no desire, for one, to cast stones at any man or any men who are dealing with a problem at their own doors because they do not appear to me to deal with it as I should when I am a thousand miles away from it. That problem and the future of the negro in America present one of the gravest questions before the American people. It is one in which we are all concerned and for the right solution of which we shall all be held responsible, whether we live in the North or in the South.

The wrong of slavery was expiated by the North, which condoned it, as much as by the South, which upheld it. One thing is certain: We shall never deal with it successfully by raging over it and calling each other hard names; still less shall we be able to deal with it if we attempt to evade the issue or blink the facts. The negroes in the United States did not come here by any will or action of their own. They did not seek to force themselves upon us as the Chinese, whom we have excluded, tried to do; they were brought here by force under circumstances of hideous cruelty. They were held in bondage and ignorance. They were sold on the block and they quivered under the lash. It is idle to say that they are better off than they would have been if they had staid in their native wilderness. Better an eternity of savage freedom than the civilization which came to them with the hammer of the auctioneer in one hand and the slave-driver's whip in the other.

No material comfort is worth having which is purchased by such suffering as theirs and by more than two hundred years of slavery. At last a time came when there was war between the States to decide whether this Government should survive or whether the country should be torn into two conflicting parts, and on the outcome of that war the fate of the race turned. What did this race do in that mighty struggle? When it began the negroes were not citizens; they were only slaves, although in the catalogue of the Constitution perhaps they passed for men. To the Government, on the one side, they owed no allegiance, for its power had been used, so far as they knew, only to rivet their bonds, to seize them by the throat, and to thrust them back into bondage.

On the other side were their owners, and how much a slave owes to the owner who buys and sells him let each man answer for himself.

> Pay ransom to the owner,
> And fill the bag to the brim.
> Who is the owner? The slave is owner,
> And ever was. Pay him.

What, then, did they do, this race that owed nothing to either combatant but the single debt of a great revenge? On one side, they took their muskets in their hands and went to the front by regiments. They died in the trenches and on the battle-field by hundreds for the Government which up to that time had only fastened their chains more securely upon them. On the other side, they remained on the plantations. They cared for the defenseless families and for the property of the men who had gone away with an army whose victory meant the continuance of slavery. Yet the annals of the war tell no story of a San Domingo massacre or of the slaughter of the helpless beings who staid at home while nearly every able-bodied white man was bearing arms on the field. They gave loyalty to the Government which had spurned them and fidelity to the men who had held them in fetters.

Such loyalty and fidelity as this demand some better reward from the people of this country both North and South than the negro has ever received. What he needs is neither brutality on the one hand nor sentimentality on the other. He should not be petted and coddled because he is a negro-American, nor should he be intimidated and cast out for the same reason. We are altogether too fond of prefixing qualifying adjectives to the word American. If a man is not satisfied to be an American pure and simple and to abandon the prefixes which denote race distinctions, then he is better outside this country than in it, and this truth, which is susceptible of a wide application, I would now apply to the men of the colored race. We have clothed them with the attributes of American citizenship. We have put in their hands the emblem of American sovereignty. Whether wisely or unwisely done is of no consequence now; it has been done and it is irrevocable.

We owe them no more and no less than we owe to all American citizens, but we do owe them all that the Government gives to any American citizen, be he rich or poor, white or black. The Government which made the black man a citizen of the United States is bound to protect him in his rights as a citizen of the United States, and it is a cowardly Government if it does not do it! No people can afford to write anything into their Constitution and not sustain it. A failure to do what is right brings its own punishment to nations as to men. There is no escape from the inexorable law of compensation. As Lincoln said in his second inaugural:

> Fondly do we hope, fervently do we pray, that the mighty scourge of war may speedily pass away. Yet, if God wills that it continue until all the wealth piled by the bondman's two hundred and fifty years of unrequited toil shall be sunk, and until every drop of blood drawn with the lash shall be paid by another drawn with the sword, as was said three thousand years ago, so still it must be said, "The judgments of the Lord are true and righteous altogether."

If we fail as a people to deal with this question rightly we shall pay for it just as we paid the debt of slavery of which all this is part. What, then, ought we to do? After the war, when this great body of slaves was cast helplessly into freedom with all the responsibility of citizenship suddenly forced upon them, I believe that it was wholly within the power of the white race to so conciliate and divide them that the negro as a sectional political question should never more have been heard of. Perhaps it was asking too much of human nature to expect this to be done. At all events it was not done, and it was declared that the problem could be solved by methods other than those known to the law. Those methods have been tried and they are a failure. For fifteen years they have prevailed completely, and yet the South comes to this Congress with the demand that measures should be taken to deport the negro population. That the proposition is impracticable does not deprive it of its significance.

It is a confession of failure and a cry of despair. Whatever the correct policy is by which to deal with these problems which the South thus presents of its own accord this is neither the time nor the place to discuss. One thing is certain. No intelligent remedy can be applied so long as the negro question is made a matter of party politics, dividing sections and keeping alive sectional animosities and agitation. With the governments of the States and of the municipalities we here have nothing to do. Each State and each community must work out its own salvation in its own way. If they do right they will profit by it. If they do wrong they will pay for it, and pay for it to the last jot and tittle, for

> Though the mills of God grind slowly, yet they grind exceeding small.

But the election of men to sit in this Hall is a different question. It is a mere pretense to talk about the "rule of an inferior race," of "organized barbarism," when dealing with this part of the problem. If negroes or men nominated by negroes had always been elected from a dozen or twenty districts in the South it would have been but a trifling element in the great movement of the National Government.

But if such elections had been permitted the political agitation in the North about the negro and the negro question would have died out long ago. But here party supremacy came in and the race question was falsely used as an excuse for seizing a certain number of seats in this body.

There is another and more important point to be considered here. When Congressional elections are interfered with anywhere, they touch the like elections everywhere. Call this bill "revolutionary!" Mr. Speaker, the "revolution" lies in those figures that I have read which show that while the Constitution guaranties an equal representation on this floor that equal representation has ceased to exist. There, Mr. Speaker, is where the "revolution" has been wrought. Whether we can turn it back, whether we can check it, whether we can succeed in undoing its work by legislation here, I do not know; I know that it is our duty to attempt it by every fair and proper means.

The election of a governor in one State does not concern the people of another politically, but the fraudulent election of a member of Congress in one State is a direct wrong to the political rights of the people in every other. Leave our rights alone and then you can take up your burden in your own way and we will help you to our utmost power, for your prosperity and your troubles are ours also. To every man who is an American citizen the United States owe protection. But with few restrictions the determination as to the qualifications of a voter is left to the States. If any State thinks that any class of citizens is unfit to vote through ignorance it can disqualify them from voting for State officers or for members of this House. It has but to put an educational qualification into its constitution. But the disqualification like the qualification can not recognize color, and that is the reason that legal methods have never been tried. The negro is not thrust out from his rights merely because he is ignorant and unfit to use them, as is constantly charged, but because his skin is black. It is this distinction which gives the lie to every principle of American liberty that is at the bottom of the difficulty and of the problem which we all deplore.

The first step, then, toward the settlement of the negro problem and toward the elevation and protection of the race is to take it out of national party politics. This can be done in but one way. The United States must extend to every citizen equal rights. It is a duty which they can not avoid. If they do not perform it now they will perform it later, and the longer it is postponed the worse the consequences will be. Moreover, this cry about the danger of negro rule, this bitter appeal to race supremacy, which is always ringing in our ears, is made a convenient stalking horse to defraud white men as well as black men of their rights. It is an evil which must be dealt with, and if we fail to deal with it we shall suffer for our failure. If all is fair and honest and free in Southern elections this law will interfere with no one, but will demonstrate the fact to the people of the United States. If all is not fair and free this law will begin even if it does not complete the cure.

An honest vote lies at the bottom of our system of government. It is the only way we have to discover and assert the will of the majority, and the will of the majority governs in this country. If we do not ascertain that will honestly it will be determined by force. You may call these truisms, if you like, but truisms are more apt to be forgotten than anything else, and yet to disregard them is the road to ruin. Free elections are the safety of this Government. We here can interfere with none but those which concern the Congress itself, but it is our plain duty to see to it that those at least are preserved in their purity and integrity. So for as a party question enters into this it can be easily dealt with. If one party benefits by free elections it is because that party is cheated now. If neither party is cheated by fraud, then free and honest elections will affect neither. If both cheat, both will suffer.

It is our duty, so far as lies in our power, to make elections so honest that no man will dare to question them. Let us do our whole duty to every American citizen, made such by the Constitution, no matter what his creed or color, no matter whether he be weak or strong, rich or poor, and we can safely abide by the result. Let us secure to all men the freedom which is the corner-stone of our Government.

I wish men to be free
As much from mobs as kings; from you as me.

[Applause on the floor and in the galleries.]

The SPEAKER. The House will be in order. The galleries will cease applause.

APPENDIX.

TABLE I.—*Showing the changes in the vote of the first eight wards of New York following the enactment of the supervisors' law, May 31, 1870.*

A.

Wards.	May, 1870, chief-justice.	Nov., 1870, for Congress.	Loss in six months.
First	3,051	2,174	877
Second	470	289	181
Third	1,332	659	673
Fourth	5,804	3,313	2,491
Fifth	4,374	2,694	1,680
Sixth	6,350	2,865	3,485
Seventh	6,887	5,778	1,109
Eighth	9,512	5,067	4,445
Totals	37,780	22,839	14,941

TABLE I.—*Showing the changes in the vote of the first eight wards, etc.*—Continued.

B.

Wards.	May, 1870, chief-justice.	Nov., 1870, for Congress.	President.				Loss, 1888 from May, 1870.	Gain, 1888 over May, 1870.
			1872.	1876.	1880.	1888.		
First	3,051	2,174	2,259	2,388	2,500	2,761	290	.....
Second	470	289	346	372	464	425	45	.....
Third	1,332	659	717	822	936	1,050	282	.....
Fourth	5,804	3,313	2,974	3,258	3,396	4,059	1,745	.....
Fifth	4,374	2,694	2,620	2,953	3,254	2,935	1,439	.....
Sixth	6,350	2,865	2,485	2,681	2,866	3,498	2,852	.....
Seventh	6,887	5,778	6,494	7,526	8,648	10,565	.....	3,678
Eighth	9,512	5,067	5,316	5,942	6,482	6,711	2,801	.....
Total	37,780	22,839	23,211	25,942	28,546	32,004	9,454	3,678

Net loss, 5,776.

C.

Specimen election districts—Vote of May, 1870, for chief judge of the court of appeals.

Wards.	Election district.	Total vote.	Population, June, 1870.	No. of residents to one vote.
First	Sixth	310	963	3.10
Eighth	Twelfth	734	1,958	2.71
Sixth	Second	195	1,528	2.70
Eighth	First	555	1,425	2.59
Third	Third	338	885	2.58
Sixth	Eleventh	1,110	2,796	2.52
Second	Eleventh	167	365	2.19
Second	Second	303	640	2.11
Eighth	Thirteenth	1,022	1,710	1.67
Sixth	Ninth	1,045	1,643	1.57
Eighth	Second	957	1,140	1.20
Eighth	Third	865	1,034	1.19
Sixth	Tenth*	934	870	.93
In thirteen election districts		8,535	15,956	1.87

*In the tenth election district of the Sixth ward the Demoratic vote alone was 884, or 14 more than the whole number of persons, men, women, and children—natives, naturalized, and aliens included—resident in the district.

TABLE II.—*Returns from one hundred and sixty-four districts in 1886.*

A.

State.	District.	Representative.	Vote.
California	First	Mr. Thompson	32,982
Do	Second	Mr. Biggs	35,456
Do	Sixth	Mr. Vandever	38,646
Colorado		Mr. Symes	58,258
Illinois	Eighth	Mr. Hitt	32,277
Do	Tenth	Mr. Post	31,212
Do	Eleventh	Mr. Gest	34,262
Do	Twelfth	Mr. Anderson	32,552
Do	Thirteenth	Mr. Springer	35,242
Do	Fourteenth	Mr. Roywell	30,022
Do	Fifteenth	Mr. Cannon	32,863
Do	Sixteenth	Mr. Landes	32,708
Do	Seventeenth	Mr. Lane	27,725
Do	Eighteenth	Mr. Baker	30,339
Do	Nineteenth	Mr. Townshend	29,046
Do	Twentieth	Mr. Smith	31,904
Indiana	First	Mr. Hovey	29,740
Do	Second	Mr. O'Neall	30,941
Do	Fourth	Mr. Holman	30,766
Do	Fifth	Mr. Matson	32,856
Do	Sixth	Mr. Browne	32,650
Do	Seventh	Mr. Bynum	43,890
Do	Eighth	Mr. Johnston	40,734
Do	Ninth	Mr. Cheadle	41,458
Do	Tenth	Mr. Owen	34,185
Do	Eleventh	Mr. Steele	38,890
Do	Twelfth	Mr. White	34,478
Do	Thirteenth	Mr. Shively	37,192
Iowa	First	Mr. Gear	32,250
Do	Third	Mr. Henderson	34,565
Do	Fourth	Mr. Fuller	32,195
Do	Fifth	Mr. Kerr	32,804
Do	Sixth	Mr. Weaver	32,620
Do	Seventh	Mr. Conger	29,398
Do	Eighth	Mr. Anderson	33,726
Do	Ninth	Mr. Lyman	31,414
Do	Tenth	Mr. Holmes	29,635
Kansas	First	Mr. Morrill	31,287
Do	Second	Mr. Funston	34,792
Do	Third	Mr. Perkins	36,716
Do	Fourth	Mr. Ryan	38,084
Do	Fifth	Mr. Anderson	35,996
Do	Sixth	Mr. Turner	33,025
Do	Seventh	Mr. Peters	61,465
Maine	First	Mr. Reed	31,044
Do	Second	Mr. Dingley	33,980
Do	Third	Mr. Milliken	31,752
Do	Fourth	Mr. Boutelle	31,591
Maryland	Sixth	Mr. McComas	33,929
Michigan	First	Mr. Chipman	34,044
Do	Second	Mr. Allen	34,452

TABLE II.—*Returns from one hundred and sixty-four districts in* 1886—Continued.

State.	District.	Representative.	Vote.
Michigan	Third	Mr. O'Donnell	39,308
Do	Fourth	Mr. Burrows	36,000
Do	Fifth	Mr. Ford	39,773
Do	Sixth	Mr. Brewer	39,609
Do	Seventh	Mr. Whiting	28,333
Do	Eighth	Mr. Tarsney	37,846
Do	Ninth	Mr. Cutcheon	33,817
Do	Tenth	Mr. Fisher	29,293
Minnesota	First	Mr. Wilson	33,612
Do	Second	Mr. Lind	38,282
Do	Third	Mr. Macdonald	33,359
Do	Fourth	Mr. Rice	64,933
Do	Fifth	Mr. Nelson	43,937
Missouri	First	Mr. Hatch	31,778
Do	Second	Mr. Mansur	34,928
Do	Third	Mr. Dockery	31,156
Do	Fifth	Mr. Warner	32,171
Do	Sixth	Mr. Heard	40,636
Do	Seventh	Mr. Hatton	28,347
Do	Tenth	Mr. Clardy	29,289
Do	Eleventh	Mr. Bland	30,598
Do	Twelfth	Mr. Stone	39,414
Do	Thirteenth	Mr. Wade	28,232
Do	Fourteenth	Mr. Walker	28,933
Nebraska	First	Mr. McShane	42,679
Do	Second	Mr. Laird	41,665
Do	Third	Mr. Dorsey	52,155
New Hampshire	First	Mr. McKinney	37,534
Do	Second	Mr. Gallinger	39,559
New Jersey	First	Mr. Hires	35,433
Do	Second	Mr. Buchanan	35,380
Do	Third	Mr. Kean	33,479
Do	Fifth	Mr. Phelps	29,538
Do	Sixth	Mr. Lehlbach	37,971
Do	Seventh	Mr. McAdoo	31,551
New York	First	Mr. Belmont	32,594
Do	Thirteenth	Mr. Fitch	31,828
Do	Fourteenth	Mr. Stahlnecker	30,245
Do	Fifteenth	Mr. Bacon	27,707
Do	Sixteenth	Mr. Ketcham	28,249
Do	Seventeenth	Mr. Hopkins	34,044
Do	Eighteenth	Mr. Greenman	34,286
Do	Nineteenth	Mr. Tracey	34,643
Do	Twentieth	Mr. West	29,851
Do	Twenty-third	Mr. Sherman	32,353
Do	Twenty-fourth	Mr. Wilber	32,410
Do	Twenty-fifth	Mr. Belden	27,623
Do	Twenty-sixth	Mr. De Lano	34,650
Do	Twenty-seventh	Mr. Nutting	35,373
Do	Thirty-second	Mr. Farquhar	30,432
Do	Thirty-fourth	Mr. Laidlaw	32,151
North Carolina	Second	Mr. Simmons	28,218
Do	Fourth	Mr. Nichols	30,284
Ohio	First	Mr. Butterworth	29,545
Do	Second	Mr. Brown	33,495
Do	Third	Mr. Williams	36,612
Do	Fourth	Mr. Yoder	28,648
Do	Fifth	Mr. Seney	34,038
Do	Sixth	Mr. Boothman	38,925
Do	Seventh	Mr. Campbell	31,594
Do	Eighth	Mr. Kennedy	36,425
Do	Ninth	Mr. Cooper	35,442
Do	Tenth	Mr. Romeis	33,244
Do	Eleventh	Mr. Thompson	31,730
Do	Twelfth	Mr. Pugsley	36,832
Do	Thirteenth	Mr. Outhwaite	39,265
Do	Fourteenth	Mr. Wickham	28,175
Do	Fifteenth	Mr. Grosvenor	30,943
Do	Sixteenth	Mr. Wilkins	38,046
Do	Seventeenth	Mr. Joseph D. Taylor	33,605
Do	Eighteenth	Mr. McKinley	38,268
Do	Nineteenth	Mr. Ezra B. Taylor	28,007
Do	Twentieth	Mr. Crouse	32,727
Do	Twenty-first	Mr. Foran	29,091
Oregon		Mr. Hermann	54,954
Pennsylvania*	First	Mr. Bingham	30,415
Do	Fourth	Mr. Kelley	39,276
Do	Fifth	Mr. Harmer	36,711
Do	Sixth	Mr. Darlington	28,606

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

TABLE II.—*Returns from one hundred and sixty-four districts in* 1886—Continued.

State.	District.	Representative.	Vote.
Pennsylvania	Seventh	Mr. Yardley	32,053
Do	Ninth	Mr. Hiestand	28,458
Do	Twelfth	Mr. Lynch	28,368
Do	Fourteenth	Mr. Bound	32,014
Do	Fifteenth	Mr. Bunnell	28,542
Do	Sixteenth	Mr. McCormick	31,433
Do	Seventeenth	Mr. Scull	33,304
Do	Eighteenth	Mr. Atkinson	31,393
Do	Nineteenth	Mr. Maish	33,509
Do	Twentieth	Mr. Patton	33,535
Do	Twenty-first	Mr. McCullough	34,041
Do	Twenty-second	Mr. Dalzell	30,655
Do	Twenty-sixth	Mr. Hall	31,456
Do	Twenty-seventh	Mr. Scott	30,545
Tennessee	Third	Mr. Neal	27,883
Texas	Fifth	Mr. Hare	28,154
Do	Sixth	Mr. Abbott	31,910
Do	Ninth	Mr. Mills	28,497
Do	Tenth	Mr. Sayers	34,301
Do	Eleventh	Mr. Lanham	29,724
West Virginia	First	Mr. Goff	34,497
Do	Second	Mr. Wilson	34,315
Do	Third	Mr. Snyder	29,464
Do	Fourth	Mr. Hogg	32,679
Wisconsin	First	Mr. Caswell	29,316
Do	Second	Mr. Guenther	27,600
Do	Third	Mr. La Follette	33,213
Do	Fourth	Mr. Smith	31,420
Do	Sixth	Mr. Clark	29,272
Do	Seventh	Mr. Thomas	30,824
Do	Eighth	Mr. Haugen	35,744
Do	Ninth	Mr. Stephenson	40,349

B.

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

TABLE III.

State.	Population, 1880.	Presidential vote, 1880.	Ratio.	Presidential vote, 1888.	Eight years' increase of vote.	Eight years' decrease of vote.	Population, 1888, according to voting ratio in 1880.	Increase of population 1880 to 1888 on basis of vote returned.	Decrease of population 1886 to 1888 on basis of vote returned.	Population according to State census of 1885.
Alabama	1,262,505	152,048	8.30	175,100	23,052		1,453,330	187,825		
Arkansas	802,525	107,290	7.50	155,944	48,654		1,159,580	357,055		342,617
Florida	269,493	51,618	5.20	66,635	15,017		346,502	77,009		
Georgia	1,542,180	158,040	9.75	142,839		15,201	1,392,650		149,530	
Louisiana	939,946	103,083	9.10	128,250	23,167		1,167,075	227,129		
Mississippi*	1,131,597	*117,078	9.60	115,567		1,511	1,009,443		122,154	
North Carolina	1,399,750	241,218	5.80	285,512	44,294		1,655,969	256,219		
South Carolina	995,577	170,956	5.80	79,750		91,206	462,550		533,027	
Tennessee	1,542,359	241,785	6.30	303,466	61,681		1,911,835	369,476		
Virginia	1,512,565	217,615	7.00	304,093	86,378		2,128,651	616,286		
California	804,699	160,795	5.00	251,339	90,544		1,256,695	451,996		

* Vote in 1876, 164,778. Population, 1870, 827,922.

TABLE III.—Continued.

State.	Population, 1880.	Presidential vote, 1880.	Ratio.	Presidential vote, 1888.	Eight years' increase of vote.	Eight years' decrease of vote.	Population, 1888, according to voting ratio in 1880.	Increase of population 1880 to 1888 on basis of vote returned.	Decrease of population 1886 to 1888 on basis of vote returned.	Population according to State census of 1885.
Kansas	996,000	201,236	4.95	334,035	132,799	.....	1,653,473	657,383	.....	1,268,502
Minnesota	780,773	150,771	5.20	263,285	112,514	.....	1,369,082	588,309	.....	1,117,798
Nebraska	452,402	87,460	5.10	202,653	115,193	.....	1,033,530	581,128	.....	740,645
Connecticut	622,700	132,802	4.68	153,978	21,106	.....	720,616	97,916	.....	.....
New Hampshire	346,991	86,454	4.00	90,819	4,365	.....	363,276	16,285	.....	.....
New Jersey	1,131,116	245,928	4.60	303,741	57,813	.....	1,397,209	266,093	.....	1,278,033
Oregon	174,768	40,816	4.28	60,914	20,098	.....	260,711	85,943	.....	194,150
Wisconsin	1,315,497	266,904	5.00	354,584	87,680	.....	1,772,920	357,423	.....	1,563,423
Maryland	934,943	172,221	5.40	210,921	38,700	.....	1,138,973	204,030	.....	.....

TABLE IV.

Mississippi.			New Jersey.		
District.	Representative.	Total vote, 1888.	District.	Representative.	Total. vote, 1888.
First	Mr. Allen	13,085	First	Mr. Bergen	46,453
Second	Mr. Morgan	19,795	Second	Mr. Buchanan	42,803
Third	Mr. Catchings	16,238	Third	Mr. Geissenhainer	44,448
Fourth	Mr. Lewis	15,251	Fourth	Mr. Fowler	30,925
Fifth	Mr. Anderson	20,239	Fifth	Mr. Beckwith	40,383
Sixth	Mr. Stockdale	15,044	Sixth	Mr. Lehlbach	51,133
Seventh	Mr. Hooker	15,561	Seventh	Mr. McAdoo	47,205

Mississippi.			New Jersey.		
District.	Representative.	Total vote, 1886.	District.	Representative.	Total vote, 1886.
First	Mr. Allen	3,167	First	Mr. Hires	35,433
Second	Mr. Morgan	12,648	Second	Mr. Buchanan	35,380
Third	Mr. Catchings	6,950	Third	Mr. Kean	33,479
Fourth	Mr. Barry	3,086	Fourth	Mr. Pidcock	26,021
Fifth	Mr. Anderson	4,316	Fifth	Mr. Phelps	29,538
Sixth	Mr. Stockdale	12,117	Sixth	Mr. Lehlbach	37,971
Seventh	Mr. Hooker	4,514	Seventh	Mr. McAdoo	31,551

TABLE V.

South Carolina.			Kansas.		
District.	Representative.	Total vote, 1888.	District.	Representative.	Total vote, 1888.
First	Mr. Dibble	9,855	First	Mr. Morrill	37,012
Second	Mr. Tillman	12,337	Second	Mr. Funston	45,118
Third	Mr. Cothran	8,774	Third	Mr. Perkins	36,227
Fourth	Mr. Perry	11,410	Fourth	Mr. Ryan*	49,590
Fifth	Mr. Hemphill	9,586	Fifth	Mr. Anderson	38,318
Sixth	Mr. Dargan	8,972	Sixth	Mr. Turner	40,774
Seventh	Mr. Elliott	15,435	Seventh	Mr. Peters	82,244

FIFTIETH CONGRESS—VOTE OF 1886.

First	Mr. Dibble	3,317	First	Mr. Morrill	31,287
Second	Mr. Tillman	5,235	Second	Mr. Funston	34,792
Third	Mr. Cothran	4,409	Third	Mr. Perkins	36,716
Fourth	Mr. Perry	4,470	Fourth	Mr. Ryan	38,084
Fifth	Mr. Hemphill	4,701	Fifth	Mr. Anderson	35,996
Sixth	Mr. Dargan	4,469	Sixth	Mr. Turner	33,025
Seventh	Mr. Elliott	12,476	Seventh	Mr. Peters	61,465

* Mr. Ryan resigned in 1889.

TABLE VI.

Georgia, 1888.			Virginia, 1888.		
District.	Representative.	Vote.	District.	Representative.	Vote.
First	Mr. Lester	16,896	First	Mr. Browne	29,048
Second	Mr. Turner	11,000	Second	Mr. Bowden	33,775
Third	Mr. Crisp	12,750	Third *	Mr. Waddill	31,412
Fourth	Mr. Grimes	13,941	Fourth	Mr. Venable	28,963
Fifth	Mr. Stewart	16,008	Fifth	Mr. Lester	27,451
Sixth	Mr. Blount	9,050	Sixth	Mr. Edmunds	34,586
Seventh	Mr. Clements	12,269	Seventh	Mr. O'Ferrall	30,268
Eighth	Mr. Carlton	9,651	Eighth	Mr. Lee	29,776
Ninth	Mr. Candler	21,191	Ninth	Mr. Buchanan	32,562
Tenth	Mr. Barnes	7,378	Tenth	Mr. Tucker	28,581

TABLE VI—Continued.

Georgia, 1886.			Virginia, 1886.		
District.	Representative.	Vote.	District.	Representative.	Vote.
First	Mr. Norwood	2,078	First	Mr. Browne	23,288
Second	Mr. Turner	2,411	Second	Mr. Bowden	25,430
Third	Mr. Crisp	1,704	Third	Mr. Wise	26,565
Fourth	Mr. Grimes	3,239	Fourth	Mr. Gaines	20,944
Fifth	Mr. Stewart	2,999	Fifth	Mr. Brown	22,388
Sixth	Mr. Blount	1,722	Sixth	Mr. Hopkins	18,625
Seventh	Mr. Clements	6,680	Seventh	Mr. O'Ferrall	22,402
Eighth	Mr. Carlton	2,377	Eighth	Mr. Lee	17,111
Ninth	Mr. Candler	2,366	Ninth	Mr. Bowen	23,425
Tenth	Mr. Barnes	1,944	Tenth	Mr. Yost	24,300

*The total vote as returned by the State canvassers was 30,955; after an investigation of the returns by the House, which resulted in unseating Mr. Wise, the total vote was stated at 31,412.

Georgia, 1888.			Tennessee, 1888.		
District.	Representative.	Vote.	District.	Representative.	Vote.
First	Mr. Lester	16,896	First	Mr. Taylor	32,293
Second	Mr. Turner	11,000	Second	Mr. Houk	33,966
Third	Mr. Crisp	12,750	Third	Mr. Evans	37,289
Fourth	Mr. Grimes	13,941	Fourth	Mr. McMillin	26,230
Fifth	Mr. Stewart	16,008	Fifth	Mr. Richardson	26,150
Sixth	Mr. Blount	9,050	Sixth	Mr. Washington	33,138
Seventh	Mr. Clements	12,269	Seventh	Mr. Whitthorne	24,869
Eighth	Mr. Carlton	9,651	Eighth	Mr. Enloe	26,290
Ninth	Mr. Candler	21,191	Ninth	Mr. Pierce	27,344
Tenth	Mr. Barnes	7,378	Tenth	Mr. Phelan	31,879

Georgia, 1886.			Tennessee, 1886.		
District.	Representative.	Vote.	District.	Representative.	Vote.
First	Mr. Norwood	2,078	First	Mr. Butler	27,346
Second	Mr. Turner	2,411	Second	Mr. Houk	23,616
Third	Mr. Crisp	1,704	Third	Mr. Neal	27,883
Fourth	Mr. Grimes	3,239	Fourth	Mr. McMillin	20,233
Fifth	Mr. Stewart	2,999	Fifth	Mr. Richardson	19,966
Sixth	Mr. Blount	1,722	Sixth	Mr. Washington	24,137
Seventh	Mr. Clements	6,680	Seventh	Mr. Whittborne	20,642
Eighth	Mr. Carlton	2,377	Eighth	Mr. Enloe	24,421
Ninth	Mr. Candler	2,366	Ninth	Mr. Glass	24,206
Tenth	Mr. Barnes	1,944	Tenth	Mr. Phelan	19,962

TABLE VII.

State.	Males of voting age, 1880.			Vote for Representatives.	
	White.	Colored.	Total.	1886.	1888.
Alabama	141,461	118,423	259,884	86,667	173,214
Arkansas	136,150	46,827	182,977	55,488	156,380
Florida	34,210	27,489	61,699	56,777	66,370
Georgia	177,967	143,471	321,438	27,520	130,134
Louisiana	108,810	107,977	216,787	84,763	113,242
Mississippi	108,254	130,278	238,533	46,748	115,216
North Carolina	189,732	105,018	294,750	194,214	279,681
South Carolina	86,900	118,889	205,789	39,077	76,369
Tennessee	250,055	80,250	330,305	232,413	299,549
Texas	301,737	78,639	380,376	288,440	337,712
Virginia	206,248	128,257	334,505	224,478	305,965
Total	1,741,525	1,085,518	2,827,043	1,336,585	2,053,832
Delaware	31,902	6,396	38,298	22,230	29,695
Kentucky	317,579	58,642	376,221	209,249	337,764

TABLE VII—Continued.

State.	Males of voting age, 1880.			Vote for Representatives.	
	White.	Colored.	Total.	1886.	1888.
Maryland	183,522	48,584	232,106	150,471	207,812
Missouri	508,165	33,042	541,207	418,777	517,473
West Virginia	132,777	6,384	139,161	130,955	156,966
Total	1,173,945	153,048	1,326,993	931,682	1,249,710
California *a*			329,392	194,085	247,557
Colorado			93,608	58,258	92,009
Connecticut			177,291	123,015	153,623
Illinois			796,847	567,853	745,593
Indiana			498,437	459,225	535,584
Iowa			416,658	337,431	402,936
Kansas			265,714	271,359	329,283
Maine			187,323	128,367	144,882
Massachusetts			502,648	245,304	341,028
Michigan			467,687	279,495	473,869
Minnesota			213,485	214,123	262,312
Nebraska			129,042	136,499	203,019
Nevada			31,255	12,370	12,603
New Hampshire			105,138	77,093	90,707
New Jersey			300,635	229,373	303,350
New York			1,408,751	930,387	1,272,369
Ohio			826,577	704,457	832,950
Oregon			59,620	54,954	58,233
Pennsylvania			1,094,284	817,865	990,036
Rhode Island *b*			76,898	17,894	35,369
Vermont			95,621	48,473	68,251
Wisconsin			340,482	283,654	350,777
Twenty-two Northern States			*c*8,417,403	*d*6,291,534	*e*7,947,340
Five border (formerly slave) States			*f*1,326,993	*g*931,682	*h*1,249,710
Eleven Southern (seceding) States			*i*2,827,043	*j*1,336,585	*k*2,053,832

State.	Increase 1888 over 1886.		Number of Representatives.	Average vote to each Representative.	
	Number.	Per cent.		1886.	1888.
Alabama	86,547	100	8	10,833	21,652
Arkansas	100,892	182	5	11,097	31,276
Florida	9,593	17	2	28,388	33,185
Georgia	102,614	370	10	2,752	13,013
Louisiana	38,579	46	6	14,127	18,873
Mississippi	68,468	146	7	6,678	16,459
North Carolina	75,467	39	9	21,578	31,076
South Carolina	37,292	95	7	5,582	10,909
Tennessee	67,136	29	10	23,241	29,954
Texas	49,272	17	11	26,222	30,701
Virginia	81,487	35	10	22,447	30,596
Total	717,247	54	85	15,724	24,162
Delaware	7,463	33	1	22,230	29,695
Kentucky	128,515	61	11	19,022	30,706
Maryland	57,341	38	6	25,078	34,635
Missouri	98,696	24	14	29,913	36,963
West Virginia	26,011	20	4	32,738	39,241
Total	318,028	34	36	25,880	34,714
California	53,472	27	6	32,347	41,259
Colorado	33,751	58	1	58,258	92,009
Connecticut	30,608	25	4	30,753	38,405
Illinois	117,740	31	20	28,392	37,379
Indiana	76,359	17	13	35,325	41,191
Iowa	65,505	19	11	30,675	36,630
Kansas	57,924	21	7	38,765	47,040
Maine	16,515	13	4	32,092	36,220
Massachusetts	95,724	39	12	20,442	28,419
Michigan	94,374	25	11	34,499	43,079
Minnesota	48,189	23	5	42,824	52,462
Nebraska	67,520	50	3	48,833	67,673
Nevada	233	2	1	12,370	12,603
New Hampshire	13,614	18	2	38,546	45,353
New Jersey	73,977	32	7	32,767	43,335
New York	341,982	37	34	27,335	34,481
Ohio	128,493	18	21	33,545	39,998
Oregon	3,279	6	1	54,954	58,233
Pennsylvania	172,171	21	28	30,291	35,328
Rhode Island	17,475	98	2	8,947	17,684
Vermont	19,778	40	2	24,236	34,125
Wisconsin	67,123	24	9	31,517	38,975

a In this State about 65,000 Chinese are included in population (males twenty-one years old and upward), although they can not vote.

b The remarkable increase in the vote was due to the adoption of the enfranchisement amendment to the constitution in April, 1888.

c Of this total nearly 32 per cent. foreign born.

d Nearly 75 per cent. of males of voting age in 1880.

e More than 94 per cent. of males of voting age in 1880.

f Of this total about 16½ per cent. foreign born.

g More than 70 per cent. of males of voting age in 1880.

h More than 94 per cent. of males of voting age in 1880.

i Of this total about 7½ per cent. foreign born, and, excluding totals of Louisiana and Texas (410,547), less than 4 per cent. foreign born.

j More than 47 per cent. of males of voting age in 1880.

k Nearly 73 per cent. of males of voting age in 1880.

TABLE VII—Continued.

State.	Increase 1888 over 1886.		Number of Representatives.	Average vote to each Representative.	
	Number.	Per cent.		1886.	1888.
Twenty-two Northern States	1,655,806	26	204	30,840	38,957
Five border (formerly slave) States	318,023	34	36	25,880	34,714
Eleven Southern (seceding) States	717,247	54	85	15,724	24,162

Of course the States which contain a large percentage of foreign-born men of voting age are placed at a disadvantage in these comparisons, because a considerable percentage of the foreign-born men twenty-one years old and upward are not naturalized; that is necessarily true in the North and West, which receive annually tens of thousands of foreign immigrants, while the South, with the exception of Texas and Louisiana, receives only hundreds. In 1880 there were only 50,506 foreign-born males of voting age in the nine States of Alabama, Arkansas, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia, which contained an aggregate white population of 1,330,978 persons of voting age, an average of less than 4 per cent.

In the Northern States the numbers and proportions of foreign-born men of voting age were as follows:

California	127,374—nearly	50 per cent.
Colorado	25,873—nearly	30 per cent.
Connecticut	55,012—nearly	33 per cent.
Illinois	277,889—more than	33 per cent.
Indiana	73,446—about	15 per cent.
Iowa	126,103—about	32 per cent.
Kansas	53,595—about	20 per cent.
Maine	22,486—about	12½ per cent.
Massachusetts	170,690—more than	33 per cent.
Michigan	176,088—more than	38 per cent.
Minnesota	123,777—more than	58 per cent.
Nebraska	44,864—more than	35 per cent.
Nevada	14,191—more than	55 per cent.
New Hampshire	16,111—about	14 per cent.
New Jersey	99,399—more than	30 per cent.
New York	536,598—about	39 per cent.
Ohio	191,386—nearly	25 per cent.
Oregon	13,630—about	25 per cent.
Pennsylvania	272,860—more than	25 per cent.
Rhode Island	27,108—about	37 per cent.
Vermont	17,533—about	19 per cent.
Wisconsin	189,469—about	50 per cent.
Total	2,656,392—average nearly	32 per cent.

Despite this disadvantage, however, it will be noted that the number of votes cast in a number of Northern States exceeds the total male population of voting age returned in 1880. Here is the statement:

State.	Males of voting age, 1880.	Total vote.	
		1886.	1888.
Indiana	498,437	.....	535,584
Kansas	265,714	271,359	329,283
Michigan	467,687	.....	473,869
Minnesota	213,485	214,123	232,312
Nebraska	129,042	136,499	203,019
New Jersey	300,635	.....	303,350
Ohio	826,577	.....	832,950
Wisconsin	340,482	.....	350,777

The only border State which has passed the same limit is West Virginia—139,161 in 1880; 156,966 votes in 1888.

Of course, however, these States could not compete with the Southern States in the matter of increasing the vote of 1888 over the vote of 1884, as will be seen by the following comparative statement.

Comparative statement.

State.	Males 21 years old and upward, 1880.	Total vote.		Increase, per cent.
		1886.	1888.	
Alabama	259,884	86,667	173,214	100
Arkansas	182,977	55,488	156,380	182
Georgia	321,438	27,520	130,134	370
Mississippi	238,533	46,748	115,216	146
South Carolina	205,789	39,077	76,369	95
Indiana	498,437	459,225	535,584	17
Kansas	265,714	271,359	329,283	21
Michigan	467,687	379,495	473,869	25
Minnesota	213,485	214,123	262,312	23
Nebraska	129,042	136,499	203,019	50
New Jersey	300,635	229,373	303,350	32
Ohio	826,577	704,457	832,950	18
West Virginia	139,161	130,955	156,966	20
Wisconsin	340,482	283,654	350,777	24

It will be observed that even under the impulse of the great Southern revival in voting in 1888 the first five States returned less than 54 per cent. of the total number of men who were twenty-one years old or upward in 1880, while the last nine States returned more than 108 per cent. of the total number of men of voting age reported by the census of 1880. (The totals are: 1,208,621 persons, 651,313 votes, or a trifle less than 54 per cent. in the first five States; and 3,181,220 persons and 3,448,110 votes, or a little more than 108 per cent., in the last nine States.)

Mr. HEMPHILL. Mr. Speaker, I can not hope to express to this House the views which have influenced the minority of the committee in as elegant terms as have been used by the gentleman, the head of the committee [Mr. LODGE], who has just stated the views of the majority on this bill. But I hope I shall be able to speak as dispassionately and with as broad a view in stating the reasons and the motives which influenced the minority in reaching the conclusion that they have.

The purpose of this bill, as any gentleman knows who has read it closely, is to effectually place the election of members of Congress under the control of the United States Government, and, as we who represent the minority contend, the effect of the bill, whatever its purpose may be, will be to control absolutely the election not only of members of Congress, but of various State and county officers in the several States of the Union, and eventually to control the election of the President of the United States.

The clause under which this claim is made is the first clause of the fourth section of the first article of the Constitution, which provides:

> 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.

It is hardly necessary, Mr. Speaker, to say in this House, to gentlemen who are supposed to know something of the history of the adoption of the Constitution of the United States, that this section created more uneasiness in the minds of the members of the conventions that finally passed upon the adoption of the Constitution of the United States than all of its other provisions combined. Seven of the thirteen States were so unwilling to accept the Constitution of the United States with this provision in it, that they expressly provided amendments to it which were to be submitted to the States, which would deprive the Congress of the United States of the right to exercise this power except in certain specified emergencies. And the State of Massachusetts which has sent so many able Representatives to the Congress of the United States, and which so far as ability and learning are concerned has certainly filled an honored place among the sisterhood of States, was so seriously concerned on the subject that that State not only submitted an amendment to the Constitution to deprive Congress of this power, but expressly enjoined upon its Representatives to take care at "all times" to see that nothing was done by the Congress of the United States which should deprive the people of the State of the right to pass upon and settle this question for themselves.

I do not purpose to enter into any long constitutional argument on this question. I hold that the Supreme Court of the United States must eventually adjudicate all problems which arise as to the powers of the several States and of the United States; and they have gone very far, if they have not absolutely decided that the Congress of the United States has almost unlimited powers in this particular.

I would like to call the attention of the Representatives of the people here to the fact, however, that every expression that has ever fallen from the lips of the voters of this country has been in absolute and utter condemnation of the right of Congress to take from them, the right to decide through State agencies, how these elections shall be carried on and who shall conduct them.

As I stated, at the very inception of this Government, when its foundations were being laid, as was then hoped in the broad and everlasting principles of human liberty, seven of the thirteen original States declared against the power of Congress to exercise this authority; and they put their objection on the broad ground that it was a usurpation of the liberties of the people and that it would eventually operate to their destruction.

Congress obeyed that injunction until 1842, when for the first time it undertook to legislate upon the subject, and a Mr. Campbell, a gentleman representing at that time one of the districts of South Carolina, introduced into the apportionment act of that year a provision requiring that the several States should elect their members of Congress from separate districts, "which shall be composed of contiguous territory." That was a Whig Congress, and Mr. Campbell, I think, in fact I am sure, was the only member from South Carolina who voted for the proposition, for the Democrats thought then, as they think now, that it was a usurpation of power by Congress and voted with practical unanimity against it.

Four of the States disobeyed the requirements of the law and elected their members of the House from the State at large, and not from separate districts. The right of the members from these four States was examined into under a resolution of the House and in this way the question arose as to whether or not the passage of the law was a constitutional exercise of power by Congress. The House of Representatives, by a large majority, practically overruled and set at naught this alleged statute of the United States, and seated the members from the four States that had knowingly and willfully disobeyed it. When it came to a question before the people as to whether or not they would sustain the Democratic party in practically wiping from the statute-books such a law, the sentiment in their favor was overwhelming and the Congress that had been Whig in 1840, by the following election of 1842 was converted into a Democratic Congress by a majority of more than two to one.

The States which objected to that law were Missouri, Georgia, and Mississippi, and the good State of New Hampshire. Let me read to you some of the expressions of opinion that were given by the Legislatures of various States at that time.

The State of Ohio in 1843 resolved—

> That Congress has no right, under the Constitution of the United States, to prescribe the manner, time, or place of holding elections for members of its own body, except in case where the Legislatures of the States shall refuse or fail to make provision for the same.
>
> *Resolved*, That the General Assembly, acting in behalf of the people of the State of Ohio, do hereby solemnly protest against the late attempt of the National Legislature to encroach upon the independence of the several States composing this Union; and the second section of the act alluded to is hereby declared to be unconstitutional, arbitrary, and of no binding effect upon the States.

That, gentlemen, was the first instance, so far as I know, in which a Northern State adopted the somewhat famous doctrine of South Carolina as to the right of a State to nullify an act of the United States Congress. But the State of Ohio expressly declared through its assembled representatives that the Congress of the United States had no power to pass such a law, and that it was not binding upon them.

The State of New Hampshire resolved, amongst other things—

> *Resolved*, That the recent act of Congress, directing the States to be districted for the choice of Representatives to Congress, is a direct violation of the provisions of the Federal compact, and we can not regard the same as binding upon the States.
>
> *Resolved*, That we can not sanction so unauthorized an interference in our domestic relations on the part of Congress, and shall, therefore, decline to district this State for the choice of Representatives to Congress.

I have some resolutions from the State of New York, expressing in even more emphatic terms the disapprobation of the people of that State of this act of Congress which usurps the power which they thought belonged to the several States under the Constitution of the United States.

But if the gentlemen here do not care to heed the voice of the people as it is expressed through their State representatives, and think that it is better to act upon their own judgment in this matter, then I would like to submit to them some views of this bill which I think will prevent any man from voting for it who desires an honest and an efficient national law for the preservation of the rights of the voters and of the members of this House.

This, gentlemen, is not a bill of universal application, and when the gentleman from Massachusetts [Mr. LODGE], in such soft and kindly words, undertook to state the character and the provisions of this bill, it seems to me that he omitted the chief features of it, and left the House in utter ignorance of what its effect will be.

The bill if it becomes a law is not to be operative, as most laws are when it passes both Houses of Congress and is approved by the President, but is to go into effect upon the petition of fifty or one hundred persons, as the case may be, "claiming to be citizens of the United States, and residents and voters in such county or parish." And the provisions for putting it into operation are very curious and uncertain even when petitioned for. It undertakes to provide for being put into operation by judicial districts under a chief supervisor for each.

There are seventy judicial districts in the United States, the entire area being laid off into judicial districts, so that if there is a supervisor for every district, the whole country is by this means embraced within the limits of the jurisdiction of one of these supervisors. And when you say that the supervisor of the judicial district shall have supervision of Federal elections within his judicial district, you cover the whole territory of the United States.

But having provided for this the bill goes on to say that the supervisor of a judicial district shall also have supervision of a Congressional district, the majority of the counties of which are in his judicial district. If the majority of the counties are in one judicial district, the minority of the counties must necessarily be in another judicial district, so that the minority of counties of one Congressional district will be supervised by the supervisor of that judicial district and by the supervisor of the judicial district in which the majority of the counties of that Congressional district lie.

The bill, not stopping here, provides further for the determining by the majority of the votes in the various counties, as shown by the census, for the supervision of entire Congressional districts where the counties are equally divided between two judicial districts or where they lie in more than two judicial districts.

So that under this bill as it is framed some portions of the United States will be under the supervision of one chief supervisor and other portions, even within the limits of the same Congressional district, will be under the supervision of two chief supervisors, and others again will be under the supervision of three or four or possibly five chief supervisors, according to the situation and limits of the Congressional districts as compared with the judicial districts of the various States.

Each chief supervisor has equal authority and each has power

under this bill to appoint three supervisors at each polling precinct, and any number of deputy marshals he shall see fit to select.

If there are no petitions there can be no supervisors; if there are petitions there may be from nine to fifteen supervisors, all with equal authority, conducting the election at one poll, and deputy marshals without number.

I can conceive, gentlemen, of no honest purpose in any such provision as that; and it can have no other effect except to put the people of some districts between the upper and nether mill-stone, by which the voters will be ground out of the last right that is left to them.

These are the astounding provisions of the first section, and the second section is rather more remarkable than the first. The second section undertakes to say when this bill shall be put into operation, and it provides for three cases in which the law may be made applicable. Now, if gentlemen of the majority have any reason on earth why this law upon petition should not be made applicable to every Congressional district in the United States, they have not seen fit to disclose it either in their report or in the speech which the chairman has made to this House.

There are three cases only in which this law can be put into operation even upon the petition of citizens. The first is in cities of 20,000 inhabitants or upwards. Second, in any county or parish which forms a part of a Congressional district. Now, why you should put that qualification to it I can not understand, and the majority have not explained. It is not any county or parish that forms a whole Congressional district, but it is any county or parish that forms a part of a Congressional district. Third, in any entire district, no part of which is within a city of 20,000 inhabitants or upwards. No Congressional district can be supervised as a whole upon a petition sent in by one set of people except in two cases: first, where the entire district is in a city of more than 20,000 inhabitants, or where the district has not within its limits a city of 20,000 inhabitants.

No supervision can be had in a district which is formed of one county only and which has in it a city of 20,000 inhabitants and upward, except in so far as the supervision applies to the city itself. The township and other subdivisions or portions of the county or parish forming part of the Congressional district which embraces a city of 20,000 inhabitants and upward can not be supervised under this bill. One part of the Congressional district, under both the first and second subdivisions of this bill, may be put under supervision and under the operation of the Federal law, while the other part is not under that supervision and is under the State law. Returns from the first-named part will be made to both the United States and the State canvassers; the managers of the second-named part to the State canvassers only. The returns of the United States canvassers will be utterly useless in this case, for no full returns can be made from the whole district. If a Congressional district is composed partly of a city of 20,000 inhabitants and upwards and partly of counties, it can not be embraced under the law as a whole, and one petition, or several petitions, for each county or part of a city will be required. If the county, as distinguished from the city, is divided between two or more Congressional districts, no part of it can be brought under this law, unless it be in a Congressional district no part of which is within a city of 20,000 inhabitants or upwards.

Mr. Speaker, it does seem to me that if we are to have a statute of the United States, the first requisite ought to be that it should be of uniform application. This is not so here, because it depends upon the wish of fifty or one hundred men in a town or county or city; and even this number of petitioners, or in fact any number, have not the power to put this law in operation in every district or part of district in the United States.

While the gentleman from Massachusetts [Mr. LODGE] has made what appears to be an exceedingly fair and free unfolding of all the merits of this bill, he has failed to state to this House why it is that this very unique and exceedingly complicated and unsatisfactory provision is put in here, unless the purpose of it is to bring this law to bear down upon some portion of the people and allow other portions to escape its burdens. I call upon him, and upon others who succeed him, to explain to this House why these very peculiar provisions are found in this bill, as developed by this analysis of the first and second sections of it.

Mr. Speaker, there are other portions of this bill which seem to me to strike at the very central point of the liberties of the people of this country. There are four different kinds of officers who are to be appointed to carry out the requirements of this measure. First, there is a chief supervisor, who is to be appointed to supervise, through his subordinates, the Congressional election in his judicial district and in other districts in certain contingencies, as I have above specified.

2. The supervisors—three at each polls—who are practically to conduct the election and who receive their appointment from the chief supervisor.

3. The canvassers—three in number—who are to canvass and certify the result of the voting.

4. Deputy marshals—without limit as to number—to attend upon the registration, and voting, etc.

The chief supervisor is made a permanent officer of the Government and is appointed by the circuit judge of the United States who has a life tenure. So that, so far as it is possible to remove the election of members of Congress from the control and influence of the people, and from the exercise of any voice whatever in the management and results of this most important matter, this bill easily surpasses anything that has been proposed to the representatives of the people.

This House has been called the very "breath of the people" of the United States, and it is so spoken of because the members are directly elected by them, and the purpose of the creation and the existence of this House was and is that the people through its members might have the most direct and powerful influence upon this Government; and yet this bill provides that the man who is to supervise and practically control the elections of the members of this body shall be one who in no way owes his appointment to the people, but who is appointed by an officer who holds a life tenure and who himself does not receive his commission from the people, but from the President of the United States.

If only one-half is true as to the corruption of the voters of the United States that has been depicted by the gentleman from Massachusetts, then I am sure we may well expect that at least one-half of the supervisors who shall be appointed by the circuit judges will be unworthy to exercise the great powers that are given to such officers in this bill.

If the people of the United States have become so debauched that they can not be trusted to have any voice whatever in choosing the managers of their elections, and are to be "guarded, scrutinized, and supervised," as if they were criminals absent from the penitentiary upon ticket-of-leave only, then I say it is but fair to presume that when we must select these officers from the body of the people we will not be able to get every one of them honest. Suppose a mistake is made in the appointment of these officials and some of them act corruptly and dishonestly. The judge who appoints the supervisor has a life tenure, and the supervisor himself has a life tenure. Neither owes his appointment to the people, and neither can be removed or directly affected in any way by the popular vote. How can they turn the supervisor out if he is dishonest and illegally returns the wrong man to Congress?

The point does not seem to have occurred to the gentleman from Massachusetts that when this machinery is put in motion the power of the people to change directly the supervisors of election and the chief supervisor and the judge who appoints is absolutely gone forever. Not only the chief supervisor is a permanent officer, but he appoints the supervisors of election. Those supervisors, under the present law, as appointed, are taken one from each political party. This bill provides that two of them, the majority, shall be taken from one political party and one from the minority or other political party; but it also provides that the majority shall be able to do everything that the whole board can do, and it provides further that the judges, eight out of ten of whom are Republicans, shall appoint the chief supervisor, and that he shall select a majority of his own party for the control of the elections. Not only does the one party have the chief supervisor and the supervisors, two at least at each poll, but it has the majority of the board of canvassers who are also appointed, not by the people, not by anybody who has been elected by the people, but by a judge who has been appointed by the President, and that board of canvassers make up their returns and determine who shall be members of this House without any reference whatever to the returns made by the officers appointed by the State to conduct the election.

Another very strange provision of this bill is that the supervisors shall hold their office for two months after the election is closed and after their duties are entirely performed. That, I say, is a very peculiar provision, that a man shall be appointed to an office, to perform a certain duty, upon a certain day, at the end of which day all his efficiency as an officer shall cease; that he shall have no further duties laid upon him, and yet that he shall continue to be an officer of the United States for two months after his work is thus entirely completed. Now, the purpose of that is so manifest to every man who knows the law of the United States that it drives right through the whole of the "non-partisan" covering which the gentleman from Massachusetts [Mr. LODGE] has put about this bill.

What is the object of this provision? If a supervisor of election makes a false return as to a State office, or does anything else in violation of State law (and I will soon show you that he has great power there also) he can not be arrested and tried before the State courts; for, under this bill, he has two months after he has manipulated the ballot-box and robbed the people of their rights to run away from the State and to snap his fingers in the face of the people whose rights he has ruthlessly trampled upon. We all know that a State court is not permitted to try a United States official for any offense which he commits in violation of law while acting as such official, and the plain effect of this provision, not expressed upon its face, but perfectly manifest when you understand the decisions of the courts, is to give these officers the opportunity to rob the people of their honest votes, with two months within which to escape the punishment that would be due to them. I say, Mr. Speaker, that that one provision of this measure stamps this bill as a scheme to rob the people of the States of the dearest right of American citizenship.

And not only this, but has any gentleman who has read this bill or any statute that it refers to been able to discover any limit whatever to the number of deputy marshals that may be appointed to execute this law? Have the people of New York or Kansas or Illinois or any of the Northern States become so utterly corrupt and devoid of honor that there is to be no limit whatever to the number of men who may be appointed to guard and scrutinize and supervise them when they go to cast their ballots as American freemen? This bill says that the chief supervisor shall provide for the filling of all election districts, and I think that is a very appropriate term. He is going to "fill" the election districts with his supervisors and deputy marshals, and, if necessary, I presume the people of the country are to be crowded out entirely. This chief supervisor names all the other supervisors, and he and the marshal together determine the number of United States deputy marshals. In 1876, in one city in this country, there were 11,615 deputy marshals appointed to guard and scrutinize and supervise the voters; of those 155 were at one poll, and in addition to the 11,000 deputy marshals there were 6,000 supervisors.

Mr. TURNER, of Georgia. Where was that?

Mr. HEMPHILL. That was in New York City, in 1876. Now, I ask, gentlemen, can there be any honest reason for putting one hundred and fifty-five of those officials at one polling place when there are many polling places in the United States that do not have half that number of voters? And if the supervisor can put 155 officers at one polling place, why may he not put two hundred and fifty five or one thousand at one polling place? Why, sir, I remember an election in South Carolina, in 1876, when there were a thousand United States soldiers sent to watch the polls in one county. We are not afraid of this bill personally, for many of us have marched in front of the glittering bayonets of the soldiers of the United States to cast our votes as freemen. The Government sent a thousand soldiers into one county and the result was that every one of them is said to have voted the Democratic ticket, and we had a bigger majority than we ever had before in our lives. [Laughter.]

Mr. BOATNER. I suppose you "bulldozed" them. [Laughter.]

Mr. HEMPHILL. In 1876 there were nearly five thousand deputy marshals and over four thousand supervisors appointed in one place. I have some figures here taken from a speech of Mr. CARLISLE delivered in this House on April 17, 1879, showing that in May, 1878, the chief supervisor of elections in New York City had one of his assistants to swear to a single complaint against ninety-three hundred persons of foreign birth whose naturalization papers had been issued to them in 1868, and on which they had voted ever since that time. On this complaint the same supervisor, as clerk of the court, issued five thousand and four warrants returnable before himself as commissioner of the court. Every one of these warrants was illegal, because the complaint contained more than one name. When the warrants were set aside the supervisor had twenty-eight hundred more complaints made out, and issued warrants upon them. Thirty-four hundred naturalized citizens surrendered their papers to escape this partisan persecution. A few days before the election in November, thirty-two hundred more complaints were sworn out.

Among the instructions given by the chief supervisor to his subordinates was the following:

> In the case of persons who present themselves to vote, where a warrant has been previously issued, you will see that such persons are arrested upon the warrant upon so presenting themselves, and before voting.

The gentleman from Massachusetts has alluded to the number of persons who voted at one election in some portion of New York City and who did not vote at the succeeding election. Within six months, if I recollect aright, he says the number of votes in certain wards in that city fell off several thousand. Possibly the above stated action on the part of this chief supervisor furnishes the explanation for this decrease in the votes cast.

If this is intended for an honest and fair scheme, if we want to get at what our friend from Massachusetts seems so earnestly to desire—a proper representation on this floor of the full vote of the people—then let us limit the number of appointees, so that there will be no danger of having more officers to watch the voters than there will be voters to be watched. Surely no gentleman on the other side of the House will object to this reasonable proposition.

Mr. Speaker, we all know that there has been an earnest effort on the part of a good many people in this country, and a sham effort on the part of a good many others, to carry out something like "civil-service reform" in the United States; and one of the main objects of this reform has been to deprive the party in power of the right of levying assessments upon the office-holders who draw money from the United States Treasury, which money, when thus taken from them by assessment, is used for the corruption of the people at the ballot-box and for the purpose of keeping in power the party that happens to have the majority of office-holders and the alleged right to call upon them for contributions. I believe that this part at least of what is called "civil-service reform" receives the hearty support of every honest man in the United States, whether he is a Democrat or a Republican.

But let us look at this bill and see how much it is going to contribute towards that beneficent purpose. An assessment upon office-holders of 1 or 2 per cent. yields an immense sum for the corruption of voters; and the suppression of this practice has received the earnest attention of the people of this country, who desire honest elections. This bill provides, not that a man shall merely pay a part of the official salary he earns during the year, but that a particular official, in each judicial district, shall have the power intrusted to him of selecting and practically appointing unnumbered adherents of his own political party, who shall attend the polls at a compensation of $5 per day to carry out the instructions of their political boss.

Under the old system the campaign committee simply sent the money to the polls; under this new scheme a Federal officer will send the men themselves, who are to be paid directly from the Treasury, and this official has no limit placed upon his right to take the people's money for this purpose.

The compensation of these supervisors and of all other officers under this bill is not to be subjected to the scrutiny and examination of Congress, and their accounts for salary and expenses are not to be examined by the regular accounting officers of the Treasury.

The salary of the officers of this Government from the President down must be annually appropriated by the people's representatives, and the accounting officers of the Treasury must scrutinize and examine all accounts and claims against the Government, but these officials are to be paid from a permanent appropriation and their accounts passed on by the judge only who appoints them, and are made "special," which means that they are to be paid ahead of and in preference to other claims.

The President can not draw his salary unless appropriated each year by Congress, but these election officers can. The President can not increase the Army and Navy by one man without an act of Congress, but the chief supervisor of any district under this bill can increase his army of election officers to any number he desires without consulting Congress and pay them from the public money without limit as to amount. In fact, the people of the United States, the Army and Navy, and the Treasury are placed under the absolute control of the chief supervisors of election without accountability to any one for their use or abuse.

Now it needs no eloquence to depict the horror of having 100,000 or 500,000 or 1,000,000 men at the polls where the people are casting their ballots—these men receiving a compensation of $5 a day, and all of them appointed, not by both parties equally, but by one man who owes his appointment not to the people or their Representatives, but to a judge of a United States court, whom we can not get at if we choose to do so.

The gentleman from Massachusetts is, as some people think, an earnest reformer of the civil service, while others are unkind enough to express doubt; I give him credit for an honest purpose to do what is right, and I say there can be no more iniquitous provision, nothing which will wipe out more completely every effort to relieve us from the influence of office-holders than the provision in this bill for the appointment of an innumerable body of men to attend at the polls and do the bidding of a partisan Federal official.

The law as it now stands is that the supervisor of elections must come from the town, city, or voting precinct in which he serves. This bill, if it becomes a law, authorizes the chief supervisor to put into your voting precinct or mine any number of men from any part of the Congressional district, even though those men come from places 100 or 200 miles away, and be utterly unknown to any of the voters of the precinct.

Not only so, Mr. Speaker, but there is another very peculiar provision in this bill. Some of the States of this Union provide that ballots, in order to be legal and to be counted, shall be printed in a certain way and be of a certain size, so that every man may cast his vote without it passing under the inspection of his "boss"—the boss under whom he earns his livelihood or his political boss—so that the heelers and the bribers shall not know what kind of a vote he casts. But this bill provides that every vote that is cast for a member of Congress shall be counted. So that in Massachusetts, for instance, if the State officers decide that they must throw out under the State law a ballot, all the names being upon one ticket, this bill says they can not do so, that this ballot is to be counted, and to be counted in a particular way—every name upon it is to be read out, and the name of every office voted for read out.

Again, what are the supervisors to do? In the first place, any supervisor at an election where the State managers, or inspectors, as they are called, hesitate for one moment—the expression is "who do not immediately pass upon the right of the voter who is challenged"—then a supervisor, not the majority, but one, shall pass upon it, and if he so decides this vote shall be put into the box, and when received shall be counted, and the State managers shall have no right to reject it, although the majority of the United States supervisors are not there to pass judgment upon it. There is no appeal from that decision. If they choose to let in one man, if one of the supervisors chooses to let in any man who comes to vote, no matter whether he is registered or not, no matter whether he is qualified under the State laws or not, no matter whether he has complied with the provisions of the State statutes or the constitution or not, if any one of the supervisors says the man can vote he can do so, and his vote, cast in defiance of the State law, must be counted. But if that be true what is to prevent one of the supervisors, in a close district, from electing any of the State officers or county officers that he sees fit to

elect? There is no provision in the law as embodied in this bill to correct such an abuse. There is no provision to correct it or to eliminate that vote in any case. There is no provision that the rights of the people shall be respected, while everything is provided for the rights of the supervisor, who is supposed to be an angel from heaven, because he is appointed by a judge of the United States court who has a tenure for life.

Not only that, Mr. Speaker, but they are to count the votes in a particular way. Every ten votes are to be taken out of the ballot-box by the supervisor, and to be handed to the State inspector, and the State inspector hands them to another supervisor, and he passes them on to another inspector, and he to another supervisor, and so on, so that every vote in the ballot-box, even if a general ticket, is to be handled by seven men, three of whom are not appointed by the State officers, are not in any way responsible to the State law, and who have a right to pass upon the receipt of the votes and the counting of them as they see fit. Now, in New Jersey Indiana, and Illinois, the law requires that the tickets, after they are counted, shall be locked up and preserved for six months.

This bill provides that one of each kind of the tickets is to be pasted on the return and sent here. That is one of the provisions of it. Another is that the United States canvassers are to draw out and destroy extra ballots. How can you preserve the tickets and at the same time send them to Washington and also at the same time destroy them? And these canvassers, gentlemen—I want to call your attention to it—who are to pass finally on the right of every member of this House to his seat upon this floor are not, by the provisions of this bill, to meet at any specified place in the State and are not to give any notice of any meeting that they may hold. All that is required is that they shall meet at some place in the State where a circuit court of the United States is held, and in my State there are three places, I believe, certainly two, and in many of the States five or six, where United States circuit courts are held. I can not imagine any reason on earth why a man who is interested in the final outcome of the vote should not have notice of the place and time where the canvassers are to meet. I repeat, therefore, if this is an honest bill, if its purpose is to bring about honest elections, it would not show such defects upon its face; and that they do exist any gentlemen will find for himself who will take the trouble to examine and study it.

But another very peculiar provision of the bill is contained in section 38, and I do not know of any better name for that provision than to call it the "jury-fixer." You all know that around every court-house in every large city where there are jurors there are some men whose business it is to influence unfairly and dishonestly those who are drawn or are likely to be drawn to serve on the juries. I do not know of any people in the United States that to-day enjoy more completely the utter and supreme contempt of every honest man who knows anything about the administration of justice than these people. But this section provides that the law of the United States as it now exists, which is that the jurors shall be drawn by the clerk of the court and by a jury commissioner of the opposite party, shall be amended so as to provide that the clerk of the court alone, representing one political party, alone shall have the right to select all of the jurors, and that the opposite side shall have no voice in the matter or anything whatever to do in the selection.

Mr. Speaker, when it comes to the selection of jurors to carry out the purposes of the bill, this provision indicates that it shall be done by an official of the court hidden away from the sight of any man, or any man of the opposite party, at least, from the one to which he belongs. I say that no more iniquitous proposition was ever submitted to any body of men for their approval than the proposition that the statute law of the United States, which now provides an honest mode of selecting jurors, shall be altered so that the jurors shall hereafter be drawn by one man, and that man free from the presence of a witness of the opposite party.

Mr. MILLS. May I ask the gentleman from South Carolina what was the necessity for changing the jury law, in a bill that purports to provide for fair and free elections?

Mr. HEMPHILL. Well, I think that was explained very well by my distinguished friend from Pennsylvania [Mr. BUCKALEW] in his statement before the committee, that he thought at first it was entirely out of place to mix up the juries with this partisan election law, but that after reading the bill he thought that it was simply the culmination of the whole thing, that it was partisan in the beginning and through the middle, and it ought to be partisan at the end [Laughter on the Democratic side.] I think that is a just explanation of the whole business.

Now, Mr. Speaker, there is another provision with reference to this jury law which is equally curious, and that is, that the supervisor who has faithfully—those are the words—who has faithfully performed his duty as a supervisor shall be excused from service as a juror.

That struck me as being very peculiar, and I could not understand it, but after looking over the duties of a supervisor I thought that it was nothing but fair that the man who would be willing to act as a supervisor under this bill, and carry out what appears to be the unholy duties expected of him, should be considered as having done enough to entitle him to be excused from any further service in that line. That is, I think when he has done that he has done his share and he ought to be excused from any further service. But a man who has not "faithfully performed his duty" as a supervisor, who has not been willing to override State laws as seems to be herein expected, whose integrity has sustained him when the supervisor has ordered him to make a wrong return, he should not be excused. He will have to run the chances of being drawn on a partisan jury.

And to show the purpose of this change in the jury law I will read to gentlemen an extract which shows what has already been done in that line. You will all remember that there has been some trouble about the administration of law in the United States courts in Florida, and I have a letter from a very worthy gentleman from that State, which he addressed to the President of the United States. Its tone is calm and judicial. The writer's character is such as to entitle him to great respect at the hands of the representatives of the people here. He says:

On July 1 last, the judge appointed a jury commissioner in open and flagrant violation of the United States statute, and another officer of the court has only recently been charged with an admission that this act was unlawful, but was done to make the conviction of Democrats sure, a charge which he has never publicly denied.

The marshal of this court ordered his deputy—

Now look at what we are coming to—

The marshal of this court ordered his deputy to select for jurors only "true and tried Republicans"—

That is the order of the marshal—

another open violation of the statute, which directs that the selection shall be made without regard to party affiliations. Under this arrangement the grand jury contained twenty-two Republicans in a total of twenty-three members.

Does any man believe that that is an honest jury, in a State like Florida, where the total Republican vote is not half the Democratic vote, that you could get an honest jury of twenty-two Republicans and one Democrat?

The gentleman from Massachusetts [Mr. LODGE] says that if we have honest elections we ought not to be afraid of this bill. It is not the elections that are troubling us, it is the iniquity of the office-holders who are sent South to oppress the people. That is the trouble with this bill. We have had eight long years of sad experience of that sort in our State, and I say there is not a gentleman on that side who if he had been there, even as a Republican, would not resent every effort to re-establish that system of iniquity which went under the form of civil government.

I want to call the attention of the House to one more provision. I can not take up all my time in explaining this bill, but I wish to call the attention of the House to the fact that in one section the Legislature is prohibited absolutely from changing any of its State laws as to the election of Congressmen, and as I hold, as to any election, except as to the places and as to the printing of tickets. That is section 37 of the bill. The object, of course, is to continue the present system. Even if the Democrats and the Republicans by a unanimous vote choose to change their own laws upon that subject, under this bill they can not do it. And yet it is stated that this is simply a measure to get an honest count for members of Congress.

Mr. Speaker, let us ask ourselves why this bill should be passed. I have run over it somewhat hurriedly, and probably have wearied the House with its details, but let us ask ourselves honestly what reason can be given for enacting such a law. This Government has been in existence for a hundred years or more. There has never been any necessity up to this time for the passage of any such law as this, and it seems to me that if the people have been trusted, through their representatives in their several States, to manage the election of members of Congress for a hundred years, and there has been no special emergency within the last few years which requires any action upon the part of Congress, that we might, at least, trust them for some time longer in this matter which is so sacred and dear to them.

It must be a humiliating thing for Republicans to confess by this bill that while through seventy-five years, when this country was controlled alternately by the Federalists, the Democrats, and the Whigs, the people could manage their own elections, that now, after twenty-five years of almost uninterrupted control by the Republican party, the people have become so corrupt, their honor so blunted, their integrity so weakened, that they can not be trusted to make an honest return of the votes they cast and must be guarded and scrutinized and supervised as if they were criminals.

Is that not rather a bad record for a party that claims to be the party of great moral ideas—a party that claims more virtues and has fewer than any I ever knew or heard of in my life? [Laughter.] If the result of their rule of this country for a quarter of a century has not been such as to debauch the public sentiment which, when they took charge of the Government, was honest and upright and patriotic, why should there be any such law as this upon the statute-book?

The chief reason assigned by the gentleman from Massachusetts for the passage of this measure is that the public at large think that there is corruption at elections. Mr. Speaker, I think that is the most humiliating confession I have ever heard on this floor. He means to say that if the people have an opinion as to the dishonesty

of their Government which is not well founded, the Representative should acquiesce in the unjust charge and trim his sails accordingly, instead of squarely meeting the case and giving to the public the truth as he knows it. I think, Mr. Speaker, that it is the duty of a Representative of the people to tell them the unadulterated truth whether it be what they have believed or not, and he ought to stand to it.

When a member gives to the House advice of this character upon a matter of such importance, we may well question ourselves whether we ought to follow him when he asks our support of a measure of as great consequence as the one now pending. If his theory be correct, any upright man who has the misfortune of acquiring a reputation for dishonesty through the misrepresentation of his enemies ought not to call for the proof of the charges, face his enemies, and live down the lies that are told against him, but he should go around like a sneak-thief pretending that he is a dishonest man, simply because the public sentiment leans that way.

One of the chief difficulties in this country in settling forever many of the pressing problems that confront us arises from the total misapprehension of the motives and actions of the Southern people, for which sectional demagogues are largely responsible. No people have ever been more misunderstood and misrepresented than those of the Southern portion of our country, and there is nothing in which we are more interested and about which we are more anxiously concerned than that we shall have the opportunity to meet face to face our countrymen from every portion of this Union, and that they may have willing ears to listen to the truth with reference to the people who have suffered so much from being so greatly misunderstood.

Gentlemen, a good deal has been said in this country of late about the new South. What this country really needs is a new North. It needs a North that will take a view of all the facts and not be guided by their own preconceived prejudices. It needs a North which will not waste all of its time and energy in reforming other people's abuses. It needs a North that will sometimes look at its own shortcomings and not always on those of people a thousand miles away; and it needs a North which will believe that when a man in the South of the Anglo-Saxon race happens by any untoward circumstance to come into serious collision with another man of the African race that it is not always because the other man is black.

Finally, Mr. Speaker, it needs a North which, with all its culture and patriotism, freeing itself from all narrowness and prejudice, will rise to the high plane of viewing this whole country as composed of one people, with one hope, one destiny, and one flag, and all moved by the same earnest desire to contribute to the grandeur and glory of a common country.

The SPEAKER *pro tempore*. The time of the gentleman from South Carolina has expired.

Mr. HEMPHILL. I would like to have a little more time, if entirely agreeable.

Mr. ROWELL. I ask that the gentleman may have a little more time.

Mr. BRECKINRIDGE, of Kentucky. I ask unanimous consent that he may take such time as he desires, and that it be charged to this side of the House.

The SPEAKER *pro tempore*. Without objection, the gentleman will be allowed to consume such further time as he desires. The Chair hears no objection.

Mr. HEMPHILL. Now, Mr. Speaker, I do not pretend to say that there are not many men in the North who do take a broad view of the situation, nor to say that the South has not received many substantial benefits from the North in the way of aid toward the education of poor people, both white and black, and in many ways I need not here mention. I am anxious to give them credit for everything that they have done or are doing that is good, and I am not here to criticise them severely for the views that they take on this question; but I am here to say that the first thing that we need is a different view from the Northern people as to the Southern question. Let me quote from a distinguished citizen of Massachusetts, for whose purity and patriotism we all have profound respect—a man long since dead who still lives. Mr. Webster, when attacked by the prejudices of Massachusetts, said:

> The question is whether Massachusetts—intellectual in character and of high moral sentiment—the question is whether she will stand to the truth against temptation and against her own prejudices. She had conquered everything else, a sterile soil and an unfriendly climate; she had conquered everbody's prejudices but her own. The question is whether she will conquer her own, and that is the question I am determined to ask her. I do not wish these States to be bound together as a mere legal corporation, but by the common sympathies which bind kindred hearts. I desire to see throughout this country that balm for every wound, that remedy for all the evils under which the country groans, a united love for a common country.

[Applause.]

Now, gentlemen, these are noble sentiments, and I would like to repeat them in the ear of every citizen of Massachusetts to-day. I would ask them to rise to the height where they can take a broad and an unprejudiced view of the needs of this country, and when they have done that we will not be under the necessity of opposing any more such measures as this.

Mr. Speaker, I wanted to say a few words with reference to the matter of securing an honest return to this House of the true sentiments of the people of this country. A great deal has been said throughout the whole country, and it has gotten to be a kind of a shibboleth of the Republican party and of other people who want to overturn the party now prominent in the South, to cry out for "a free ballot and a fair count." I say unhesitatingly that that is essential to the permanency of this Government.

But, gentlemen, what is the use of talking about a free ballot and a fair count unless we go to the extent of remedying the whole wrong? What is a free ballot? It is the right to put into a box, unhindered, a piece of paper with the name of the man of your choice representing the principles that you advocate. And what is a fair count but an opportunity to have every vote taken out of that box and fairly counted in the result? But, after all, that is a mere means. That is not the end of voting. The end and object of voting is that the voter may have his sentiments represented upon this floor and at the other end of this building, and there is where I say our friends on the other side fall far short of what they undertake. "A free ballot and a fair count" is a mere delusion and fraud unless the laws of the country are so framed in the several States of this Union that when a man casts his vote and has it counted it shall amount to something.

Now let us see about some of our Northern States in this respect. They delight in talking about the negro and alleged frauds in the South. The fact of it is, that I think there are a great many men on that side of the House who owe an everlasting debt of gratitude to the darky. They never would have been heard of if had it not been for him. Their political capital consists in talking about the blacks and abusing the white people of the South. That is the mainspring of their existence, so far as politics is concerned. And they do this for two purposes; first, because they want to be elected, and second, because they want to keep the eyes of the voters away from their own performances at home. Now what is the use of talking about free ballot and a fair count in Kansas, for instance, when the State is gerrymandered in such a way that not a Democratic voice has ever been heard from that State on the floor of Congress? Yet gentlemen waste their time and their strength and their energy in abusing the South and talking about the rights and the wrongs of the colored men of the South, when there are 147,000 Democratic voters in Kansas whose voice has never reached this House of Representatives.

Mr. KELLEY. Will the gentleman permit a question?

Mr. HEMPHILL. Yes, sir.

Mr. KELLEY. How could the gentleman expect any gerrymandering or non-gerrymandering to elect a Democrat from Kansas when there are not four Democratic counties in the whole State? [Laughter on the Republican side.]

Mr. HEMPHILL. It does not make any difference how many Democratic counties there are in the State. That is not the question. The question is as to the representation of the voice of the people of the State, and the gentleman knows that the Democrats of Kansas never had a Representative here.

Mr. KELLEY. No, I do not. On the contrary, I know that they have had a Representative here.

Mr. HEMPHILL. Once.

Mr. KELLEY. Yes, once.

Mr. HEMPHILL. The exception proves the rule. Mr. Speaker, if the parties had a fair representation upon this floor in exact accord with the sentiment of the voters, there would be now in this House 163 Democrats, 154 Republicans, 5 Prohibitionists and 2 Labor candidates. That would be the result if there was a fair and honest expression here of the sentiments of the people of this country.

In California 117,000 Democratic votes are required to elect two Representatives, while 124,000 Republican votes elect four Representatives. The average number of votes to the Representative are, Democratic 58,000, Republican 31,000. In other words, it takes 27,000 more votes in California to put a Democratic Representative here than it takes to send a Republican Representative.

In Illinois 348,000 Democratic votes elect seven Representatives, while 370,000 Republican votes elected thirteen Representatives. The average number of Democratic votes to one Representative is 49,000; the average number of votes to each Republican Representative is 28,000. That is, it takes 21,000 more Democratic votes in Illinois to elect a Democrat here than it does to elect a Republican. I see that creates a smile on the other side. Gentlemen over there think that is all right. That is what they call "a free ballot and a fair count" up North.

Take Iowa, 179,000 Democratic votes elect one Representative, while 211,000 elect ten Republican Representatives. The average number of votes to the Representative on the Democratic side is 179,000, while the average number of votes to each Republican Representative is 21,000. In other words, it takes 158,000 more Democratic votes in Iowa to send one Democratic Representative here than it takes to send one Republican Representative. Yet the gentleman from Massachusetts thought it so small a matter that the Democrats of all these States should be swindled out of their rights on this floor that he deemed it absolutely unworthy of notice.

Mr. Speaker, I have here a great many other figures. Take the State so ably represented by the gentleman who has been elected dictator of this House, to pass all our laws for us during the Fifty-

first Congress without any effort on our part. See how the case stands there. In Maine 73,734 Republican votes have chosen four Representatives, while 54,516 Democratic votes have chosen no Representative at all. In other words, there are four Representatives here from Maine representing 73,734 people; and there is not one man here from Maine representing 54,516 people.

In Massachusetts 104,385 Democratic voters elect two Representatives, while 183,892 Republicans elect ten. Average number of votes to the Representative: Democrat, 52,191; Republican, 18,389; difference, 33,803.

In Michigan 213,469 Democratic voters elect two Representatives, while 236,387 Republicans elect nine. Average number of votes to the Representative: Democrat, 106,734; Republican, 26,625; difference, 80,469.

In Minnesota 142,492 Republican voters have five Representatives, while 120,793 voters not of that party have no political representation.

In Nebraska 108,425 Republican voters have three Representatives, while 94,228 voters not of that party have no political representation.

In the great State of New York it takes to elect a Representative: Democrats, 42,389; Republicans, 34,105; difference, 8,284.

In Ohio it is as follows: Democrats, 79,251; Republicans, 26,003; difference, 53,248.

In Pennsylvania it is as follows: Democrats, 63,805; Republicans, 25,052; difference, 38,853.

In a Congressional election a Republican has three times the political weight of a Democrat in Ohio and Massachusetts, four times as much in Michigan, and more than eight times as much in Iowa, while in nineteen States, ten Republican and nine Democratic, the minorities have no influence or power in a Congressional election and have no political representation in the House of Representatives.

Gentlemen, if a minister of the gospel goes into the pulpit one day in each week and preaches the gospel in its purity and beauty, and serves the devil with might and main the other six days of the week, the people of the community will most likely not have much confidence in him; and you could not blame them very much. That is just the way we look at these sham efforts at reform coming from the other side of the House, under the pretense of a "free ballot and a fair count," when it is known by everybody that these same reformers have so fixed the apportionment in their States that representation amounts to absolutely nothing so far as the Democrats are concerned.

Now for the total. In fourteen Northern States, as the New York World shows by figures, there are 3,386,000 Republicans, who elect 126 Representatives, the average being not quite 27,000 to each Representative, while 3,074,000 Democrats elect in the same number of States only 47 Representatives, or an average of 65,000 Democratic votes to elect a Representative.

Gentlemen, if voting means anything; if it means the expression through Representatives of the policy which the people desire to see adopted, I say that you in the majority are here wrongfully; you have no right to be here, because the people have not by their full and fair expression sent you here.

Mr. SPRINGER. They are usurpers.

Mr. HEMPHILL. Yes, you are usurpers.

Mr. FARQUHAR. Will the gentleman from South Carolina permit me one observation?

Mr. HEMPHILL. I would prefer not to be interrupted, because I am trenching on the time of other gentlemen.

Mr. FARQUHAR. I wish only to call the gentleman's attention to this point: The gentleman must have noticed that in the exhibit to which he has referred in relation to fourteen States, several of the Northern States are omitted. I do not know that it would make any particular difference in the result; but the gentleman, I know, is too fair not to notice that omission.

Mr. HEMPHILL. I only specify some Northern States. There may be a little inaccuracy in the addition and subtraction; but anything of that kind would not affect this general result, that 65,000 Democratic votes are required to elect one Representative, and 27,000 Republican votes to elect a Representative. I am sure there is no such mistake as would affect that general result.

Mr. FARQUHAR. Oh, I grant the showing of the argument.

Mr. HEMPHILL. Take, for instance, the State of New York, which has two representatives at the other end of the Capitol voting for protection and for monopolies, as we think. How do they get there? Why, they get there because the Legislature of New York refused to have a census of the voters of the State so that there should be a reapportionment. Since 1885 the Legislature, in the teeth of the constitution, has refused to the people the plain right to have themselves enumerated and their representatives apportioned according to the enumeration. And so Mr. EVARTS and Mr. HISCOCK are today in the Senate of the United States misrepresenting the sentiments of the State of New York.

The same thing is true with regard to Connecticut.

Mr. PAYNE rose.

Mr. HEMPHILL. Just wait a moment; you can say it afterward, and it does not amount to anything, anyhow. [Laughter.]

Mr. PAYNE. Why are you not fair enough to say it?

Mr. HEMPHILL. Well, I will say this. The Legislature of New York passed a law providing for a census, taking in the amount of property and everything of that kind, which the constitution did not provide for, and the governor vetoed it, as he ought to have done.

Mr. PAYNE. Did not Mr. Tilden, when governor, sign a precisely similar law?

Mr. HEMPHILL. Mr. Tilden, like other people, did some things under stress of weather.

Mr. SPINOLA. We are talking about what the Republicans did. [Laughter.]

Mr. HEMPHILL. Take the State of Connecticut. In 1884, 1886, and 1888 the largest number of votes there, as we all know, were cast for a Democratic governor; but the Legislature did not regard the voice of the voters; they turned right around, slapped the people in the face, and put in a man who was not elected by a majority of the votes. And as we all know, Connecticut has her representatives in the Senate of the United States who advocate and vote for Republican principles, while the political sentiment of Connecticut is absolutely Democratic, and has been so for many years.

Gentlemen, when you have righted the wrongs at your own doors; when you have taken the beam out of your own eye so that you can see without prejudice; when you have fixed the laws of your own States so that there may be a proper and honest expression of the sentiments of the people of the Northern States—in other words, gentlemen, when you have practiced what you preach and shown your faith by your works, then come to us and we will receive you with open arms; and if we do not take your advice we will suggest something better which you will agree to. [Laughter and applause on the Democratic side.]

Now, gentlemen, this question is not only of very great importance to this whole country, but it is a question of exceeding great consequence to the Southern portion of it. The gentleman from Massachusetts [Mr. LODGE] realized this, for he addressed the larger part of his remarks in this House to treating of that phase of the subject. In the Northern States of the Union, whether the Democrats or Republicans are in power is a matter of not so much consequence, because you have there honest people in both parties, and you have dishonest people in both parties, of course; but generally speaking, the better sentiment of the country in all sections of the Northern States stands by what is honest and just, and will give you at least a fairly clean and honest administration of public affairs. But, gentlemen, when you look to another portion of this country the prospect is very different.

Now, we know very well that the colored man has just as many rights and privileges before the law as we have, and we know, also, gentlemen—and it is not a matter of belief only—that, during the years of the longest and saddest experience that ever fell to the lot of any people on earth, we were robbed by the picked villains of the United States under the forms of law, backed up by the bayonets of the United States Army. There is not a man I have ever met from one of the Northern States who is so devoid of manhood and courage that he would not, under the circumstances which governed the Southern States at that time, assert his right as an American citizen and fling off such a miserable sham of a Government, which, instead of protecting the people, robbed them of everything they could gather together after the destructive ravages of war.

We have seen in South Carolina every military company of white men disarmed by law and at the same time 96,000 black men enrolled as State militia and ordered to attend political meetings. We have seen 14,000 black men organized just before an election and 1,000,000 cartridges bought for their use. We have seen the State debt increased $13,000,000 in four years. We have seen the decision of the supreme court of the State as to the right of gentlemen to seats in the Legislature overruled by a corporal of the United States Army. In truth, we have witnessed and experienced every insult and injury that could be heaped upon a people; and, gentlemen, we do not want to be put in that position again.

So far as this law affects members of Congress only we protest against it, but we can shoulder it if the country can, but as to our own State, we know that the honest and intelligent people must either rule it or we must leave it; and for myself, gentlemen, in this presence and before the people of the United States and before that God who sits upon the circle of the heavens, in all reverence, but in all earnestness, I swear we will not leave it. [Applause on the Democratic side.] It is the home of our fathers. There their bones lie buried through many generations. They bought it with their blood when Concord and Lexington were the battle-fields of this country. [Applause on the Democratic side.] They have handed it down to us unimpaired; and, gentlemen, are we not our fathers' sons? Shall the blood first turn back in our veins, and shall we transmit to coming generations a great and noble State which has been overridden and down-trodden by a race whom God never intended should rule over us? [Applause on the Democratic side.]

Now, gentlemen, I believe, and I do not hesitate to say it, that the colored man has his rights in full. He has as many rights as I have, and I concede them all to him, but he can not have his rights and mine, too, and this law is intended to put him again in control of the government of the Southern States. It is intended to awaken again

that race prejudice which is fast dying out; it is intended to bring about a constant irritation and clash between the two races in the South, and will retard its growth and be destructive of the very principles of government in that section.

Now, gentlemen, I want to quote a few words from a speech which I will not read at length. They are the words of a gentleman who is prominent in this country and has received the support of the Republican party in a most earnest contest for the governorship of South Carolina, certainly one of the most scholarly men I know. I refer to Governor Chamberlain, formerly of South Carolina. He spoke before a Boston audience not a great while ago, and after talking of other things came to the question of the condition of the colored man in the South. I quote from his language:

What we shall do about it is our only proper present inquiry. I see men running to and fro, patriots wringing their hands in despair, magazine writers crowding our tables with discussions, editors venting their omniscience, and clergymen lifting up their prayers over our portentous race problem. I confess I share in no such excitement, and I confess, too, here in Boston, that I have very little respect for those who are raising this alarm and outcry. It is, in my judgment, at least nine parts out of ten the babble of professional or ill-informed philanthropists and the interested jargon of demagogic politicians. [Cheers.]

That is the opinion of a man capable of judging.

What, then, is the duty of the North in respect to this problem? What is Boston's and Massachusetts' duty? What is the duty of all patriotic men? I answer with my whole mind and conscience, their duty is to let the negro alone.

* * * * * * *

Can a patriotic American conceive of a more unpatriotic and infamous course of conduct—infamous towards the negro as well as the white man of the South—than, without other than a cold-blooded partisan aim, to arouse the hatred of both races toward each other, to set the negro and white man at each other's throats, while they in cowardly safety, in New Hampshire and Kansas, look on at the bloody results? And such men, heaven defend us, are our Senators and Republican leaders! [Cheers.] When President Harrison calls for a "bugle blast," or Depew discourses solemnly of our duty to defend a free ballot, let us be brave enough and manly enough to tell them that such thunder is a stage trick which has had its day of success, and that the real point of danger to a free ballot and to American institutions lies in the means and methods which in the last election carried New York for Harrison. [Long-continued cheering.]

I want to read one further extract from this speech. He was the Republican governor of South Carolina and lived there for twelve years. He has been away from our State since 1876. He went back again and has been there six or eight months. As to the situation and condition of the negro upon his return as compared with that when he left, I quote this language:

What do I find? I find that since 1876 both races in South Carolina have prospered. I find the prosperity of the negro has advanced *pari passu*, more than *pari passu*, with the white man. I find the negro more self-respecting, better provided with schools, far better, acquiring property more rapidly, more industrious, more ambitious for education and property, than he ever was before 1876; and I have come here to-night, at not a little inconvenience, to proclaim this in the ear of Boston's philanthropy and Boston's patriotism. [Cheers.]

* * * * * * *

I do not exonerate the white race at the South from all past or present blame. There are wrongs done there to the negro now, but I do say that the negro has never known such an era of advancement and prosperity in all that befits a citizen and freeman at the period since 1876; and if it be treason to say it, I reply, in historic words, "Make the most of it!" [Long applause.]

Now, gentlemen, these are the sentiments which we think are true with reference to the condition of the people in these Southern States. I could go on and add to them, but I will not do it now. I only desire to say, gentlemen, in conclusion, that of course the day when we can resist by force any law of the United States, however, unjust it may be, has gone by forever.

To fraud or violence we will not resort, but every lawful means that can be suggested consistent with honor we will employ to preserve our civilization and our prosperity and our freedom.

We can only appeal to the good people of this country to give us that fair treatment which they, under like circumstances, would demand at the hands of the Government to which we all pay taxes, which we all support, and whose common flag we all love.

I know, Mr. Speaker, there are some gentlemen upon whom we can not impress the sacred truths which come up from every part of the Southern country. They do not believe us, they do not want to believe us. Such men willfully misrepresent and traduce us. We do not expect their good opinion, and we fling defiance in their teeth. We can not reason with them. Facts do them no good.

But back of these lies the great body of the American people. For one, I have an abiding faith in their sense of justice and in their love of right; and when we have fully, fairly, and honestly stated to them the facts with reference to the Southern country, and the position of the black man in it, when they have once understood the whole case, I have no doubt that they will render an honest and a righteous verdict.

And whatever that verdict may be the Southern people will accept it as the judgment of their countrymen, and as the final arbitrament of this great problem; and relying upon Him who is the God of Justice, as well as the God of Nations, we will go forward in the great work that lies before us, and endeavor to perform our whole duty to this country honestly, patriotically, and faithfully. [Applause on the Democratic side.]

POST-OFFICE APPROPRIATION BILL.

Mr. BINGHAM. On behalf of the Committee on the Post-Office and Post-Roads I report back to the House the bill (H. R. 9856) making appropriations for the Post-Office Department for the fiscal year ending June 30, 1891, and request the House to non-concur in the amendments of the Senate, and request a conference upon the same.

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES, *June 24, 1890.*

Resolved, That the bill from the House of Representatives (H. R. 9856) entitled "An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1891," do pass with the following amendments:

Page 1, lines 6 and 7, strike out the following words: "two hundred and fifty" and insert in lieu thereof "three hundred."

Page 1, line 20, strike out the words "two hundred" and insert in lieu thereof "five hundred and ninety."

Page 1, line 22, strike out the word "that" and insert the word "this."

Page 3, line 7, strike out the word "fifty" and insert the word "thirty-five."

Page 4, lines 25 and 26, strike out the words "six hundred and sixty-four" and insert in lieu thereof "seven hundred and twelve."

Page 4, line 26, after the word "dollars," insert the following:

"And from this appropriation the Postmaster-General is hereby authorized to expend the sum of $48,000, or so much thereof as may be necessary to cover one-half of the cost of transportation, compensation, and expense of clerks to be employed in assorting and pouching mails in transit on steam-ships between the United States and other postal administrations in the International Postal Union.

Mr. BINGHAM. Mr. Speaker, I move non-concurrence in the amendments of the Senate, and request the appointment of a committee of conference.

The motion was agreed to; and the Speaker announced the following gentlemen as conferees on the part of the House: Messrs. BINGHAM, KETCHAM, and BLOUNT.

FEDERAL ELECTION LAW.

Mr. ROWELL. Mr. Speaker, after the eloquent and exhaustive speech of the gentleman from Massachusetts [Mr. LODGE], chairman of the committee that reported this bill, this side of the House might well afford to rest the case, because all else that may be said will be but a repetition or a presentation of the same arguments in different forms. And after the eloquent closing of the speech of the gentleman from South Carolina [Mr. HEMPHILL] all sides of the House, if he represents the sentiment of that State, ought to cry out aloud for the passage of this bill, because, as I understand him, he proclaims the will of the minority in South Carolina.

The bill under consideration, Mr. Speaker, is no new departure in legislation. It is but an enlargement of the law which has been upon the statute-book since 1871, and which, for eighteen years, has been constantly called into requisition in all the great centers of population for the benefit of all the people, and always in the interest of honest elections. For eighteen years it has been frequently called into requisition in the rural districts as well North as South, and never to the detriment of any legal voter and always in the interest of light and truth. It is not a revolution in the practices of this country. It is not trenching upon the rights of any of the States reserved to them. It is but an exercise of a power placed in the beginning in the Constitution of the United States, a power that the people in Congress assembled have not hesitated to make use of when honest elections and fair representation demanded that that power should be called into use.

The gentleman from South Carolina goes back to the time when the measure first became a law requiring a division of the various States into Congressional districts, and he calls up the protests of several States against that law, and the declaration of some of them that it was an exercise of power not granted by the Constitution. I call the gentleman's attention to the fact that, notwithstanding those declarations, the judgment of the years has been pronounced in favor of that exercise of power, and now nowhere in any State by any political party is there advocacy of a return to the former rule.

The test of the wisdom of an act is the approval of the generations that follow, and the protests to which he refers have gone down into history as protests made for political use; protests manifesting the unwisdom of the protestants. The resurrection of the history of the opposition to the districting act in this year of our Lord 1890 is unfortunate for the gentleman's position, for it recalls one of the worst mistakes of the Democratic party in opposing a legitimate exercise of Federal power.

Mr. Speaker, there is no more vital question confronting the American people than that which concerns honest elections, whether those elections have reference to State or local affairs, or whether they have reference to the House of Representatives of the United States. So long as the people rest secure in the belief that legislators are chosen by the free and uncorrupted suffrage of the electors, so long as they are satisfied that laws are enacted and executed by those who have been honestly chosen, just so long will there be respect for the authority of the law and a public sentiment opposed to lawlessness and a standing army of conservators of good government. It is the conviction that all the people have a voice in the selection of legislative and executive officers; the conviction that every man, however high or however low, counts one at the ballot-box, that makes this "a Government of the people, by the people, and for the people."

Our fathers when they founded the Government under which we live laid the corner-stone in the doctrine that governments are established among men by the consent of the governed, and in building a new nation out of all the varied forms of government that the world had developed selected that one which recognizes in each

citizen a sovereign, with a right to a single voice and the equal of every other man at the ballot-box; the right to protect himself with his ballot; the right to give his consent to the government under which he lives at the ballot-box, and the right to have defended the purity of the elections where that voice was expressed.

Now, I shall not enter into any discussion of the constitutional questions of whether we have a right to enact into law this bill which we are now considering. It is *res adjudicata*. It is a settled question, and to stop to discuss it before this body is to waste the people's time. But because we have the power it does not necessarily follow that we ought to exercise it. If, under the ordinary machinery supplied by a State for holding elections, we are having fair elections throughout the country, if those not qualified are kept from voting and all the qualified are permitted to cast an unpurchased and uncompelled ballot with assurance of an honest count and correct return, then there is no need of other law. If crimes against the ballot are only sporadic, cropping out here and there, the work of the criminal classes, without seriously affecting results, then we have no occasion to call upon the reserve power of the Federal Government to correct these sporadic and occasional evils; but if, on the other hand, crimes against the purity of the ballot-box are general, or general in any particular locality, and the people of the State or the localities are either unable or unwilling to cope with and uproot the evil, then it ought not only to be the duty, but it ought to be the wish of every representative of the people to use whatever power is found in the Federal Constitution to correct the wrong; and I can not conceive how any man can oppose the proper exercise of that power if he believes that crimes are prevalent and the results of elections uncertain, unless it is his desire that these crimes may continue, and that minorities instead of majorities shall make the laws and control the destinies of the nation.

Now, is it true that crimes against the suffrage are common? Why, Mr. Speaker, it is only a few years agone that, figuratively, the whole American people held their breath awaiting for the threatened marshaling of armies to determine who should be inaugurated President of the United States. On the one hand our friends on the other side were charging that Rutherford B. Hayes was not elected President of the United States and that Mr. Tilden was the duly and lawfully elected President, and they have been vigorously maintaining from that day to this that the Republicans stole the Presidency. Upon the other hand, we upon this side of the House have answered back: "You tried to take the Presidential office by force; failing that, you tried to steal it; failing that, you tried to purchase it by the most unblushing attempt at corruption ever heard of in the country; failing that, you threatened to marshal your partisans and take that which you could neither capture, steal, nor buy; and ever since have been finding fault because you were not permitted to do it." If what I say is true, or if half of what the other side believes is true, then in 1876 there was fraud, there was corruption of the most gigantic character in American history. Their numbers are not few who believe that six years ago Mr. Cleveland was counted into the Presidential chair by the action of corrupt officials at the polls in his own State, to say nothing of the suppression of votes in all the South. I say there are those, and their numbers are increasing every day, who believe it; and if that belief honestly exists, ought it not to be the wish of every representative of the people to so conduct elections as to make such a charge impossible of belief in the future?

It is an historic fact that the first year after the law of 1871 was put in force it eliminated 20,000 fraudulent names from the register of a single city, and in other large cities in proportion. No one anywhere among honest men acquainted with the facts will deny that in all the great——

Mr. SPINOLA. Yes; I deny it.

Mr. ROWELL. That in all the great centers of population there is a need of just such supervision in aid of the State authority and that watchfulness over possible dishonest officials to prevent dishonest elections.

Now, in saying this, I am not charging that the people of these great cities desire dishonest elections, but I am charging that into these great centers of life gather the criminal classes; that criminals, by the aid of other criminals, lift themselves into place and power in spite of the will of the majority, and that, having so done, they get control of election and registration machinery, so that it becomes necessary to bring in other power, outside of the local authority, to uncover the blackness of crime and to let the light of day in upon it and to bring the criminals to punishment; and good men rejoice that there is a machinery outside which can help the honest majority in their cry for help against the criminals who, by "repeating," by false registration, by the stuffing of ballot-boxes, by false election returns, take possession of great city governments against the will of the people.

The gentleman from South Carolina [Mr. HEMPHILL] thought it strange that our colleague, the chairman of the committee [Mr. LODGE], should advance the idea that where there was a general belief that frauds in elections existed there ought to be a law to disclose whether that belief was true or false; and he thought that we ought to stand up in our majesty, remain silent under the charge, and trust to time and circumstances to develop the truth. We, legislators for the nation, hold our peace when all the country charges that large numbers of men hold their seats in this body by the will of the minority and against the will of the majority! Hold our peace and have the people declare that the laws are not enacted by the voice of the people, but by the voice of the minority! Is that the gentleman's idea of duty to country, duty to his own State, duty to the common people, the conservators of good order everywhere?

But, Mr. Speaker, I intend to be entirely frank in what I say upon this bill. It is everywhere in Northern circles believed that the black vote of the Southern States is suppressed. It is everywhere believed that the fifteenth amendment to the Constitution of the United States is nullified. Now, if that belief is not true, it is one of the purposes of this bill to develop that fact. It is one of the purposes of this bill to secure everywhere to every man who desires it and is qualified the right to cast his ballot and have it counted; and in using the term "every man" I mean every man without reference to where he lives or what his color may be. It was the pleasure of the American people to incorporate into the Constitution of the United States the fifteenth amendment, and since that article became a part of our Constitution everywhere, in every State, the black man has been a voter upon the same terms as the white man.

Is it our duty, under the oath which we registered when we took our seats here, to see to it that the Constitution, the whole Constitution, and every section of it shall be upheld? Or did we take that oath with a mental reservation that if we live in a State where there might be colored men making up a majority of the population we would proclaim to the world that "we, the minority, must control, or that either they or we must leave the State, and that, so help us God, we would not leave it?" Is there any other meaning to that declaration, so defiantly made on this floor, than that, although the colored men are registered voters, although they are made voters by the Constitution of the United States, and although they constitute a majority of the voters, yet "we, the minority, will control the State for them and us; we, the minority, will represent the State in the national halls of legislation; we, the minority, will ignore the political rights of the majority, and we will do it in spite of the Constitution and in spite of any law that may be enacted by the Congress of the United States?"

Mr. Speaker, I have said that the belief is prevalent throughout the North that the black vote in the Southern States is suppressed. I now propose to affirm that that belief is based upon absolute proof. The black vote is not only suppressed, but it is the announced determination of the men who control public sentiment there, men of prominence and character throughout the great black belt of the country, that that suppression shall continue with law or in spite of law. Before I come to refer to the facts which I propose to cite, I want to discuss for a little while the question whether that ought to exist, and also the other question whether it is within the reasonable expectation of the country that the evils now existing of deprived suffrage will be corrected by the various localities.

I said in the outset that this Government was founded upon the idea that every man living under it gave his consent to the law, that consent to be manifested by the vote which he cast. When the war closed in 1865 it resulted in the emancipation of a race that for more than two hundred years had been slaves. That was the necessary outcome of that war. The black man had been the subject of discussion from the very beginning. That discussion culminated in a bloody war; on the one side men fighting for national unity, and on the other side men fighting to dissever the nation and found a new nation upon the corner-stone of human slavery. But the men who sought to maintain national unity were the victors. A new nation was not formed in the last half of the nineteenth century, in free America, founded upon human bondage. The bondsman went free. What was then our condition; what was the situation of the great ruling class of the South who had attempted to break up the nation? There were two possible conditions for them. One was exile, the other was re-enfranchisement. It was impossible that they should live in this country a subject race. It was impossible that they should obey laws and have no voice in making them; impossible, because incompatible with the theory upon which our nation was built.

But, while that is true, they were in a very different condition from the people of the North. The northern armies went home victors. The soldiers of the North went to homes which had not ceased to prosper during all the years of war, to homes where the foot of the invader had never penetrated, to glad welcomes because of the victory, and because of a belief that thenceforth they would be held as heroes who had been engaged in a righteous cause. Victors can afford to be magnanimous—can afford to trust the future and believe in the perpetuity of the nation they helped to save, and even to trust those not well disposed to it. But the Southern army went home vanquished, humiliated, because humiliation necessarily comes with defeat. They went to homes devastated, to a country that had been invaded, to houses, cities, and railroad systems destroyed, to a section absolutely impoverished, and they went to a social system absolutely overturned and uprooted.

That they were not well affected toward the new Union, the result of the war, and toward the new social conditions, the result of emancipation, not well affected toward the freedmen, need not surprise anybody. On the contrary, had they not been disappointed, had they not felt resentment and hostility, and had they not for a

time refused to participate in State and national affairs, it would have been a surprising condition in this country.

Now, while it is true that it was not possible for them to live in this country without re-enfranchisement, and without a participation in the affairs of the Government, it is equally true that there was no room in all this country for a subject class, and that therefore the black men of that country, recently made freemen, must also, ignorant as they were, be provided with the weapon of self-protection—the same weapon put back into the hands of their former masters—the ballot of the freeman. Ignorant they were, I grant you; and that ignorant suffrage necessarily entails evil, I grant you; but the evil is nothing in comparison with the evil of a subject class. We could have waited; but under the then condition of affairs, or any condition that might be looked for except in the very remote future, there was no hope that the black men once slaves would ever be enfranchised freemen by the consent of their late masters. If they were ever to be put on the road to independence and real manhood, the quicker they started the better for all concerned. Therefore it was the patriotic duty of the people of the United States, before they surrendered the power to do so forever, to see to it that the black men of the South should have the same right as the re-enfranchised white men of the South—the right to cast a ballot, and to have that ballot counted.

Mr. Speaker, concessions never come willingly from above. The favored of fortune who have climbed the rounds of the ladder until they have reached the heights are ever ready to force back the struggling men beneath them, seeking to climb the same ladder. Liberty's circle is broadened by the surging of the masses from the bottom—reluctantly compelled from those above. And in the hundred years just past we may all find a lesson. Every decade shows a broader suffrage, a wider liberty, compelled by the struggling millions who have not caught the ear of fortune and placed themselves beyond the need of legal protection. Revolutions never go backward unless they are revolutions of reaction. Liberty and privilege, once captured by the people below, can never permanently be retaken by the few who are above.

Prophecies of evil are always coming from the wise in their own conceit against the broadened suffrage—prophecies of destruction from the few who think they have been divinely commissioned to rule. But those prophecies have ever in the long run been belied; and the broader the suffrage, the wider the circle of liberty, the greater the prosperity to all the people. And he who would deserve well of his country, having reached the top, may well consider the wisdom of stretching a hand to the struggling men below him instead of trying to force them back into the depths.

Hence the time had to come when the ballot must be placed in the hands of every freeman. The evils that came with it must be endured as being less evils than perpetual bondage, and perpetual bondage of the worst type is that kind of bondage which may not protect itself with a ballot. We heed upon this floor the demands of the men with tickets in their hands. No law which strikes at the great mass of voters ever gets through this House, with the knowledge of the members, without vigorous protest. If there is no vote in the hand of any one of the masses, who heeds the interest of that class of men? Who cares for the men who have not yet attained to the high privilege of American citizenship? That class of people do not count at the polls; that class of people have nothing in their hands with which to protect themselves.

I have said Southern men were not well affected towards their former slaves at the close of the war. They did not dislike them as slaves, but they despised them as freemen because they had been accustomed to regard them as only fit for menial service. The condition has not greatly improved. The black man has allied himself politically with those who gave him his freedom. The master has formed other political alliances. He refuses to believe that his late slave can ever reach any other place than that of menial service. While such belief lasts there can be no political union between black and white in the South. When it ends and justice is conceded to the black man, there will remain no race issue.

These men, lately bondmen, ignorant, semi-civilized, unaccustomed to self-reliance and independent judgment, ought not to be judged by their mistakes, but rather by their successes under adverse circumstances.

After more than two hundred years of bondage, subject absolutely to others' will than their own, shut out from all knowledge, such as white men find necessary to success, circumscribed in their movements, with no permanent family ties, with no legal defense against oppression, 4,000,000 men ushered into liberty to commence life in abject poverty and amongst those who had no faith in them as freemen, it was to be expected that they would halt and stumble, and even disappoint the hopes of their friends. Their helplessness appealed to the sympathy of every well-wisher of humanity.

But they were in the country, and of it. Their ancestors had come hither in chains. Their labor had enriched their masters. They could not and can not now be spared. They are here to stay, in the land of their fathers. Laws are for them as well as the whites, and he who studies with the idea that the whites are the only people who are to be legislated for makes a grave mistake.

The progress of these people in the last quarter of a century, in education, in getting wealth, ought to admonish the whites that this race will not always be servile.

Now, Mr. Speaker, has the black vote been suppressed? That it has is a truth that everybody recognizes. The man of wealth and power may forget election day, but the common citizen, who knows that there is one place in the world where he is the equal of every other man—that place the ballot-box—never willingly stays away from an election on an important occasion. And whenever you find a great body of men always absent on election day, you may set it down as conclusive proof that they are not away by their own consent or by their own will. A prominent man, testifying in a case before the Committee on Elections and trying to justify the belief that the black men of his district were not kept from the polls by the firing of cannon night and day for two weeks before the election, said, "No, that don't scare them; nothing but the shotgun keeps them from the polls."

Mr. OATES. Will the gentleman allow me a moment?

Mr. ROWELL. Yes, sir.

Mr. OATES. The gentleman says that wherever there is the absence of a large number of voters from the polls it is conclusive evidence that they have been intimidated.

Mr. ROWELL. That was not exactly the way I put it.

Mr. OATES. Was not that the substance of the gentleman's statement?

Mr. ROWELL. No, sir. I said, on important occasions, at important elections, wherever a large body of the common people are not found at elections on election day it is conclusive proof that there has been something done improper, either then or at some past time, to keep them away from the polls.

Mr. OATES. I deny your statement, and know of my own knowledge that it is untrue in many instances. I will prove my position when I have the opportunity.

Mr. ROWELL. Well, Mr. Speaker, I shall not engage in a bandying of words with my friend from Alabama as to his knowledge. But I undertake to say that what I have stated is the universal experience of observing and unprejudiced men. And I know how necessary it is to deny that conclusion, because only upon that denial can there be an accounting for the almost universal absence from the polls of the black men in many of the Southern States. I shall soon come to sworn proof of what I assert; and I say to my friend from Alabama that the records of this Congress are full of absolute proof of the truth of what I have asserted, coming from a dozen districts in the Southern States where the black men are.

Now, I want to take up the election of 1888. That was the year of a Presidential election. Four years before, the Democratic party secured the executive control of this Government after having been out of power for twenty-four years. They went into the contest of 1888 with earnestness, with vigor, and with a determination to hold on to that control which they had secured four years before. The Republicans, on the other hand, unwillingly had surrendered power and were eager to regain the power they had thus surrendered to the Democracy. It was an election in which North, South, East, and West were deeply interested, and everywhere the voters were aroused, intelligent and the ignorant alike, and heart and brain were enlisted as they had not been in years.

Now, take the State of South Carolina, the State from which my honored colleague on the committee [Mr. HEMPHILL] comes, and in which he lives; the State where his fathers lived and where their bones lie buried; the State that he does not intend to leave, although he must leave, he says, if the blacks there have the free right to vote and have their votes counted. In that State, in 1880, there were 604,332 black people, men, women, and children, and about 391,000 white people, or over 60 per cent. of the population blacks; and it has been proved so often, so overwhelmingly, and without serious contradiction, that 95 per cent. of these black men are Republicans, that we have a right to assume that had all the black men voted in South Carolina, by a majority of 50,000 it would have cast its vote for the Republican electors, and sent a solid Republican delegation to this Congress. And yet the total vote in all of that State for Congressmen in its seven districts was only 76,365, less than 11,000 to a Congressional district; and the total Republican and scattering vote was only 10,460. Seven thousand of these were cast in a single district, and that district made up in 1880 of over 180,000 people, made out of five of the old Congressional districts, and made in an image that man never dreamed of before, made contiguous by 50 miles of sea-beach, over which the ocean waves flowed every day.

Mr. PEEL. Will the gentleman bear with me for a moment, if it will not divert him?

Mr. ROWELL. Certainly.

Mr. PEEL. My colleague has called my attention to the fact that you stated that where a vote was not polled in a Congressional district that it was evident there was intimidation or corruption.

Mr. ROWELL. No, not exactly. I did not say intimidation. I said that there had been some reason which disfranchised the voters or kept them away from the polls.

Mr. PEEL. Well, I wanted to say in response to the gentleman, that in 1886 the Congressional Directory will show that I did not receive 5,000 votes in my district.

Mr. ROWELL. That may be. Had you opposition?

Mr. PEEL. No. And I will say here in the presence of this House that there is no district in the United States where elections are fairer than in mine.

Mr. ROWELL. I hope that is true.

Mr. PEEL. And there has never been a whisper of suspicion against it. You can not get a Republican to say anything against the fairness of elections in that district.

Mr. ROWELL. How many did the opposition poll in 1888?

Mr. PEEL. They polled a good many votes then; I do not recollect the exact number.

Mr. ROWELL. Was the whole vote about 25,000?

Mr. PEEL. I do not remember the number, but I can say to the gentleman that every man who wanted to vote voted, that every man who votes there has his vote counted, and there is no restriction on the right to vote.

Mr. ROWELL. Well, Mr. Speaker, what the gentleman states exactly carries out the idea I suggested in what I said. In unimportant elections if you have a district that has no opposition, and there is nobody else to be voted for except a member of Congress, then a few of his friends will go and vote and that is an end of it. I understand that very well. Such an election is not likely to bring out the votes of the district. It is only those elections that take place when important issues are involved.

Mr. PEEL. Will not the gentleman concede that it is likely to take place in any district where there is no opposition in an off year?

Mr. ROWELL. Undoubtedly; and that is the very reason I am not talking of off years, but of Presidential years, important elections; and I have shown that in the State of South Carolina only a little over 10,000 Republican votes were cast, with a black population of over 600,000, 95 per cent. of whom are Republicans, and that the white vote was some 60,000, and that together there were less than 11,000 votes in a Presidential year on a Presidential day for each of the Congressional districts. And outside of the Seventh district there were only about 3,000 Republican votes cast. I know the reason why. More than 50 per cent. of the colored votes of that State had been disfranchised by an unconstitutional statute of the State.

Mr. LEWIS. Will the gentleman allow me one moment?

Mr. ROWELL. Yes.

Mr. LEWIS. I want to say in a Presidential year, in 1888, in my district, I received 12,855 votes, and my Republican competitor received 2,396. And I want to say that no man on the face of the earth has ever intimated that there was anything unfair about the election there, or that anybody was intimidated, or there was any ballot-box stuffing, and I dare any man to make the assertion.

Mr. ROWELL. Oh, well, I never take a dare. That is not my way of doing business, nor my way of talking.

Mr. LEWIS. Yes; but I wanted to answer emphatically that part of your argument.

Mr. ROWELL. Now, I do not known anything about your district. I know what is true as a general rule, and know what has been proved to be true in a dozen cases during the present Congress that I have investigated, and as many more that I have examined in past Congresses.

Mr. WHEELER, of Alabama. Will the gentleman allow a short statement?

Mr. ROWELL. I will yield for a question.

Mr. WHEELER, of Alabama. Well, it involves a little statement.

Mr. ROWELL. Oh, no; I can not yield for that. You might want to "dare somebody, too." [Laughter.]

The gentleman will understand, of course, that I do not mean to be discourteous, but I must beg not to be interrupted.

Mr. Speaker, there are ten Congressional districts in Georgia, and the total vote of Georgia in 1888 was 129,383 for Congressmen, or a little less than 13,000 for each Congressional district.

The Republican and scattering vote throughout the State was 33,842, an average of 3,400 Republican votes to the district. There were 725,133 colored people in that State in 1880, and 816,906 white people. For some reason the Democratic white voters cast their ballots and for some reason the Republican black voters did not cast their ballots.

Mr. CRISP. What reason do you assign for that?

Mr. ROWELL. I do not know, sir, but I have my belief.

Mr. CRISP. Let us have your belief. State what your belief is.

Mr. ROWELL. I will. I believe that the revolution which swept over the South in 1875—that revolution to which nearly every Southern man points with pride as the grandest act that ever took place in any country, in overthrowing what they were pleased to call the carpet-bag government when there was force and fraud and crime that ought to bring the blush of shame to every patriot—that the acts of 1875 and 1876 have had their influence, extending all through the years down to the present time.

Mr. WHEELER, of Alabama. Has the gentleman a particle of proof to sustain that belief? There is not a particle of proof to sustain it.

Mr. CRISP. Let me say to my friend upon how little foundation that belief is based, that in 1871 the Democrats came to their own in Georgia. You say you base your belief on the revolution of 1876. Let me say to you that the Democrats elected a governor in Georgia in the fall of 1871.

Mr. ROWELL. Yes, but the Republicans gave a great many more votes in the fall of 1871 than they ever have since.

Mr. CRISP. Let me state to my friend a fact that he ought to know, before he has any belief about Georgia, that there has been no organized Republican party in that State, except to hold offices here and to send delegates to the Republican convention, for fifteen years.

Mr. ROWELL. And, Mr. Speaker, the fact that there has been no organized Republican party in Georgia speaks in eloquent words of the disfranchisement of the Republicans in that State. [Applause in the galleries and on the Republican side.] And it ought to kindle a fire of remorse that ought to strike into the consciences of the white people who made it impossible that there should be an organized Republican party in Georgia.

Mr. CRISP. How have they made it impossible?

Mr. ROWELL. The fact remains.

Mr. CRISP. State the fact. Show your evidence.

Mr. ROWELL. Existing things do not come without a reason. I do not blame the gentlemen who come here from ten Congressional districts in Georgia who wish to retain their representation on this floor.

Mr. CRISP. You can not even produce a newspaper statement to support your assertion.

Mr. ROWELL. I am not giving newspaper statements now. I am referring to conditions, and I know as an observant man that you never find a certain condition of affairs, unnatural and improbable, unless there has been a reason behind it.

Mr. CRISP. Why is 47 per cent. of the vote in Maine silent? Why is over 40 per cent. of the vote in Massachusetts silent?

Mr. ROWELL. That is not so in Presidential elections.

Mr. CRISP. In Presidential years. The statistics show that.

Mr. KERR, of Iowa. Oh, no; they all vote then.

Mr. ROWELL. Now I am going to refer to the State of Alabama.

Mr. CRISP. You had better drop the State of Georgia. [Laughter on the Democratic side.]

Mr. ROWELL. My genial friend over there is always ready to defend the State of Georgia. I hope Georgia will always send as able gentlemen as he to this House, but I would a great deal rather he would come here with twenty or thirty thousand votes behind him than with 1,500. [Applause on the Republican side.]

Mr. CRISP. Mr. Speaker, my friend does not seem to catch hold of an idea that is very forceful generally throughout the country, and that is that the people of a State may vote or may not vote, as they please, whether it is agreeable to the distinguished gentleman from Illinois or not.

Mr. ROWELL. Now that is just what I am trying to get at, to pass a bill so that the people may vote or not vote, as they please. That is the purpose of this bill. [Applause in the galleries and on the Republican side.]

The SPEAKER *pro tempore* (Mr. PETERS in the chair). The applause in the galleries must cease.

Mr. CRISP. Mr. Speaker, my friend expressed a belief about Georgia. As one of its humble representatives I ask him to point to a single line of evidence——

Mr. PEEL. Mr. Speaker, I call the attention of the Chair to the fact that there is frequent applause in the galleries. It seems to me that the galleries have been filled up for occasions like this, expressly for the purpose of applauding any slander upon the South. I am tired of it, and I ask for the enforcement of the rules of this House.

The SPEAKER *pro tempore*. The applause in the galleries must cease. Persons in the galleries are there by the courtesy of the House, and if the applause is repeated the galleries will be ordered to be cleared.

Mr. CRISP. I ask the gentleman from Illinois [Mr. ROWELL] to point to a single line of evidence, or a single claim by anybody, that there are any unlawful practices in the State of Georgia.

Mr. ROWELL. I point to the fact that in the State of Georgia, with a population of 725,000 colored Republicans, there were less than 35,000 Republican votes, and my friend knows very well that there must be some reason for it.

Mr. CRISP. My friend knows very well, from the Directory and otherwise, that there is no opposition and has been none to the candidates in Georgia, and I just now stated we elect in Georgia, for instance, this coming year, in November, no officers except members of Congress. We hold one election in October and another in January, but the members of Congress alone are elected in November. Now, when there is no opposition to them, is it astonishing that the vote should be light? That is a fact; there is no one nominated on the other side.

The SPEAKER *pro tempore*. The time of the gentleman from Illinois has expired.

Mr. ROWELL. I ask that I may have time extended in which to complete my remarks.

Mr. TRACEY. I hope the time will be taken from the time of the other side.

Mr. ROWELL. Certainly.

The SPEAKER *pro tempore*. By unanimous consent, the time of the gentleman will be extended.

Mr. ROWELL. Now I have given the gentleman from Georgia an ample opportunity to put his side of the case, and I think the House

understands the theory upon which I base my opinions, and I proceed to the State of Alabama. The total vote of the eight districts of Alabama was 173,000, 22,000 returned vote for each district. The total Republican vote was 54,574, a little over 6,000 for each district. The white population of Alabama is 662,183; the black population is 601,103—44 per cent. In the seven districts of Mississippi the total vote was 113,675, a little over 16,000 to the Congressional district. The total Republican vote was 25,904—3,700 only to a district. The white population is 479,388, and the black population 650,291, or 58 per cent. of the total.

Now, I have all but one district of Louisiana. In the five districts of Louisiana, and I get the facts out of the Congressional Directory, there were 88,213 votes, or 17,600 to a district. The Republican vote was 20,376, a little over 4,000 to the district. The white population is 454,954, and the black population is 483,655. Taking the five States together, and the total average vote for all the Congressional districts is less than 16,000, while in the State having the largest colored population it is less than 11,000, and 7,000 of that in one district. Now, that is less than one-third of the vote polled in the State of Illinois in a Presidential year.

Now, in the State of Illinois, with its twenty Representatives, the white vote cast was 797,649, or a little less than 40,000 to a district, while in the five Southern States, with thirty-seven Representatives, it was 580,000. Now, as to the State of Illinois, with twenty Representatives and 797,000 votes, two votes in each of the five States count at the polls just the same as five votes in the State of Illinois.

Mr. ENLOE. Will the gentleman yield for a question?

Mr. ROWELL. I have yielded so much time that I can not.

Mr. ENLOE. Just a moment.

Mr. ROWELL. Just a moment, then.

Mr. ENLOE. I wanted to ask the gentleman from Illinois if he could explain the result in the Third Louisiana district, in which Mr. Price was elected over Mr. Minor, and in which he performed some missionary work.

Mr. ROWELL. I think I could explain it very satisfactorily to myself, but perhaps not so satisfactorily to the gentlemen upon the other side; but I shall not assume to give my personal observations in the Third district of Louisiana upon the floor of the House at this time.

Now, it may be said that Illinois is a Western State, or one of the growing States, and therefore it is not fair to make a comparison. I will take the New England States. Take the six New England States together. The average vote for Congressmen at that election was more than double the average vote of the five Southern States I have mentioned, and more than three times the average vote in the State of South Carolina; and that is a section of the country where the population ought not to increase more than normal because of emigration, and could properly be compared with the Southern States, where the increase is but normal.

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

Mr. OATES. Will the gentleman tell where that was?

Mr. ROWELL. Yes, sir; I will tell you where all of these things took place. In the State of Mississippi and in three districts thereof.

Mr. OATES. Which three?

Mr. ROWELL. All three of them are contested here. In the State of Arkansas armed bodies of men seized upon a ballot-box, and five homicides have occurred since that time over that ballot-box.

Mr. PEEL. Will the gentleman state whereabouts in Arkansas that occurred at a Federal election?

Mr. ROWELL. That occurred in the Breckinridge district, in a Federal election.

Mr. PEEL. I challenge the gentleman to show the proof of that.

Mr. BRECKINRIDGE, of Arkansas. The statement of the gentleman is not true as to a single murder, and it can not be substantiated by any facts.

Mr. ROWELL. I undertake to say that it is proven beyond controversy that that ballot-box was carried away by armed bodies of men and five men are dead since then on account of that ballot-box.

In one county in the State of Florida an armed body of men went from poll to poll and seized every ballot-box they could reach, when the Republicans were in a majority before the count was made, and then went to a store where another one was locked up, broke into the store and with Winchester rifles in their hands took the ballot-box out of the hands of a Democratic precinct officer and destroyed it.

These are some of the methods by which the black vote of the South has been suppressed. These are some of the reasons which cry aloud for Federal supervision of elections. Seventeen contests have come before this House, sixteen of them from other than Northern States. One other was started and the contestant lost his life while taking testimony. Four others from the South started and were abandoned.

Mr. ALLEN, of Mississippi. A good many others might be abandoned with profit.

Mr. ROWELL. Oh, yes. You would not hesitate to abandon a contest under a suggestion that perhaps "it would have a good effect if some of the witnesses and lawyers disappeared." I think I would abandon a contest myself under such circumstances.

Mr. PEEL. If the gentleman will permit me, I want to make a correction. I believe I stated that my colleague, Mr. BRECKINRIDGE, of Arkansas, had not been in Arkansas as long as I had been. I believe I stated also that the gentleman from Illinois [Mr. ROWELL] could not produce any proofs that armed men were around the polls in Arkansas at an election. I take that back. During Powell Clayton's reign we had plenty of that. [Applause on the Democratic side.]

Mr. ROWELL. Well, we ought to have had a Federal election law then to put an end to it. [Applause on the Republican side.]

Mr. PEEL. But since Powell Clayton and his party were repudiated by the people of Arkansas we have had a better time.

Mr. ROWELL. Yes; and Powell Clayton's brother, who ventured to run for Congress under a Democratic Administration, can not speak in his own defense on the floor of this House.

Mr. BRECKINRIDGE, of Arkansas. Right there I want to ask the gentleman from Illinois, does he mean to charge that against the Democratic party.

The SPEAKER *pro tempore*. Does the gentleman from Illinois yield to the gentleman from Arkansas?

Mr. ROWELL. I must decline to yield.

The SPEAKER *pro tempore*. The gentleman from Illinois declines to yield.

Mr. ROWELL. The gentleman has a seat on the floor of this House——

Mr. BRECKINRIDGE, of Arkansas. Yes, I have a seat here; and as long as I have a seat here I will stand up for the honor of the constituency I represent.

Mr. ROWELL. And the man who contested that seat has no representative on the floor of the House to speak for him.

Mr. BRECKINRIDGE, of Arkansas. I do not hear what the gentleman says, but I wish that if he has any charge to make against the Democracy of that community he would make it openly.

The SPEAKER *pro tempore* (Mr. PETERS). The gentleman from Arkansas will bear in mind that the gentleman from Illinois declines to yield, and the Chair must enforce his right to the floor.

Mr. ROWELL. I can not stop to read the evidence. It covers thousands of printed pages. It was taken, as other evidence is taken, in the manner provided by law and in cases where the litigants were each contending for seats in this House. In many of these cases reports have been made and are in the possession of members. In others the reports have not yet been prepared.

And I affirm, with a full knowledge of what these records contain, that all the frauds I have mentioned, and many others equally flagrant, have been committed; that in ten of the districts where contests are or were pending these frauds were the rule in large sections of the district; that they were connived at by the best people of the districts in all matters except those pertaining to elections; that they were upheld by public sentiment, and that even the strong arm of Federal power has been unable to reach and punish the men who were guilty of these crimes, and all attempts to bring ballot-box-stuffers and ballot-box-robbers to punishment are held to be sore grievances by the people among whom these crimes are committed.

Counties have come almost to open revolt because the Federal courts have sought to bring to punishment the men who went in armed bands and seized the ballot-boxes upon whose contents depended the right to a seat here. With these facts before us, facts which none but the ignorant dispute, gentlemen on the other side answer me that there are no election frauds, and cry aloud for facts.

The whole Democratic party in the House, with one voice, cry out oppression, persecution, and that we are reopening a race conflict because we protest against these crimes and seek to provide against their recurrence.

There can be no oppression if these things have no existence. There can be no change of representation from these States if all are now accorded the right to vote and if that vote is honestly counted. The hand of the law rests heavily only on the law-breaker. Why

all this outcry if there is nothing in these charges? Outcry against what? Against a bill which seeks to extend to all supervisors of election the powers and duties now and for eighteen years past belonging to election supervisors in cities of 20,000 inhabitants, and which more clearly defines the manner of performing those duties.

When a political party takes to itself the absolute control of election machinery and excludes its political adversaries from all participation in the conduct of elections and from all opportuinty to witness what is being done and how the vote is counted, as is done in most of the Southern States, it does not come with a very good grace from such a party to object to the presence of men not in party affiliation with them as witnesses, and at the same time proclaim the purity of such elections.

Mr. Speaker, the purpose of this bill is supervision. [Derisive laughter on the Democratic side.] That seems to be a matter which excites the risibilities of the gentlemen on the other side of the House. Honest men do not object to having the light shine in upon their acts. This bill, if enacted into law, provides that there shall be Federal officers present during every process of registration by the State officers, so that they may know every fact about that registration which the State officers know; and that is the extent of their power in connection with registration. Is there any need of it? In the State of Virginia, in the State of South Carolina, in the State of Florida, the Republican who wants to register must go day after day, and week after week, and finally perhaps have the doors closed against him and fail to get his name on the list. If a "John Smith" anywhere in the State is convicted of felony, John Smith's name goes to every register in every precinct of the State, and, although there may be five hundred of them, five hundred "John Smiths" are marked "convict," and five hundred voters are excluded from the privilege of the ballot. Is there need for supervision of that kind of registration? And, if men desire to be honest, is there any possible objection to the kind of supervision here proposed?

But it is said that the supervisors are to be appointed by a chief supervisor who is himself appointed by the United States circuit court. It is true that in all of the Southern States I have mentioned there is no representative upon election boards for the opposition party. No matter what the law of the State, the Democracy stands guard at the polls and Republicans are excluded; Democratic State officers at the top choose officers down in the counties; the county officers select Democrats, for the governor of South Carolina, boasting that they had the freest and fairest election held in any State of the Union, declined to give a single representative to the Republican party at the election.

Mr. SPRINGER. Will my colleague allow a question?

Mr. ROWELL. Yes, sir.

Mr. SPRINGER. Is not that the case in your own district?

Mr. ROWELL. It is not the case in my own district, and never has been.

Mr. SPRINGER. Do not the precincts elect their own judges of election?

Mr. ROWELL. They do not.

Mr. SPRINGER. And do not the county officers, who are all Republicans, canvass those votes?

Mr. ROWELL. I am not talking about canvassing the votes.

Mr. SPRINGER. Were they not all Republicans who canvassed the votes that gave you your certificate of election?

Mr. ROWELL. There is no precinct in my district where the officers, both judges and clerks, are not divided between the parties.

Mr. SPRINGER. How is that done?

Mr. ROWELL. It is done by the appointment of the township and county officers; and the canvass is made by the county officers calling in justices of the peace outside to help do the canvassing.

Mr. SPRINGER. Are they all Republicans?

Mr. ROWELL. If there are any Democratic justices of the peace, the justices called in are Democrats and Republicans; if there are no Democrats holding the position, no Democratic officer can be called in, but every Democratic candidate is permitted to be present to see the count made.

Mr. SPRINGER. That is under the law of the State.

Mr. ROWELL. That is not only under the law, but without any law. There is no occasion, let me tell my colleague, for anybody to commit crime in connection with elections either in his district or mine; and if he is caught in it, there is not any occasion for a United States law to punish him, because there is a public sentiment in favor of honest elections.

Mr. SPRINGER. What is the use of this law, then, so far as our State is concerned?

Mr. ROWELL. This law is designed to cover districts North or South where there is a different public sentiment; that is the use of it.

Mr. ENLOE. Has the gentleman found any place in the North where he intends to apply this law?

Mr. ROWELL. There are plenty of places in the North where it ought to apply.

Mr. ENLOE. I have not heard the gentleman indicate them; he has not talked about them in his speech.

Mr. ROWELL. I could point out many of them.

Mr. ENLOE. Just give us a sample.

Mr. ROWELL. And there are plenty of places, I have no doubt, in the South where such provisions are not needed. Where the whites largely preponderate, where there is no spirit of hostility to the colored man, I take it that there there are honest elections. But because the Southern people believe that their once slaves are incompetent for any other position than that of menials—because those colored men instinctively know this fact—because of the feeling among the whites—there is a determination that the black vote shall not be cast, or if cast shall not be honestly counted. And the statement of the gentleman from South Carolina in that eloquent conclusion of his speech ought to close the mouth of any man who denies the truth of what I affirm on this point.

But, Mr. Speaker, my friend from South Carolina was in error when he said that under this bill one hundred supervisors could be sent into any district. Only three can be sent into any district—the same number that ordinarily preside at an election.

Mr. SPRINGER. Pardon me; I understood the gentleman from South Carolina to say deputy marshals, not supervisors.

Mr. ROWELL. There is not any provision for deputy marshals except the provision in the old law for cities of 20,000 inhabitants and upwards. There is no provision for such officers in the country districts.

Mr. SPRINGER. There is a provision, as I understand the bill, for as many special deputy marshals as the supervisor may desire to appoint in every place where there is to be Federal supervision.

Mr. ROWELL. There is no provision for the appointment of deputy marshals anywhere except in cities of 20,000 inhabitants; there is no such provision for the country districts—none at all.

I was surprised when the gentleman from South Carolina talked about sending ballots up to Washington. He certainly has not read the bill. There is no such provision in it. There is a provision for a return to a chief supervisor where a whole Congressional district is supervised. There is a provision for a canvass by a United States canvassing board. There is a provision for the attaching of a sample ticket to the returns. But the tickets are to be counted by the United States officers according to the State law; and if the State law describes a particular ticket, and any other ticket is in the ballot-box, the United States supervisor is prohibited from counting that ticket. He is subordinate to the State law.

Mr. HERBERT. Will the gentleman allow me to correct a statement he has just made?

Mr. ROWELL. I hope I shall not be interrupted.

Mr. HERBERT. I want to show that the gentleman is mistaken as to the number of deputy marshals that may be appointed.

Mr. ROWELL. No; I am not mistaken about the number.

Mr. HERBERT. Let me read the bill.

Mr. ROWELL. No; I shall not stop to allow you to read the bill. I think I know what the bill contains.

Mr HERBERT. Well, you do not.

Mr. ROWELL. If there is any clause in it that I have not gone over and did not help prepare, I do not know it.

Mr. CRISP. How about the clause which the caucus approved and which you afterwards struck out, providing for a test oath?

Mr. ROWELL. My friend may want to talk about that, but that is not here, not in this bill.

Mr. CRISP. But how about it? You said you went over the bill. The caucus approved the bill with that clause in it providing for a test oath.

Mr. ROWELL. Was the gentleman in the caucus?

Mr. CRISP. The papers stated that the caucus approved the bill as Mr. LODGE introduced it.

Mr. ROWELL. I recollect the gentleman referred to the newspapers once before when he knew the newspaper statement was not true.

Mr. CRISP. Do you deny it?

Mr. ROWELL. I would do anything for the gentleman—as much as for any man on the floor of this House——

Mr. CRISP. You must admit that it was in the bill and you did not know it.

Mr. ROWELL. I did not prepare the section of the bill to which the gentleman refers, but I did the one which is in this bill. The bill to which the gentleman refers is not before the House.

Mr. MAISH. Will the gentleman yield to me for a question?

Mr. ROWELL. No, I must hasten on. I am getting out of the line of my argument.

Mr. HERBERT. Let me read section 20 of this bill.

Mr. ROWELL. No, I decline to yield. Now, will that be sufficient?

Mr. MAISH. The gentleman, having had his time extended by the courtesy of the House, ought to be willing to yield.

Mr. ROWELL. I yielded half of my hour for questions from the other side before I obtained the courtesy to which the gentleman refers; and the time I am now occupying comes out of the time of this side of the House.

Now, there can be no supervisor appointed who lives outside of the district. The gentleman wondered why there was a provision incorporated in the bill to have the supervisor hold his office two months after the election. If he will go up into the State of New York he will find that the precinct inspector holds his office for a

year. The reason for holding it two months is in order that they may still hold official position until they can be compelled to appear and be examined in regard to any uncertain return they have made.

My friend from South Carolina deemed that it was for the purpose of escaping State prosecution. Does he suppose that any State court has any jurisdiction over the acts of a Federal official done in the line of his duties as a Federal official? And such, Mr. Speaker, is the line of all the criticisms that he made upon the peculiarities of this bill.

Now I want to add but a word. There are penal clauses in this bill which apply to every election, whether supervised or not, if the election is for a Representative in Congress. It provides a penitentiary offense for any one who shall buy or offer to buy a vote; for one who shall sell or offer to sell a vote; for one who shall stuff a ballot-box, shall make a fraudulent return, shall commit perjury with reference to the election, shall fail to discharge his duty as a supervisor, or shall fail to discharge his duty as a State officer acting at an election where a member of Congress is to be elected. No man can commit a crime against the integrity of an election without subjecting himself to a penalty.

I hope, my friends upon the other side of the House, you do not desire that men shall escape that punishment who commit crimes against the purity of the ballot-box. They are provided for here. These provisions govern every election district in the United States, whether supervision is had or not, and where supervision is had it is for the purpose of knowing the facts, and therefore of being able to prove the guilt of the man who has committed the crime. It is a proposition for supervision. It is a proposition that at all places where supervision is desired there may be Federal officers looking on at the acts of the State officers. If those State officers desire to do their duty they will realize that there are other and watchful interests present to prove the fact. But if they do not desire to do their duty, if they intend to falsify the returns, if they intend to count men in as elected who were not, they will oppose the presence of watchfulness of both political parties to see whether they do their duty or not.

In only two instances is there anything outside of the present law. One is where the State officers, or the people in their sovereign capacity, fail to hold an election, as is very often the case in some of the large black districts of the South, then the Federal officials shall supervise and conduct that election, and make return both to the State and Federal canvassing officers; and it provides that such election shall be valid the same as if it had been held by the State authorities. In another instance there is a change, and it is where the certificate of the canvassing board shows that one man is elected, and where the certificate of the State officers shows that another man is elected. Then the authority of the United States which certifies shall be superior upon the question of who shall take his seat and participate in the organization of this House to the certification of the State officer. In all other respects it is supervising pure and simple, and penal clauses appended for violation of either the Federal or State law.

And now, Mr. Speaker, I have detained the House very much longer than I intended, because the line of my thought has been broken up by a great many questions and interruptions. I have only to say that fraud permeates many districts in the United States. In many districts it is connived at by the people who otherwise are the best people. It is the duty of this House to say to them that no part of the Constitution of the United States shall become a dead letter, and unless we propose to allow the fifteenth amendment to the Constitution to be nullified and abrogated, unless we propose to lie down supinely and see 6,000,000 of people absolutely disfranchised and made subject to the law which they had no hand in framing, then we must enact some provision to correct the evils which confessedly exist. I approve of this proposed law. My judgment goes with it, and I am willing to stake my reputation in the future upon this bill if it is once enacted into the law of the land. I shall regard no act of my life, Mr. Speaker, with more approval than the act which gives consent to the passage of this bill. [Applause on the Republican side.]

Mr. TUCKER. Mr. Speaker, before proceeding I desire to yield ten minutes to the gentleman from New Jersey [Mr. LEHLBACH].

Mr. LEHLBACH. Mr. Speaker, I consider it due to my constituents that I should make a brief statement of the reasons why I do not favor the proposed legislation. I frankly admit that the state of affairs as they exist in certain parts of this country, judging from the testimony taken before the Committee on Elections in contested-election cases, would seem to justify the passage of such a measure, and I would not hesitate to vote for it if I was convinced that it would bring about the desired result, namely, a fair election and an honest count of the votes cast.

I have no doubt that frauds are perpetrated to a certain extent both in the North and in the South. It would, however, be wiser in my opinion to let the people of the different States regulate their own elections. [Applause on the Democratic side.] Time, education of the masses, and advancement of the moral sentiments of the communities will bring about the same result, and when obtained the relief will be permanent.

The law is not general and it does not provide the same system for conducting Congressional elections in every Congressional district of the United States. The application of fifty to one hundred persons claiming to be citizens of the United States and residents and qualified voters of the district for which they make application may force upon the people of that district this supervision of election which may be obnoxious to them. While I have no doubt that Congress has the power to regulate the national elections if it sees fit, under the Constitution, I question the right to enact a law which shall be made applicable in some districts and ignored in others. If a law is enacted at all for the purpose of regulating elections let it be so framed that it will apply uniformly throughout all parts of the country and not depend upon the petition of any number of citizens.

I believe that many would seriously object to the provision of the bill which would give one man, the chief supervisor, the power to direct a house-to-house canvass and to subject them to the annoyance of what they would consider a political inquisition. We must remember that while the people who are strong party adherents might not object to it, the large class of independent voters might consider that it was merely a canvass made officially by the party in power to further the interests of that party. [Applause on the Democratic side.]

United States marshals and supervisors have often caused trouble at election places. They have assumed authority and frequently have prevented or sought to prevent legalized voters who belonged to the opposite political party of which they themselves were members from casting their ballots. I have great faith in the people of the United States. I believe that self-government is not a failure. I believe that where frauds have been committed in election matters public opinion will finally compel the conviction and punishment of the law-breakers.

Take the recent election frauds committed in my own State, in the district represented by my colleague [Mr. MCADOO]. I doubt very much whether a case could be cited from any part of this country which would equal the fraudulent acts perpetrated there. These were condemned by the respectable Democrats of Hudson County whose party was benefited by their commission, and the parties accused were indicted by a grand jury composed mostly of Democrats and are now being tried before a Democratic judge and a Democratic prosecutor. I have no doubt that Jersey justice will prevail, and that if those prosecuted are truly shown by the evidence to have been implicated in the frauds they will be convicted by a jury composed, very probably, largely of Democrats and will receive the full penalty of the law.

That is what public sentiment has done, and will do, to correct election abuses.

I think the law as proposed will tend to bring about a conflict of authority between election officers elected directly by the people and the supervisors appointed. This, I think, would develop a deplorable state of affairs in some sections of the country.

When frauds in election matters become open and notorious and are sanctioned by the community in which they are committed, it shows that the moral sense of that community is in a most wretched condition. Every imaginable law can be enacted, but no matter how stringent it will have no effect on these people. A preponderance of public sentiment against these frauds must be created before a fitting law can be enforced. When this public sentiment has once been created legislation is unnecessary. The people will take care of the matter.

In these times many are apt to come to Congress and to the legislative bodies of the States to ask for the passage of laws to correct evils, or supposed evils. In many of these cases, and I believe in all, legislation is unnecessary, and not only would not bring about the results desired, but would retard any advance in reform—matters that can be regulated only when the people become better enlightened by education and when a public sentiment has been created in favor of the good.

I consider it unwise to enact this law.

I believe its results will not be beneficial to the people of the country, and, speaking as a Republican, not beneficial to the Republican party.

I shall, therefore, vote against it. [Loud applause on the Democratic side.]

ENROLLED BILLS SIGNED.

Mr. KENNEDY, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 516) to extend the limit for the erection of a public building at Springfield, Mo.;

A bill (H. R. 887) authorizing the erection of a hotel upon the Government reservation at Fortress Monroe; and

A bill (H. R. 7160) making an appropriation for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1891, and for other purposes.

FEDERAL ELECTION LAW.

Mr. TUCKER. Mr. Speaker, I very much regret that my own physical condition is such that I feel I can not do justice to the great subject which is now under consideration; for I come to the discussion of this bill with a profound sense of the responsibility resting upon me and upon the representatives of the people here assembled.

We are here, sir, at the close of one hundred years of the nation's life. We have passed through wars and rumors of wars, and this great

country has survived them, with the States of the Union in charge of the election machinery of the country. If I were standing as a lawyer in court called upon to plead to this as a bill in equity—though I can not agree to that term, for I think it is neither legal nor equitable—if I were called upon to enter a plea to it, I should demur not only to the bill in general, but I should demur to it specially, not only to the general principles that are involved in it, but to many individual provisions of it. I would say that it must go out of court, because it is against the Constitution of the land. Gentlemen upon the other side have said, and the distinguished gentleman from Illinois [Mr. ROWELL] has said in advance, that any discussion of the constitutionality of the measure is a loss of time. Though I incur the criticism of the gentleman for so doing, yet I must beg leave to occupy a short period of my time in discussing that phase of the bill.

This is a Government of limited powers. There is no power which we have here except that which the Constitution gives us; and, unless the Constitution of the land shows, not doubtfully, but clearly, that this bill comes within it, it is the sworn duty of every member of this House to vote against it.

Mr. Speaker, I beg to consider, first, one or two sections that to my mind, beyond all controversy, are open to the constitutional objection. We find in the first place that the supervisors that are to be appointed are to supervise the registration of voters, and not only to supervise the registration of voters, but actually to pass upon the qualifications of voters. And I want gentlemen to follow me. I refer you to clauses 7 and 11 of section 8 of this bill, wherein it is not only provided that these supervisors shall supervise and scrutinize the registration, but actually pass upon the right of a man to vote. If I am mistaken, will gentlemen upon the other side correct me? I say that the power to pass upon the qualifications of a voter to vote is a power that the Constitution gives to the States that can not be wrested from them. [Applause on the Democratic side.] Why, what is it? The second section of the first article says:

> The House of Representatives shall be composed of members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature.

And yet it is proposed that that power which is inherent in the States shall be taken from them and given for its determination into the hands of the Federal officer appointed under this bill. Read the bill. I refer you to the section to show that this officer under this bill will have the power to pass upon the qualifications of the voter, to say whether or not he can vote. Not only so, but, as elections are held in many States for State officers and Presidential electors at the same time as for members of Congress, this bill seeks to do by indirection what it is confessed it can not do under the Constitution directly, namely, to put *all elections*, State and Federal, under the control of Federal supervisors and deputy marshals. The power to challenge the voter and count his vote under such circumstances, when Federal and State elections are held together, puts the election of State officers in the hands of Federal officials. The power to *supervise* carries with it, by necessary implication, the power to *compel* the doing or *prevent* the doing of something which is the subject of the supervision, and if the Federal Government has no power over the *right of suffrage* in the States how can it give or take away the right to vote by supervision of registration, which is a necessary requirement for suffrage in many of the States.

Not only does it do that, but it does another thing. It gives the power to the supervisor to go to the State officers who are the registrars and interfere with the registration books and to affix his signature to each and every page of the original registration book and copy when any name is received or stricken from the book.

To every copy of the book which is made the supervisor has the power to put his name. More than that, the power is given him of directing—mark the word—*directing* the officer of the State to do certain things upon his own books, when he has taken an oath to discharge his duty as registrar to his State and to his State alone. Now, I say that there is nothing clearer to my mind than this, that wherever a bill impinges upon the right of a State to control her own affairs as secured to her in the Constitution there we must stop. The history of the Constitution and the instrument itself show that the intent of the framers was that Federal and State powers should be separate and distinct, the Federal Government to be supreme in its powers as defined and limited in the Constitution, and outside or beyond them powerless to change, influence, or control all other governmental powers, which were expressly "reserved to the States respectively, or to the people." (Article X, Constitution of the United States.)

Not only does it do that, but it violates that right in regard to the qualification of a voter which is allowed to each State in providing an educational qualification for the voter. It is not doubted that the States have the right, if they see fit, to require an educational qualification. No man doubts that, and yet look at clause 13 of section 8, where the supervisor is required to go with the voter, point out the box, and tell him where he must put his vote. The constitution of a State may say: "We will have an educational qualification so that those who can not read or write and who have not intelligence to vote shall not vote." This bill says: "Away with your qualification, away with the constitutions of your States; we are over and above you all, and we will compel the Federal officer to go into your States and override your constitutions and go with the illiterate voter, the man that the State has a right to exclude under the Constitution of the United States, and make him vote as we dictate." Gentlemen, these three provisions are sufficient to condemn this bill. They are the special demurrers that I would enter to the bill, and they show that it is not good in law because it is against the Constitution, and it is against the Constitution because it is uprooting a clear provision in the Constitution.

Now, I demur generally to it as being unconstitutional. And I say boldly, in spite of the intimation of the gentleman from Illinois [Mr. ROWELL], who says that time is wasted in any discussion of the constitutionality of this measure (for I have observed a tendency since I have been a member of this House on the part of some gentlemen to sneer at the man who may by chance refer to the Constitution of the country as the guide of his action), that it never was intended that Congress, under a bill like this, should take charge of the elections of the country.

There are three provisions of the Constitution which must be construed together, in my judgment. The first is Article I, section 2, that "the House of Representatives shall be composed of members, chosen every second year by the people of the several States." Suppose there was no other clause in the Constitution but that in regard to elections, would any gentleman doubt that the States would have under that direct power an implied power to provide the machinery to elect them? There can be no doubt of that. But it is manifestly unjust to construe one clause of an instrument by itself; they must all go together; and therefore I read the fourth section of the first article, which provides:

> The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof.

Suppose it stopped there? There would be no doubt that under this section and the second section of the first article the power would be vested in the States alone, but the Constitution-makers in their wisdom saw fit to add this clause:

> But the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

But there is another clause, and that is the eighteenth clause of the same article, which provides that the Congress shall have power "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers." Take all three clauses together and construe them as fair-minded, honest men. What do they mean? Why, they evidently mean that in the first place the Constitution-makers saw proper to leave to the people of the States the control of the elections in the States. But they say—

> But the Congress may at any time by law make or alter such regulations, etc.

What does that mean? Does it mean to give power to the States in the first part of the section and take it away in the second without rhyme or without reason? Does it mean to play with the States as we used to do when children, "Indian gift"—give with one hand and take away with the other? Was there to be no limitation upon Congress in this respect? Was there to be no condition upon which Congress was to take this power so clearly given to the States?

The Constitution is silent about it. There is nothing there except the clauses which I have given to throw light upon it; but there are reasons for it given by the men who made the Constitution and penned these words that must rightfully be construed as a part of the words themselves, and which clearly elucidate and explain the sections—for I take it, gentlemen, that the reasons which produced the formation of words are as much a part of the words themselves as if they were written.

Before considering the reasons and opinions of those who made the Constitution and those of the different State conventions that ratified it subsequently (and in which State conventions were many members who had been members of the Federal convention that framed the Constitution), let us consider for a moment this fourth section of Article I in itself.

We notice, first, that "the times, places, and manner of holding elections," etc., is primarily confided to the Legislature of each State; secondarily, it is given to the Congress.

The language itself and the arrangement of the two clauses show this:

> The times, places, and manner, etc., shall be prescribed by the Legislature of each State.
>
> But the Congress may, by law, at any time make or alter, etc.

The first is *original* and *primary*, the second is *permissive* and *contingent*. The Legislatures and Congress can not both have original and primary power to act on the same subject at the same time. Such a conflict would never have been sanctioned. Nor can we believe that the men who draughted this section intended to distinguish it from every other in the Constitution in granting to two distinct and separate authorities co-equal power over the same subject at the same time. Nor can we conceive a greater absurdity than the grant of plenary power to the Legislatures of the States in the first clause of the section, only to be abrogated and annulled in the second clause of the same section without cause.

We can not believe that the intelligence which framed that great instrument, careful in avoiding any conflicts that would probably arise between the State and Federal authorities (for that hour was resonant with jealousies of power), deliberately placed this power into two distinct hands to be exercised, it may be, at the same time and in different ways; and it is equally improbable that the power given the Legislatures of the States, as the authority best suited in the minds of the makers of the Constitution, to provide "the times, manner, and places of holding," etc., was intended without reason or cause to be taken from them and arbitrarily assumed by Congress; and that, too, when there had been no failure on the part of the States to provide the necessary machinery and no impropriety in the machinery provided.

We conclude, therefore, that the obvious and plain meaning of the section under discussion is that the Legislature of each State should have the *primary* authority to prescribe "the times, places, and manner of holding elections, etc.," and that Congress should have such power *ultimately*.

When shall Congress exercise this control? For what cause shall it assume the power and the States abdicate their control of elections which they have exercised without interruption for one hundred years? These sections and the Constitution are silent upon this subject; but the history of the adoption of the Constitution and the contemporaneous evidence of those who made it supply the answers.

Of the original thirteen States that framed the Constitution seven were outspoken on the subject, while in some of the others there was likewise a strong sentiment against the adoption of the Constitution containing this and other sections.

The language of some of them is most striking and instructive. On the 6th of February, 1788, Massachusetts, through her State convention, presided over by the great Revolutionary patriot, John Hancock, ratified the Constitution. In the report of ratification, after expressing the opinion that certain amendments should be made to "remove the fears and quiet the apprehension of many of the good people of this Commonwealth, and more effectually guard against an undue administration of the Federal Government," the following alteration of and provision to the Constitution is suggested:

That Congress do not exercise the powers vested in them by the fourth section of the first article, but in cases when a State shall neglect or refuse to make the regulations therein mentioned, or shall make regulations subversive of the rights of the people to a free and equal representation in Congress, agreeably to the Constitution.

Not satisfied with the mere suggestion of such amendment and with a prophetic fear that, if such suggestions were not adopted by the first Congress to assemble under the Constitution, some erring son of this ancient Commonwealth might some day waver in his support of those principles in the Halls of Congress, the convention added this strong language:

And the convention do, in the name and in behalf of the people of this Commonwealth, enjoin it upon their Representatives in Congress *at all times*, until the alterations and provisions aforesaid have been considered agreeably to the fifth article of the said Constitution, to exert all their influence and use all reasonable and legal methods to obtain a ratification of said alterations and provisions, in such manner as is provided in the said article.

South Carolina ratified on the 23d of May, 1788, with the following recommendation:

And whereas it is essential to the preservation of the rights reserved to the several States and the freedom of the people under the operations of a General Government that the right of prescribing the manner, time, and places of holding the elections to the Federal Legislature should be forever inseparably annexed to the sovereignty of the several States: This convention doth declare that the same ought to remain to all posterity a perpetual and fundamental right in the local, exclusive of the interference of the General Government, except in cases where the Legislatures of the States shall refuse or neglect to perform and fulfill the same according to the tenor of the said Constitution.

New Hampshire ratified June 21, 1788, and made a recommendation in the same language used by the State of Massachusetts.

Virginia, on the 26th of June, 1788, ratified with a recommendation in the following words:

That Congress shall not alter, modify, or interfere in the times, places, and manner of holding elections for Senators and Representatives, or either of them, except when the Legislature of any State shall neglect, refuse, or be disabled by invasion or rebellion to prescribe the same.

August 1, 1788, North Carolina ratified, having held out against ratification on account of this and other objectionable clauses. The convention recommended an amendment in the same language as did the State of Virginia.

New York ratified July 26, 1788, and the recommendations of its convention are in some respects the strongest of any on this subject. Before the formal statement of ratification, a declaration of rights is set forth in which, among other provisions, we find—

That nothing contained in the said Constitution is to be construed to prevent the Legislature of any State from passing laws at its discretion, from time to time, to divide such State into convenient districts and to apportion its Representatives to and amongst such districts.

Under these impressions and declaring that the rights aforesaid can not be abridged or violated and that the explanations aforesaid are consistent with the said Constitution, and in confidence that the amendments which shall have been proposed to the said Constitution will receive an early and mature consideration, we, the said delegates, * * * do, by these presents, assent to and ratify the said Constitution.

In full confidence, nevertheless, that until a convention shall be called and convened for proposing amendments to the constitution * * * the Congress will not make or alter any regulations in this State respecting the times, places, and manner of holding elections for Senators or Representatives unless the Legislature of this State shall neglect or refuse to make laws or regulations for the purpose, or from any circumstance be incapable of making the same; and that in those cases such power will duly be exercised until the Legislature of this State shall make provision in the premises.

And in accordance with this declaration the convention suggested an amendment to Congress embodying the above idea.

Rhode Island did not ratify until June 26, 1790, and the language of her convention on the subject and the amendments suggested were in almost the identical words of those of the State of New York, only stronger. The above extracts have been made that it might be seen how strong was the feeling on this subject at the time of the ratification of the Constitution, and that the Constitution itself was only finally adopted in the faith and belief of a majority of the States that Congress would never exercise this power except when the States had failed to do so or from any cause could not do so.

Not alone did the States above enumerated speak out with no uncertain sound, but, in the debates in the Pennsylvania convention to ratify the Constitution James Wilson, a member of the Federal convention that framed the Constitution and a member of the State convention, explained this provision to mean in effect that the States were primarily to act, and Congress only in case of their failure to do so; and the convention recommended an amendment in the following words:

That Congress shall not have power to make or alter regulations concerning the time, place, and manner of electing Senators and Representatives, except in the case of neglect or refusal by the State to make regulations for the purpose; and then only for such time as such neglect or refusal shall continue.

We conclude, therefore, that Congress has the power to "prescribe the times, places, and manner of holding elections" for members of Congress, but that such power is *contingent* and *conditional* only, not *original* and *primary*.

Under what conditions or upon what contingency?

If we accept the evidence of the States in their State conventions ratifying the Constitution, and that of the men who made the Constitution, the conditions are—

First. Where the States refuse to provide the necessary machinery for elections; and

Second. Where they are unable to do so for any cause, rebellion, etc.

Mr. KERR, of Iowa. Will the gentleman yield to me for a question?

Mr. TUCKER. Yes, sir.

Mr. KERR, of Iowa. Does not that destroy the force of your theory as to the word "alter" in there?

Mr. TUCKER. Not at all. Not a bit of it. On the contrary.

Congress shall have the power not only to make, but alter. Mark you, Congress must alter and not make the States alter. Congress must make, and not allow the States to go on and make and then say the State law is my law. It must alter it itself, and not mix up a kind of Brunswick stew, as it were, of the duties of State officers and Federal officers in the enforcement of a State law; the regulation must be clear, precise, and concise.

The Federal regulations must be clearly Federal, independent of and apart from the State regulation; and the State regulations must be distinct from the Federal machinery, so that there can be no danger of a collision of authority; so that when the State regulation is altered by Congress it is no longer a State regulation in its changed condition; it at once puts on the Federal character, is a Federal enactment, for the enforcement of which the Federal Government and its agents is alone responsible. Is any other theory consistent with the independence of the State and Federal systems?

And now, if gentlemen will pardon the historical narrative, in 1789, when the First Congress convened, there was a resolution offered for an amendment to the Constitution to be submitted to the States, striking out the latter part of that clause: "But the Congress may have power at any time to make or alter," etc. The proposition was debated for some time, but it was finally defeated by a vote of 23 to 28, and the provision was permitted to stand as it was; but if gentlemen will take that discussion and read it as I have done lately they will find that the men who voted against striking that out put on record as their reason that it was a clause that could never be used, and would never be used, except when the States refused to act. In one of the reports presented here (by my friend from Maryland, Mr. MCCOMAS, I believe), I find that he says it is a remarkable fact that many of the States proposed an amendment to the Constitution striking out the latter part of the section and Congress declined to change it, and that that fact made the argument the stronger that the people who were in that Congress intended that the power should remain there. That is only partly true; but it remained there, why? Because of the fact that the men who voted to retain it did so under the distinct understanding, as stated by many of them, that this was a power that could never injure the people of the country, because it never was intended to be used except when the States failed to provide the necessary machinery.

When you come down to the act of 1842, which has been referred to, you find that Congress there attempted to take charge of this matter.

In 1842 Congress passed a law directing the States to elect their Representatives by districts rather than by a general ticket system, as

some were then doing. The bill was approved June 25, 1842, and President Tyler sent a special message to Congress giving his reasons for approving it. This was so unusual a proceeding that the venerable Mr. Adams, who was then a member of the House, asked "that the message be referred to a select committee with power to send for persons and papers."

The States of Missouri, Georgia, Mississippi, and New Hampshire declined to obey the law and elected their Representatives by the general ticket system, as theretofore. Upon the assembling of the Twenty-eighth Congress the question of the title to their seats was at once raised and able reports were filed by Hon. Stephen A. Douglas for the majority of the committee and Hon. Garrett Davis for the minority. They were elaborately and fully discussed. A separate vote was asked on each member. In the case of Edmund Burke, of New Hampshire (the first vote taken), the yeas were 128 and the nays were 68. While varying slightly in the other cases, the majority was about the same in each case. We find among those voting in the affirmative such names as John P. Hale, Hannibal Hamlin, Preston King, George C. Dromgoole, Edmund W. Hubard, and Stephen A. Douglas, and others. (See House Journal, first session, Twenty-eighth Congress, pages 380, 381.) So that the power claimed by Congress to command the States to lay off districts for members of Congress was thus emphatically and quickly denied, and, so far as we are informed, it has never been attempted since.

Then you find that in 1870 and in 1872 Congress provided that elections should be by ballot and that the time of holding them was to be uniform throughout the country. Why, gentlemen, I think nothing demonstrates more clearly than these very laws the absolute necessity of leaving to the people of each State the control of its elections and election machinery. Suppose Congress in its wisdom were to pass a law providing that members of Congress should be elected on the 15th of January in each year, would not that operate to disfranchise many States in this Union? How could the people get out on the snow-clad hills of Maine or the blizzard-stricken plains of Minnesota to vote on the 15th of January? Why, it shows more clearly than anything else that the people of each State are better qualified to judge of what is proper in conducting their own elections than anybody else.

Again, take the matter of the ballot. Congress has acted on that, and therefore it is said that it is constitutional, because Congress has acted on it. But it is to be remembered that Congress has passed a great many unconstitutional laws. I know not what others may think, but I believe there is nothing about which the people of the States should be allowed to exercise their own judgment more than that matter of a secret ballot. Personally, I believe in an open ballot, by the man singing out before God and man, in the broad light of day, the name of the man he votes for. You may not so believe. Then you ought not to be compelled to have a *viva voce* system. I do not like a sneak or a spy that is afraid to open his mouth and tell the people how he is going to vote. Congress, however, has preferred it and enacted it into law, and by that act has done more in my judgment to disorganize and demoralize the public sentiment of the country than it will ever gain by passing such a bill as this.

Let every man judge for himself. Let every man take care of his own household. Let every people determine for itself what is best for itself, and let others do the same for themselves. A man who insists on taking care of other people's business all the time will find that his own will go to ruin. I heard of a man once who made a fortune by attending to his OWN business, and I will add to avoid mistake that his name was not LODGE or ROWELL. [Laughter.] What we ask for, what the States ask for, is that they may be left to determine for themselves what is best under the Constitution for themselves.

Now, gentlemen, there is another clause of the Constitution to which I have referred that bears very decidedly upon this question. Chief-Justice Chase in the case of Hepburn *vs.* Griswold, the old legal-tender case which has become so celebrated in the land, was called on to construe that clause in the Constitution which provides that "the Congress shall have power to pass all laws necessary and proper to carry into execution the foregoing powers." And, gentlemen, if you conclude that under the second and fourth sections of the first article of the Constitution Congress has the power at any time to interfere and take the elections into its own hands, you have yet to construe those provisions of the Constitution with the subsequent one which provides that it can only pass laws which are "necessary and proper" to carry into execution the powers granted. Now, what are "necessary and proper" laws to carry into execution the powers granted to Congress over the election of Representatives? Chief-Justice Chase says that the words "necessary and proper" mean "bona fide, appropriate to the end" in view; that they mean absolute good faith, absolutely appropriate means; not for partisan purposes, but in good faith, bona fide. Now, is it "bona fide, appropriate," to the assumption by Congress of the control of elections for Congressmen to appoint supervisors whose duties shall be not to carry on any separate election machinery, but to go on and stick their noses into the election machinery of the States? Is it "bona fide, appropriate," to the purpose of an election law for the election of members of Congress that State officers should be dragged into the Federal courts and punished for a violation of a State law? Or is it "bona fide, appropriate," to this object that each member of this House should be returned, not by the State that sends him here, but by an officer of this Government appointed for life, amenable to no power, and with no penalty attaching to his dereliction of duty? Is it "bona fide, appropriate," to the purpose of passing an election bill that you should put into it a clause providing that the juries of the country shall be of one political faith? Put your hands upon your hearts and let your hearts seek counsel from on high and answer me whether that is "bona fide, appropriate," to the purposes of passing an election law?

But observe this clause again:

> The times, places, and manner of holding elections for Senators and Representatives, etc.

If Congress has the power to pass this bill, it has the power to amend it and make it applicable to the election of Senators. Apply its provisions to the election of Senators, and what would we have? The Legislatures of the States dominated and controlled in the election of Senators by Federal officers. In the State of Virginia, in the election of Senator, "a committee of three members from each house shall compare the votes and ascertain and report the result." But, if this bill be constitutional and applied to the election of Senators, the committee of each house of the Virginia Legislature could not compare the votes without the supervision of the Federal supervisors. They could not ascertain and count the vote, for under this bill that power is given the supervisors. They could not "report the result" to their respective houses, for the supervisors would report the result to a Federal canvassing board.

Members would be challenged in their right to vote, and the right of the people of a county to representation denied by a Federal official. Confusion, chaos, and collision would inevitably result, and the proud position of free and independent States converted into the subserviency of crouching victims to Federal usurpation and power. Does not the analogy show that the makers of the Constitution could never, never have intended any such power to be given to Congress over the States and their elections for Senators and Representatives? It will not do to say such power in the election of Senators will never be invoked. The political exigency that could disperse the Legislature of a State at the point of the bayonet would not be long in finding a pretext for the application of the club and the billet for the enforcement of its wicked designs.

But, gentlemen, we come now to the discussion of some of the provisions of this bill. This bill has a provision which, so long as I am a member of this House, I shall resist with all the power that I have, because I believe it is against the true interests of the American people. It was John Marshall, of Old Virginia (somebody has said she never tires and some wag has added that it is because she never did anything to make her tired [laughter]; but, in spite of that, gentlemen, I love every foot of her sacred soil with all my heart, not only for what she is now doing, but for what she has done in the past. If her history were blotted out to-day from that of the sisterhood of States and the declaration of her great jurist, to which I am about to refer, were alone preserved to let posterity know that she once had existed, Virginia's life would not have been in vain)—it was that great jurist, John Marshall, sitting as a member of the greatest convention that ever assembled on this continent, in 1829–'30, as a member of the Virginia convention to revise the constitution of that State, who used these words in speaking of the judiciary:

> I have always thought, from my earliest youth till now, that the greatest scourge that an angry Heaven ever inflicted upon an ungrateful and a sinning people was an ignorant, a corrupt, or a dependent judiciary.

Do gentlemen propose by this bill, when the country is full of corruption in high places throughout the land; when it crawls with its slimy trail even into the highest offices of the Government—are gentlemen willing to drag down the last bulwark of American liberty into the slums of partisan politics? Are gentlemen for party purposes willing to forego the preservation in its purity of the chief bulwark of American liberty? I speak, sir, not as a partisan on this subject. Whatever else may be done in this bill, however much some of its features may commend themselves to you, for God's sake strike out that provision that puts it into the hands of the judiciary of the country to run the elections of the country.

One gentleman who preceded me said that it was absolutely essential for the good of the country that the people should have confidence in the purity of the elections. Is it not more essential that the people should have confidence in the judiciary, those who hold the scales of justice, or ought to hold them, impartially between man and man. I agree with honorable gentlemen to this extent at least: that the merest suspicion of fraud attaching to the judiciary is as bad as fraud itself. The judge of the circuit court of the United States appoints the supervisors (section 5); if one of them is to be tried for misconduct, the judge who appointed him tries him; a jury selected by a clerk of the same political faith is impaneled for him. There could be but one result in nine cases out of ten. The *conduct* of the supervisor is not alone on trial, but the *judgment* of the judge in selecting him as such supervisor is also on trial, and before whom? Before the judge who selected him.

One other point I desire especially to bring to the attention of the House. So far as I remember—and I am borne out in this statement by gentlemen who have examined the particular section perhaps more

closely than I have—there is not only a life tenure for the chief supervisor who conducts these elections, but there is absolutely no penal statute in regard to him. Duty and responsibility should go hand in hand. Here we have a duty imposed, with responsibility to no one for its proper discharge. If I am mistaken on this point no one will more frankly than myself admit it, but I have been unable to find in the bill any penal provision with regard to the chief supervisor.

But I object to another provision here. I object to that provision in this bill which proposes to apply the power of punishment under the penal clauses to State officers. And I beg that you remember that there is *one* section in this bill providing a punishment for the officers it creates and *eight* sections providing punishment for State officers whom it has never created. Is that right? Is it in the interest of preventing collisions throughout the country? Beginning at section 42 and going on through the bill, you will find various provisions for punishing the State officers of elections; and then there is one little section providing for the punishment of the supervisors.

And I say further that Congress has no power under the Constitution to punish the officer of the State for the violation of State law.

I am perfectly aware that it has been stated otherwise in certainly a very respectable tribunal; but that decision was only reached by the learned judge, assuming that in the election of members of Congress, the election machinery was operated under State laws, that Congress in effect *adopted* such laws as its own, not by enactment, but by implication; but, if my view of the Constitution is correct, Congress has power only under condition to make or alter these provisions in regard to elections; and in order to make anybody liable under its law it must be clearly a Federal law, and not a State law converted into Federal law by implication. It can not say to the State, "We will let you go on; we will let you have your judges of election and other officers of election, and we will have ours; we will have supervisors and marshals; when our officers disobey our law we will punish them; when your officers, who have never taken an oath to support the Constitution of the United States, but are sworn to support the State constitution, violate their State laws, we will punish them, too." I say it is not right.

Mr. McCOMAS. Has not the Supreme Court of the United States, in the Siebold case (100 United States Reports), expressly affirmed the position which the gentleman denies? How does he dispose of that very pertinent decision?

Mr. TUCKER. My friend must have been asleep; I am glad I have wakened him up. I have referred to that decision.

Mr. McCOMAS. I have just come in; but I am wide enough awake to remind the gentleman of a decision of the Supreme Court that directly contradicts his position.

Mr. TUCKER. I have referred to that decision and have attempted to state my views in regard to it.

Mr. McCOMAS. I suppose, then, my friend from Virginia overrules the decision of the Supreme Court.

Mr. TUCKER. I say this, that neither the Supreme Court nor any other court can bind my conscience as a Representative of the people as to the construction of the Constitution.

Mr. McCOMAS. That fully explains the gentleman's position. I beg pardon for asking him the question.

Mr. TUCKER. I say to the gentleman, moreover, that the duty devolves upon us as one of the co-ordinate branches of this Government to construe that instrument in such manner as seems to us right and proper under our oaths. And if I mistake not there is a bill pending in the other end of the Capitol that we are threatened with very soon, known as the Wilson bill, or original-package bill, in which some gentlemen on your side of the Chamber have undertaken to dissent from the decision of the Supreme Court of the United States and undertaken under their oaths here to reverse by legislation the judgment of that high tribunal upon the matter in question. And if that bill contains what I understand it does, as much as I dislike to disagree with that honorable court, I shall vote for the bill when it comes before us.

Now, gentlemen, I disapprove of another provision in this bill: the power vested in the chief supervisor of appointing an unlimited number of deputy marshals. And on this point my friend from Illinois [Mr. ROWELL] is mistaken. Under the twentieth section of the bill any number of deputy marshals may be appointed, as shall in the opinion of the chief supervisor be necessary. I am opposed to the provision of the bill as found in the sixth and eleventh clauses of the eighth section, providing for the canvass of cities by supervisors. Gentlemen know what that means. The object is not to canvass to find out whether a man is registered properly. Why should you presume in advance that a man has forsworn himself? Has it come to this, that in this country the presumption of fraud is against every man? That is the provision. You actually presume that the registration is fraudulent and send these people around with Government money in their pockets to investigate that matter. No one can be mistaken as to what this provision means: that the political work of the dominant party is to be done by hirelings paid from the public Treasury.

I object to another provision of the bill, Mr. Speaker. I do not believe in the supervision feature, as a matter of expediency, looking to the true interests of our State and Federal systems. I think the only logical position for Congress to take in regard to the elections of Representatives, if the time ever comes when under the Constitution it can take charge of the elections, is this: Either to give it absolutely into the hands of the States or absolutely into the hands of the Federal Government. Do not have any mixture of the two. It is, and will be, a source of serious trouble, dispute, and clashing of interests, as well as clashing of authority, if Congress assumes control of a part of the machinery and the States take charge of another portion of it. Congress should either take charge of it absolutely and free the States or let it remain absolutely with the States.

One of the least objections to the bill is the probable cost of it. I have been at considerable trouble to ascertain what that would probably be. I have gotten from the secretaries of state of all or most of the States of the Union a statement as to the election precincts in the United States, which I will insert, as follows:

Election precincts in the United States.

Alabama	1,086
Arkansas (estimated)	1,200
California (estimated)	1,600
Colorado (estimated)	600
Connecticut	251
Delaware	66
Florida	600
Georgia (estimated)	1,500
Illinois (estimated)	3,000
Indiana (estimated)	1,500
Iowa	1,922
Kansas (estimated)	3,000
Kentucky	1,375
Louisiana	744
Maine	517
Maryland	483
Massachusetts	715
Michigan	1,466
Minnesota (estimated)	1,800
Mississippi (estimated)	1,115
Missouri (estimated)	2,500
Montana (estimated)	500
Nebraska (estimated)	500
Nevada (estimated)	500
New Hampshire	268
New Jersey	266
New York	3,366
North Carolina (estimated)	1,200
North Dakota (estimated)	500
Ohio	2,449
Oregon	508
Pennsylvania	4,217
Rhode Island (estimated)	500
South Carolina (estimated	600
South Dakota (estimated)	800
Tennessee (estimated)	2,000
Texas	3,935
Vermont (estimated)	500
Virginia (estimated)	1,800
Washington (estimated)	600
West Virginia (estimated)	700
Wisconsin (estimated)	1,500
Total number	54,649

The above figures are obtained (except those estimated) from secretaries of state, and mostly refer to the date of the Presidential election in 1888. For Pennsylvania, however, the figures are from Smull's Hand-Book, containing the election returns for 1889. Of the election districts or precincts for that State 815 were in Philadelphia.

The table does not contain the numbers for the Territories of Arizona, Idaho, New Mexico, Utah, and Wyoming. Of course the number of election precincts have been considerably increased since the election of 1888.

There are 55,000 in round numbers, without regard to the Territories. Under this bill the cost of the canvassing board, the cost of the chief supervisor, the cost of the supervisors themselves in each district, the cost of deputy marshals, allowing an average of three deputy marshals for each precinct and three supervisors for each, and allowing a fair average of the amount that they are to be paid under the law, I find upon an estimate will be $11,732,800.

Cost of Lodge bill.

Cost of canvassing board:		
Three canvassers, per diem and expenses, $20 each	=	$60
Clerk, per diem and expenses	=	20
		80
Days allowed (section 15), 15; estimated average used, 5; 5×$80	=	400
Number of States in Union, 42; 42×$400	=	16,800
Seals, stationery, etc. (estimated)		1,000
		17,800
Cost of chief supervisors, by Congressional districts:		
Printing, recording, certifying, stationery, advertising, telegrams, etc., for each Congressional district, $5,000; number of Congressional districts, 330; 330×$5,000	=	1,650,000
Cost of supervisors (section 19):		
Average number to a precinct, 3; estimated average pay of each, $6; estimated average days of service, 6; number of precincts in United States, 55,000; total cost of supervisors		5,940,000
Cost of deputy marshals (section 20):		
Number of precincts, 55,000; estimated average for each precinct, 3; estimated average days of service, 5; services per diem, $5; total cost of deputy marshals		4,125,000
Total		11,732,800

Mr. O'NEALL, of Indiana. And add a thousand more precincts and their expenses for Indiana.

Mr. TUCKER. Well, I have fifteen hundred for Indiana. This is a conservative estimate, and I am satisfied it is a reasonable estimate. My own judgment is that it will cost not less than twelve millions, and most probably will reach from fifteen to twenty millions.

I come now to discuss another feature of the bill, and it is this: Gentlemen have declared on this floor that this bill was a national bill intended for the whole country. The gentleman who opened this debate, the gentleman from Massachusetts [Mr. LODGE], launched us upon a smooth sea, and I thought our sailing was to be of the happiest nature; that there were to be no gales encountered in the discussion. But we were soon disabused of that idea when the gentleman from Illinois [Mr. ROWELL] took his position. The gentleman from Massachusetts says this is not a sectional, but a national measure. The gentleman from Illinois has confessed practically that it is a sectional bill.

The gentleman from Illinois imagines he is arguing a contested-election case, and goes into all of the murders and crimes in the catalogue and talks about the war and about the beautiful traits of character of the negro. Why, gentlemen of this House, where did the gentleman from Illinois get authority to talk to me and for me about the character of the colored people? Why, in childhood I was rocked upon the bosom of as noble an old colored woman as ever drew the breath of life. Reared from childhood among them, I know them as the gentleman from Illinois can never know them, and that old "mammy," who was loyal and true to me in life and whose memory is as dear to me as one of my own family, will ever awaken in my heart the warmest feelings toward that race to which she belonged and which was faithful in the trying days of the war.

But the gentleman from Illinois has gone back to the war. Some of us in this House have been born since the war began; we have grown up with the new civilization, with new conditions and ideas; and it is a condition that confronts us here, and not a theory. Why, gentlemen, I say to you that the position of the gentleman from Illinois shows that this bill is to be a sectional one, whose operation is to be chiefly against the interests of the Southern people. He says openly that we cheat the negro, that we steal his vote, that we murder him. The gentleman is not at all discriminating in his remarks against us. Very well. Admit it for the sake of the argument. I ask any gentleman who hears me to tell me in all honor and in all candor whether it be worse to steal the vote of a man who does not know how he is voting than to buy the vote before it reaches the ballot-box of a man who could vote intelligently if let alone.

Mr. KELLEY. This law is against both.

Mr. TUCKER. Oh, yes; I am coming to that. The gentleman says it is against both; but, Mr. Speaker, it is mighty little against both. [Laughter.] You have to-day a statute providing against bribery. You have a section in this bill against it with a little addition that the man who is bribed is amenable also to punishment. And let me tell you when the two get together you will have a pretty hard time trying to find out who was the bribed and who was the briber. [Laughter.] I do not justify and can not justify the stealing of a vote or the killing of a man; but I say, for the sake of argument, admit the truth of the gentleman's assertion, what position are you in if reports be true that money has been used all over this country in carrying elections? and you know, as well as we can know any other fact in this life, that it was used for the purpose of corrupting voters by the Republican party in the last Presidential election. I ask you now in all seriousness to answer candidly the question whether or not it is any worse—supposing it to be bad enough to steal ballot-boxes—to steal a ballot than it is to buy a vote before it goes into the box.

You are forced to plead guilty to the charge that votes are bought throughout the North, and seek to avoid its force by charging ballot-box-stuffing on the South. Are you in position, before removing the beam out of your own eye, to cast out the mote out of thy brother's eye?

Both are wrong, but when you begin to pose as the immaculate party that can not exist in an atmosphere tainted with immorality of any kind, and would conceal your own crimes by a tirade against the supposed delinquencies of others, I beg to suggest that it would at least be prudent to sweep before your own doors before demanding that filth should be swept from your neighbor's door.

You say you want to uproot both by your bill. When did the desire strike you? Since the indictments against Dudley were dismissed or the fat-frying processes of Foster were exhausted or after the $400,000 gathered together by the industrious hand of the present Postmaster-General had been expended for legitimate campaign purposes? And if, with bribery and corruption all around you, you have failed to enforce the present law against bribery, how can we hope that you will do so now? The bill is sectional. It is aimed at the South. Is there anything anywhere in the bill to show that it is not? Let us see. The honorable gentleman—no, it was the Speaker of this House himself—made a speech not long ago in the city of Pittsburgh, and did he he indicate in that speech that this was to be a national-election law or a sectional law?

Always brilliant, in opening he said:

Your toast strikes the only possible note of continued victory for the Republican party. Continued victory we must have. Not as partisans, but as patriots.

[Laughter on the Democratic side.]

Do not laugh.

Not on the past must be our reliance, but on the future. If we are not to-day in the fore-front of human progress, to have been followers of Abraham Lincoln in the years gone by is not an honor, but a burning disgrace. Progress is the essence of republicanism.

And so on.

Continuing, he says:

I have not, for years, been one of those who talked about the South.

But he determined what he was going to do that night.

For the last eight years no one has heard me, in the House or in the campaign, discourse upon either outrages or wrongs, murders or shootings, or hangings. My silence did not arise from any approval of murder. It is known to everybody that the South denies that cheating is part and parcel of their elections. It is equally known to everybody that that denial is not true—

And so forth, the whole speech being an enumeration of Southern outrages, and at its close a remedy is suggested—"to take into Federal hands the Federal elections." The extracts from that speech show that the Speaker of this House, as a leader of his party, was determined if he had the power—and we all know he has the power—to drive this Republican party, by caucus or otherwise, into the adoption of a Southern election law. There is no intimation in the speech that there are frauds in elections in other parts of the country, in the State of Maine, or elsewhere, but only in the South. I find also that he has given his views to the public in an article in the North American Review that I beg leave to refer to very briefly. He puts it in this form:

Suppose it were a fact that negro domination and barbarism would follow from honest voting in the Southern State elections; suppose it were a fact that disregard of law and complete violation of the rights secured to the negro by the Constitution were absolutely necessary to preserve the civilization of the South; what has that to do with Federal elections? Violation of law and disregard of statutes are not needed to save the United States.

And in other places in that article the distinguished gentleman practically admits, as he does there admit, that if the defense which he alleges is made by Southern people, that they defraud the negro for the preservation of their own civilization, were true, that it would be proper and right and admissible. I say he admits practically that, for the preservation of State governments, property, and life, the things that are charged against the people of the South might be proper; yet that when you come to national elections it would not do.

Why, gentlemen, is it possible that the man who poses as the great friend of the negro would admit that it was proper to kill him or cheat him for one purpose, but very wicked, immoral, and improper to do so for another? If all the exaggerated and base stories of murder of the negro in the South were true, the Southern people could find no stronger champion of their position or justification of their action than the Speaker of this House and his views as expressed in this article. The Speaker, in the same article, and the gentleman from Illinois [Mr. ROWELL], both assert that the negro population increases the representation from the South, and that by the suppression of the negro vote that increase redounds to the benefit of the Democrats. Admit all they claim to be true, for the sake of the argument, which is not true in fact, and what do we find? That in the States of Connecticut, California, Iowa, Illinois, Michigan, Minnesota, Massachusetts, Nebraska, New York, New Jersey, Ohio, Pennsylvania, Rhode Island, and Wisconsin, in the year 1888, the Republicans cast 3,386,399 votes and the Democrats cast in the same States 3,074,165. The 3,386,399 Republican votes elected 126 Congressmen, or about 26,900 votes per Congressman. The 3,074,165 Democratic votes elected only 47 Congressmen, or 65,406 votes per Congressman.

That is, in the North, where gentlemen claim there is an honest expression of the popular will, it takes only 26,900 votes to elect a Republican, while to elect a Democrat it takes 65,408; and if the will of the people in the North were not stifled and a free expression of the popular will could be had, the Republicans would have only 90 instead of 126 members of the 173 from those States, while the Democrats would have 83 instead of 47 only, and instead of a Republican majority in this House of 9 the Democrats would have a majority of 63 members. No, gentlemen, when you look at this whole question dispassionately you will find a good deal depends on the question of whose ox is gored.

But for your gerrymandering of the States of Connecticut, New York, Rhode Island, and Massachusetts, they would to-day be represented in the Senate by Democrats, and you know it. When the popular will is thus defeated in the North you call it gerrymandering, not fraud; but the people of the country understand it and your sham pretenses of a desire for honest elections.

Now, I say that the South is getting along first rate. We ask you to give us a free chance in the race of life. We know better how to attend to these social questions than you can possibly know, with all your professed patriotism. We know perfectly well that we have a serious problem before us; that we are educating the negro; that we are giving him those rights which make him prosperous and happy; that we

are doing for him more than you can do for him and will continue to do it. We ask for our section what patriotic sons of Erin all over the civilized globe demand for their race, "Home rule for Ireland." Our cause is the same.

Now, I ask you where the demand for this bill comes from. Does it come from the negro? Does it come from the Southern Republicans? Where does it come from? The committee to which I have the honor to belong have had some advocates of this subject before it. Who were they? Most of them politicians, and negroes who live by politics, and one poor fellow who has gone crazy since, who is now in the asylum and who was crazy then, and that class of evidence is the basis of this bill. The business people of the country, North and South, do not want it, for they know that it will disorganize business in many portions of the country, endanger capital invested, and bring discontent and strife where now peace and happiness reign.

The SPEAKER *pro tempore*. The time of the gentleman has expired.

Mr. BUCKALEW. I ask that the gentleman be given ten minutes more time.

There was no objection, and it was so ordered.

Mr. TUCKER. I am very much obliged to the committee. I shall not impose upon them very long. What does General Longstreet say upon this subject? General Longstreet says, in an interview with the correspondent of the St. Louis Globe-Democrat:

> The negro is getting along quite well and would do much better if it were not for the politicians. It does not follow that because a man is black he is a Republican.

Here is a life-long Republican speaking.

> A negro is like almost any other man. He will vote for the advancement of his own interests. He will vote against a negro who has gone to the front simply as a politician, in favor of a respectable Southern white man any time. He will vote for a Southern white man that he knows against a politician of the North every time. Schools are working out the problem of the colored man in the South. The development of the country is giving him new avenues of employment. What he is gradually getting is better wages, and what he needs is less politics and less meddling from politicians.

Now, gentlemen, that is the expression of a man who has been a Republican ever since the war, living in the State of Georgia, about which so much has been said here to-day.

Hear also what Ex-Governor Chamberlain, of South Carolina, who was the Republican governor of the State up to 1876, says on this subject in an address at the city of Boston, February 8, 1890:

> I come from the South to-night. A business errand has again taken me to the State which was my home for twelve years. I have mingled again during the last four months with the people whom I then knew so well. What do I find? I find that since 1876 both races in South Carolina have prospered. I find the prosperity of the negro has advanced *pari passu*, more than *pari passu*, with the white man. I find the negro more self-respecting, better provided with schools, far better, acquiring property more rapidly, more industrious, more ambitious for education and property than he ever was before 1876; and I have come here to-night, at not a little inconvenience, to proclaim this in the ear of Boston's philanthropy and Boston's patriotism. [Cheers.] I proclaim it because it is true and because if any man living owes it to himself and to the country to proclaim the truth in this matter, I am that man. [Great applause.]
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> What, then, is the duty of the North in respect to this problem; what is Boston's and Massachusetts's duty; what is the duty of all patriotic men? I answer with my whole mind and conscience their duty is to let the negro alone. [Tremendous cheering.]

I repeat, we are getting along in the South now first rate. Let me show you what we have done since the war.

In 1860 the total assessed value of property in the United States was $12,000,000,000, and of this the South had $5,200,000,000, or 44 per cent. In 1870 the total assessed value of all property in the country was $14,170,000,000, and of this the South had $3,064,000,000, or 22 per cent. The assessed value of property in the South, as already stated, was $2,100,000,000 less in 1870 than in 1860. That is an enormous loss; but between the years 1880 and 1889 look at the strides we have made. From $2,900,000,000 in 1880 to $4,200,000,000 in 1889; and the census reports will show a vaster increase over that. Where does that come from, gentlemen? A great deal right out of your pockets.

During the very first year of Mr. Cleveland's Administration $13,000,000 of foreign capital came into the State of Virginia. Our people have caught the impetus of the age; the negro laborers are happy and contented; the Northern people are pouring their money down into our mines and our furnaces, and we simply ask that we may be allowed to take care, not only of our own, but what you may send there to be invested for your own good in the safest way for all concerned.

The cities of Philadelphia, Boston, and New York have all contributed of their coffers to the building up of our beautiful valley of Virginia, and some of it has come from the great West, and all that we ask for the old State of Virginia is to be let alone to work out our own "salvation with fear and trembling."

Mr. KERR, of Iowa. I will ask the gentleman if Virginia is not nearly a Republican State?

Mr. TUCKER. Not by a large majority; not by 44,000 last year, and "still some precincts to hear from."

Mr. BOWDEN. How many the year before, when we had some Federal supervisors?

Mr. TUCKER. About 1,500.

Mr. BOWDEN. Exactly.

Mr. TUCKER. When you had Federal supervisors, who suppressed the honest vote! [Loud applause on the Democratic side.]

Mr. WADDILL. I would like you to specify a place in Virginia where Federal supervisors ever suppressed a vote.

Mr. TUCKER. Will you sit down? I do not yield to you. [Laughter.]

Mr. WADDILL. I asked you a question, and that is the way you answer.

Mr. TUCKER. Sit down.

Mr. WADDILL. I will sit down when I get ready, and not by your direction.

The SPEAKER *pro tempore*. The gentleman from Virginia will be in order.

Mr. WADDILL. Decency requires that you should not refuse to answer a question in a proper manner.

Mr. STRUBLE. Mr. Speaker, I rise to a question of order and ask whether a member on this floor has a right to order another member to sit down.

Mr. TUCKER. Will the gentleman from Iowa be kind enough to take his seat? [Laughter.] Mr. Speaker, I did not mean to be discourteous to anybody. I do not want to be offensive to any gentleman.

Mr. WADDILL. Very well. With that explanation I wish to ask the gentleman if he will yield to a question.

Mr. TUCKER. Not now; later.

Now, we find, Mr. Speaker, that during the four years from January 1, 1886, to December 31, 1889, the total number of furnaces, factories, and mills that came to the South was 13,744. I see the honorable gentleman from Ohio [Mr. MCKINLEY] smiles approvingly at that. Then, Mr. Speaker, we find from 1878 to 1889 a proportionate increase in all the cereals, the cotton crops, hay, and so on. We find that in the years from 1880 to 1889 the number of cotton mills have increased in the South from 161 to 353; that the number of spindles has increased from 660,000 to 2,000,000. We find that the total amount of coal developed in the South in 1882 was 6,000,000 of tons; that in 1888 there was 19,000,000, and most of the labor in that development was that of the poor negro for whose benefit this bill is to be passed. The cotton crop in 1860 was only a little over 2,000,000 bales, while in 1889–'90 it amounted to over 7,000,000. We find that the cost of making iron in the Southern land and in my own district, where a large number of the laborers are negroes, according to the testimony of Messrs. Carnegie, Hewitt, McClure, Swank, and others, is estimated at anywhere from $8.50 to $10 a ton; and to-day iron is being made in my own district at a cost of not over $10 a ton.

The honorable gentleman from New Hampshire [Mr. MOORE] who spoke some days ago on the tariff referred to these facts and appealed to us to stand by a prohibitory-tariff law; it is not wonderful that such development should come to us, because we have advantages in manufacturing over all other sections of this country, and capital is very sensitive to go where that is the case. We find that the total output of pig-iron in the South in 1880 was 397,000 tons and that in 1889 it was 1,500,000 tons. So that, gentlemen, looking not only to the social status of our people, but looking to the prosperity of our country, the preservation of our civilization, and the property of our people and of your people, we appeal to you to keep your hands off. Do not for partisan purposes relegate this Southern country, by the enactment of such a law as this, to the condition of things existing for ten years subsequent to the war. Let me read you a statement of the financial condition of the South at the close of the war, and then when the carpet-bagger had his grip fast upon her body. Here it is:

States.	Debts and liabilities at close of war.	Debts January 1, 1872—after reconstruction.
Alabama	$5,939,654.87	$38,381,967.37
Arkansas	4,036,952.87	19,761,265.62
Florida	221,000.00	15,763,447.54
Georgia	Nominal	50,137,500.00
Louisiana	10,099,074.34	*30,540,206.61
North Carolina	9,699,500.00	34,887,467.85
South Carolina	5,000,000.00	39,158,914.47
Mississippi	Nominal	†20,000,000.00
Tennessee	20,105,606.66	45,688,263.46
Texas	Nominal	20,361,000.00
Virginia	31,938,144.59	45,480,542.21

* June 1, 1871. † January 1, 1871, about.

Does not this statement show, as well as the history of that dark period in our country's history, that bayonets and force applied in the elevation of ignorance over intelligence can only result in financial as well as social ruin to a people? When Federal troops were withdrawn from the Southern States and the manhood of the people reasserted itself, gradually confidence was restored, and values were enhanced, as

shown in the annexed tables of the assessed value of the property of the several States in 1880 and 1889:

States.	1880.	1889.	Increase.
Maryland	$459,187,408	$477,398,380	$18,210,972
Virginia	203,997,613	*344,169,473	40,171,860
North Carolina	169,916,907	217,000,000	47,083,093
South Carolina	129,551,624	145,280,343	15,728,343
Georgia	251,424,651	380,289,314	128,864,663
Florida	31,157,846	93,800,000	62,642,154
Alabama	139,077,328	242,197,531	103,120,203
Mississippi	115,130,651	157,830,431	42,669,780
Louisiana	177,096,459	226,392,288	49,295,827
Texas	311,470,736	710,000,000	398,529,264
Arkansas	91,191,653	166,000,000	74,808,347
Tennessee	211,768,438	325,118,636	113,350,198
West Virginia	146,991,740	183,013,737	36,021,997
Kentucky	375,473,041	551,676,267	176,203,226
Total	2,913,436,095	4,220,166,400	1,306,729,927

*1888.

The census report of 1879-'80 estimated that the assessed value of property in the South was only 41 per cent. of the true value. On this basis the true value of property in the South in 1880 was $7,105,917,300, and the value at present $10,293,088,700, a gain of over $3,000,000,000.

Relying upon the manhood of our people we are fast forging to the front in material progress in many parts of our State, while struggling poverty holds its grip in other sections, but as a whole our advancement has been marvelous. Will you strangle in its cradle this infant Hercules with such a law as this?

In conclusion, let me say, gentlemen, that, while this bill in my opinion is unconstitutional, Congress has no power to pass it; that the provisions of it are hideous, and that they ought not to be entertained by this House or this Congress; that even if it passes it will never accomplish the purpose whereunto it is sent. You may rely upon that. As was said in the discussion here to-day, if there be fraud and corruption in the country the only way to correct them is by an enlightened public sentiment which will frown them down, so that a man who deals in fraud, bribery, or corruption will not be countenanced in the community. [Applause.]

Now, gentlemen, I am through. I thank the House most cordially, and especially my friends upon the other side, who have been kind enough to give me their attention, and I only ask that this House will do no act that will disturb the harmony, that beautiful harmony of the State and the Federal Governments, that beautiful system which when kept in its perfect symmetry is the admiration of the world, but when jostled or gotten out of gear will work destruction to the people for whose welfare it was intended. I thank you, gentlemen, for your kind attention. [Prolonged applause on the Democratic side.]

APPENDIX.

The following tables are taken from the Manufacturers' Record and The Redemption of the South.

The production of coal in each Southern State in 1880, 1882, 1887, 1888, and 1889 was as follows, in tons:

States.	1880.	1882.	1887.	1888.	*1889.
Maryland	2,228,917	1,294,316	3,278,023	3,479,470	3,213,886
Virginia	45,896	100,000	825,263	1,073,000	1,592,4-5
West Virginia	1,839,845	2,000,000	4,836,820	5,498,800	4,726,047
Georgia	154,644	175,000	313,715	230,000	265,000
Alabama	323,972	800,000	1,900,000	2,900,000	4,000,000
Tennessee	495,131	850,000	1,900,000	1,967,000	2,500,000
Arkansas	14,778	50,000	150,000	193,000	250,000
Texas			75,000	90,000	200,000
Kentucky	946,288	1,300,000	1,933,185	2,570,270	2,750,000
Total	6,049,471	6,569,316	15,212,006	18,001,270	19,407,418

*These figures were compiled by Mr. F. E. Saward, editor Coal Trade Journal, New York.

*In 1882 the South produced 6,569,316 tons of coal, and in 1889 19,497,418 tons. Thus in seven years, from 1882 to 1889, the output of Southern coal mines advanced from 6,500,000 tons to upwards of 19,500,000 tons. Between the taking of the census of 1880 and that of 1890 the output of Southern coal mines has more than trebled, and every year will show continued gains as the development of this industry is rapidly expanding.

The production of pig-iron in net tons in the South for each year from 1880 to 1889, according to the official report of the American Iron and Steel Association was as follows:

States.	1880.	1881.	1882.	1883.	1884.
Maryland	61,437	48,756	54,524	49,153	27,342
Virginia	29,934	83,711	87,731	152,907	157,483
North Carolina		800	1,150		435
Georgia	27,321	37,404	42,364	45,364	42,655
Alabama	77,190	98,081	112,765	172,465	189,664
Texas	2,500	3,000	1,321	2,381	5,140
West Virginia	70,338	66,409	73,220	88,398	55,231
Kentucky	57,708	45,973	66,522	54,629	45,052
Tennessee	70,873	87,406	137,602	133,963	134,597
Total Southern States	397,301	451,540	577,275	699,260	657,599
Total whole country	4,295,414	4,641,564	5,178,122	5,146,972	4,589,613

States.	1885.	1886.	1887.	1888.	1889.
Maryland	17,209	30,502	37,427	17,606	33,847
Virginia	163,782	156,250	175,715	197,396	251,356
North Carolina	1,790	2,200	3,640	2,400	2,898
Georgia	32,924	46,490	40,947	39,397	27,559
Alabama	227,438	283,859	292,762	449,492	791,425
Texas	1,843	3,250	4,383		4,544
West Virginia	69,007	98,618	82,311	95,259	117,900
Kentucky	37,553	54,844	41,907	56,790	42,518
Tennessee	161,199	199,166	250,344	267,931	294,655
Total Southern States	712,835	875,179	929,436	1,132,858	1,566,702
Total whole country	4,529,869	6,365,328	7,187,206	7,269,628	8,517,068

The most striking fact in connection with the output of iron in the two sections is brought out by comparing the production of 1887 and 1888, two years of dullness in the iron trade, and, as already said, it is during such periods as these that the South's advantages are made the more apparent. In 1887 the South produced 929,436 tons of iron and in 1888 1,132,858 tons, a gain of 203,422 tons, while the North, which made 6,257,770 tons in 1887, made 6,136,770 tons in 1888, a decrease of 121,000 tons. Presented in tabular form this makes the following showing:

Production of iron in the South:		
1887	tons...	929,436
1888	do.....	1,132,858
Increase	do.....	203,422
In the rest of the country:		
1887	do.....	6,257,770
1888	do.....	6,136,770
Decrease	do.....	121,000

The yield of principal crops in the South in 1879, 1887, 1888, and 1889 was as follows:

Crops.	1879.	1887.	1888.	1889.
Cotton, bales	5,755,359	7,017,000	6,938,290	*7,250,000
Increase over 1879		1,261,641	1,244,641	1,494,641
Corn, bushels	333,121,290	492,415,000	509,705,000	419,517,000
Wheat, do	54,476,740	52,384,000	44,207,000	55,060,000
Oats, do	43,476,600	81,506,000	78,254,000	77,714,000
Total, grain, do	431,074,630	626,305,000	632,166,000	652,291,000
Increase over 1879		195,230,370	201,091,370	221,216,370

*Estimated.

These figures show an increase in the production of grain from 1879 to 1888 of over 220,000,000 bushels. How does this increase compare with the production in the rest of the country? The following figures show:

Yield in whole country, except the South.

Crops.	1879.	1887.	1888.	1889.
Corn, bushels	1,214,780,500	963,746,000	1,478,085,000	1,593,375,000
Wheat, do	394,279,890	403,945,000	371,661,000	435,500,000
Oats, do	320,293,720	578,112,000	623,481,000	573,801,000
Total	1,929,354,110	1,945,803,000	2,473,227,000	2,702,676,000

Notwithstanding the fact that the West produced last year the largest corn crop ever made, the increase as compared with 1879 was only 31 per cent., while the increase in the South's corn crop from 1879 to 1889 was 55 per cent.

While the South, as shown by the foregoing figures, made an increase from 1879 to 1887 of 195,000,000 bushels of grain, or 45 per cent., the increase in all the rest of the country for the same period was only 16,000,000 bushels, or less than 1 per cent.

States.	July 31, 1889.			May, 1880.		
	Mills.	Spindles.	Looms.	Mills.	Spindles.	Looms.
Alabama	21	131,904	2,414	16	49,432	863
Arkansas	5	13,800	224	2	2,015	28
Florida	1	1,400		1	816	
Georgia	73	455,998	10,246	40	198,656	4,493
Kentucky	6	45,200	677	3	9,022	73
Louisiana	5	60,280	1,584	2	6,096	120
Maryland	25	175,642	3,536	19	125,706	2,425
Mississippi	11	69,396	2,054	8	18,568	644
North Carolina	111	386,837	7,851	49	92,385	1,790
South Carolina	44	417,730	10,687	14	82,334	1,676
Tennessee	31	126,321	2,478	16	35,736	818
Texas	8	50,868	496	2	2,648	71
Virginia	14	99,889	2,754	8	44,340	1,322
Total	355	2,035,268	45,001	161	667,854	14,323

ORDER OF BUSINESS.

Mr. HAUGEN. Mr. Speaker, it is now late in the day; we have been in session more than six hours, and I move that the House do now adjourn.

EXTRA COMPENSATION OF LETTER-CARRIERS, 1888.

Mr. BINGHAM. I ask the gentleman to yield to me for a moment while I submit a joint resolution under instructions from the Committee on the Post-Office and Post-Roads.

Mr. HAUGEN. I will yield to the gentleman.

The joint resolution (H. Res. 183) was read, as follows:

Be it resolved, etc., That the unexpended balance of $99,439.07 of the appropriation for the free-delivery service of the Post-Office Department for the fiscal year ended June 30, 1888, be continued and made available to June 30, 1891, for discharging the claims of letter-carriers for compensation for extra time in the months of May and June, 1888, made under the provisons of an act entitled "An act to limit the hours that letter-carriers in this city shall be employed per day," approved May 24, 1888.

The SPEAKER *pro tempore* (Mr. PETERS). Is there objection to the present consideration of this joint resolution?

Mr. MCMILLIN. Let us have the report read.

Mr. BINGHAM. I will state that it is simply to continue for one year longer the unexpended balance which under the general statutes would be covered into the Treasury at the close of the present month, in order that the Department can adjust the accounts of the men who have worked over eight hours a day. The joint resolution appropriates nothing additional from the Treasury, but merely makes the appropriation of 1888 continue until the account can be adjusted.

Mr. MCMILLIN. It does not change the law at all?

Mr. BINGHAM. It does not change the law and does not appropriate an extra dollar.

The SPEAKER *pro tempore*. Is there objection to the consideration of the joint resolution at this time?

There was no objection.

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

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

The latter motion was agreed to.

LEAVE TO PRINT.

Mr. HEMPHILL. Mr. Speaker, I ask unanimous consent that gentlemen who desire to print remarks upon the election bill may have the privilege of doing so.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from South Carolina?

Mr. KERR, of Iowa. Mr. Speaker, I wish to say that I have no objection to gentlemen who are interested in the discussion printing remarks when the matter is under consideration or within a reasonable time thereafter, but I do object to a leave to print which is unlimited as to time.

Mr. HEMPHILL. Then let it be within ten days after the vote is taken upon the bill.

There was no objection, and it was so ordered.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

A bill (H. R. 8342) for the removal of the United States court-house building at Baltimore, Md.; and

A bill (H. R. 9287) to provide for a term of court at Danville, Ill.

The message also announced that the Senate insisted on its amendments to the bill (H. R. 9603) making appropriations for the diplomatic and consular service of the United States for the fiscal year ending June 30, 1891, agreed to the conference requested by the House, and had appointed Mr. HALE, Mr. ALLISON, and Mr. BLACKBURN conferees on the part of the Senate.

The message further announced that the Senate insisted on its amendments to the bill (H. R. 9856) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1891, agreed to the conference requested by the House, and had appointed Mr. PLUMB, Mr. ALLISON, and Mr. BLACKBURN conferees on the part of the Senate.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. RAY, an extension of his leave for two days.

To Mr. SPINOLA, indefinitely.

To Mr. DIBBLE, until Monday next.

To Mr. DORSEY, for five days.

To Mr. EZRA B. TAYLOR, indefinitely.

To Mr. MORSE, for one week.

J. B. BERNADOU.

Mr. WILKINSON. Mr. Speaker, I ask unanimous consent to concur in an amendment of the Senate to the joint resolution (H. Res. 166) authorizing Ensign J. B. Bernardon, United States Navy, to accept two vases presented to him by the Government of Japan. The name is incorrectly spelled in the joint resolution, and the Senate has amended it.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Louisiana to the present consideration of the Senate amendments to the joint resolution indicated by him?

There was no objection.

The amendments were read, as follows:

Line 1, strike out "Bernardon," and insert "Bernadou." Amend the title so as to read: "Joint resolution authorizing Ensign J. B. Bernadou, United States Navy, to accept two vases presented to him by the Government of Japan."

The amendments were concurred in.

The motion of Mr. HAUGEN was then agreed to; and the House accordingly (at 5 o'clock and 25 minutes p. m.) adjourned.

EXECUTIVE AND OTHER COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following communications were taken from the Speaker's table and referred as follows:

INCREASED CLERICAL FORCE IN WAR DEPARTMENT.

Communication from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War of the 26th instant, submitting additional estimates of appropriations for increased clerical force, etc., required by the record and pension division of War Department—to the Committee on Appropriations.

COMPILATION OF UNDELIVERED LAND PATENTS.

Letter from the Acting Secretary of the Interior, transmitting a copy of the report of the Commissioner of the General Land Office, with certain inclosures, in reply to a resolution of the House of Representatives of the 6th instant requesting information as to the persons or firms who had compiled a list of the original, undelivered land patents in said office and by what authority it was done—to the Committee on the Public Lands.

RESOLUTIONS.

Under clause 3 of Rule XXII, the following resolution was introduced and referred as follows:

By Mr. MORRILL:

Resolved, That Thursday, July 3, immediately after the reading of the Journal, be set aside for the consideration of general bills reported from the Committee on Invalid Pensions, and this shall be a continuing order until such bills are disposed of;

to the Committee on Rules.

REPORTS OF COMMITTEES.

Under clause 2 of Rule XIII, reports of committees were delivered to the Clerk and disposed of as follows:

Mr. LEHLBACH, from the Committee on Public Buildings and Grounds, to which was referred the bill of the House (H. R. 431) for the erection of a public building at Lawrence, in the State of Massachusetts, reported, as a substitute therefor, a bill (H. R. 11157) for the erection of a public building at Lawrence, in the State of Massachusetts; which was read twice, and, with the accompanying report (No. 2560), referred to the Committee of the Whole House on the state of the Union.

Mr. DORSEY, from the Committee on Banking and Currency, to which was referred the bill of the House (H. R. 10590) to carry into effect the recommendations of the International American Conference by the incorporation of the International American Bank, reported, as a substitute therefor, a bill (H. R. 11159) to carry into effect the recommendations of the International American Conference by the incorporation of the International American Bank; which was read twice, and, with the accompanying report (No. 2561), referred to the House Calendar.

Mr. CARLTON, from the Committee on Claims, reported with amendment the bill of the House (H. R. 5136) for the relief of F. G. Fuller and J. A. Mitchell, executors of John O'Dell, deceased, accompanied by a report (No. 2562)—to the Committee of the Whole House.

BILLS AND JOINT RESOLUTIONS.

Under clause 3 of Rule XXII, bills of the following titles were introduced, severally read twice, and referred as follows:

By Mr. STRUBLE: A bill (H. R. 11154) to repeal part of section 6 of an act entitled "An act to divide the State of Iowa into two judicial districts," approved July 20, 1882—to the Committee on the Judiciary.

By Mr. MORRILL: A bill (H. R. 11155) to establish a port of entry and delivery at Leavenworth, Kans.—to the Committee on Commerce.

Also, a bill (H. R. 11156) to allow soldiers and sailors who have lost an arm and leg in the military service of the United States a pension for each disability—to the Committee on Invalid Pensions.

By Mr. WHEELER, of Alabama: A bill (H. R. 11158) to authorize the New Orleans Terminal Railway and Bridge Company to construct, operate, and maintain a bridge, and all the necessary approaches thereto, over the Mississippi River, above the city of New Orleans, State of Louisiana, on the left bank of the Mississippi River, to the opposite bank in said State—to the Committee on Commerce.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as indicated below:

By Mr. BRECKINRIDGE, of Kentucky: A bill (H. R. 11160) for the

relief of Mattie Ashurst, of Bourbon County, Kentucky—to the Committee on War Claims.

Also, a bill (H. R. 11161) for the relief of Mrs. R. P. Todhunter, of Fayette County, Kentucky—to the Committee on War Claims.

By Mr. COOPER, of Indiana: A bill (H. R. 11162) to correct the military record of Capt. W. B. Ellis—to the Committee on Military Affairs.

By Mr. HOUK: A bill (H. R. 11163) for the relief of James Brogdon, of Stockton, Tenn.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11164) for the relief of Robert McCampbell, of Knoxville, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 11165) for the relief of J. H. Norwood, of Trigonia, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 11166) granting an honorable discharge to Pleasant Slover—to the Committee on Military Affairs.

By Mr. O'NEILL, of Pennsylvania: A bill (H. R. 11167) for the relief of Henry B. Wood, an invalid veteran soldier of the Mexican war—to the Committee on Pensions.

By Mr. PERKINS: A bill (H. R. 11168) granting a pension to James E. Ruark—to the Committee on Invalid Pensions.

By Mr. QUINN: A bill (H. R. 11169) granting a pension to Isadora Ritter, formerly Isadora DeWolf Dimmick—to the Committee on Invalid Pensions.

By Mr. RUSK: A bill (H. R. 11170) for the relief of Frederick Engelhardt—to the Committee on Military Affairs.

By Mr. SMITH, of Illinois: A bill (H. R. 11171) granting an increase of pension to Edwin Reeder, late a member of Company A, First Tennessee Infantry in the war with Mexico—to the Committee on Pensions.

By M. STOCKBRIDGE: A bill (H. R. 11172) granting a pension to Frederick Ochs—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11173) to increase the pension of Elias D. Thompson—to the Committee on Invalid Pensions.

By Mr. THOMAS: A bill (H. R. 11174) for the relief of Philander R. Baldwin—to the Committee on Pensions.

Also, a bill (H. R. 11175) granting a pension to Emily Leach, widow of William D. Leach—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11176) for the relief of Lucy Simmons—to the Committee on War Claims.

Also, a bill (H. R. 11177) granting relief to A. M. Stratton—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BROWER: Petition of Pilot Mountain Alliance, No. 2066, of Surry County, North Carolina, asking Congress for appropriations of money for complete system of levees on Mississippi River from Cairo to the Gulf, to prevent disastrous floods and improve navigation—to the Committee on Rivers and Harbors.

Also, petition of L. H. Rothrick, C. A. Miller, and 26 others, citizens of Rowan County, North Carolina, for same purpose—to the Committee on Rivers and Harbors.

Also, petition of J. R. Howard, J. L. Shim, and 23 others, citizens of Burke County, North Carolina, for same purpose—to the Committee on Rivers and Harbors.

By Mr. CARUTH: Memorial of Cornwall & Bro., Louisville, Ky., regarding duty on glycerine—to the Committee on Ways and Means.

By Mr. COLEMAN: Petition of John C. Landreau, for relief—to the Committee on Foreign Affairs.

By Mr. DAVIDSON: Petition of citizens of Walton County, Florida, for the passage of Senate bill 2716—to the Committee on Rivers and Harbors.

Also, petition of other citizens of same county, for same measure—to the Committee on Rivers and Harbors.

Also, petition of G. H. Symmes and 19 others of Hillsborough County, Florida, asking passage of House bill 7162—to the Committee on Ways and Means.

Also, petition of W. G. Coxwell and 25 others of Calhoun County, Florida, for same measure—to the Committee on Ways and Means.

Also, petition of W. R. Shields and 10 others, of same county, for same measure—to the Committee on Ways and Means.

Also, petition of W. H. Eppers and 12 others, of Leon County, Florida, for same measure—to the Committee on Ways and Means.

By Mr. EVANS: Petition of citizens of Warren, Franklin, Grundy, Coffee, Cannon, De Kalb, White, Cumberland, Bledsoe, Putnam, Overton, Clay, Jackson, Fentress, and Smith Counties, asking that United States circuit and district courts be held at McMinnville, Tenn., to try causes from petitioning counties—to the Committee on the Judiciary.

Also, petition of the heirs of Christopher Wood, asking pay for property destroyed during the war—to the Committee on War Claims.

By Mr. FUNSTON: Petition asking revocation of the charge of disloyalty against John Kinchlon—to the Committee on Military Affairs.

Also, another petition, asking same relief—to the Committee on Military Affairs.

Also, another petition, for same relief—to the Committee on Military Affairs.

Also, petition of citizens of Kansas, asking for speedy action on the question of sale of liquor in original packages when brought from one State to another—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. LEE: Petition of Laura M. Brown, for the estate of Patsy Noles, deceased, late of Culpeper County, Virginia, praying that her war claim be referred to the Court of Claims under the provisions of the Bowman act—to the Committee on War Claims.

By Mr. MARTIN, of Indiana: Petition to accompany the bill (H. R. 11123) to pension Eleanor Grafton—to the Committee on Invalid Pensions.

By Mr. MOORE, of New Hampshire (by request): Memorial in favor of an equestrian statue of Maj. Gen. John Stark—to the Committee on the Library.

Also (by request), memorial in favor of Thomas Leahy—to the Committee on Military Affairs.

By Mr. MOREY: Petition for the relief of Rolly Moore—to the Committee on War Claims.

By Mr. O'FERRALL: Petition of Julia A. Lewis, widow of James Lewis, deceased, late of Frederick County, Virginia, praying that her war claim be referred to the Court of Claims under the provisions of the Bowman act—to the Committee on War Claims.

By Mr. ROWLAND: Petition of I. S. Oliver and others, voters of Robeson County, North Carolina, asking for an appropriation of $6,200,000 for Galveston Harbor—to the Committee on Rivers and Harbors.

By Mr. SCRANTON: Petition of Hon. W. W. Watson and others, citizens of Scranton, Pa., for the perpetuation of the national-banking system—to the Committee on Banking and Currency.

By Mr. SKINNER: Petition of John T. Daniels, for the estate of John Wescott, deceased, late of Dare County, North Carolina, praying that his war claim be referred to the Court of Claims under the provisions of the Bowman act—to the Committee on War Claims.

By Mr. STAHLNECKER: Petition of the National Furniture Association, assembled at Chicago, Ill., June 11, 12, and 13, 1890, asking that mahogany and certain articles in connection with their trade should be placed on the tariff free-list—to the Committee on Ways and Means.

By Mr. TOWNSEND, of Pennsylvania: Petition of McCreary and 25 others, citizens of Lawrence County, Pennsylvania, for passage of a bill prohibiting transportation of liquors, etc.—to the Committee on the Judiciary.

By Mr. TRACEY: Resolution of the Excelsior Club of New York, protesting against the passage of the free-coinage silver bill—to the Committee on Coinage, Weights, and Measures.

Also, petition from Cohoes, N. Y., in favor of the knit-goods schedule in the McKinley bill—to the Committee on Ways and Means.

By Mr. WILKINSON: Memorial of the New Orleans Board of Trade, limited, indorsing the action of the Chamber of Commerce of the State of New York, relating to the overflow of the Mississippi River and the urgent necessity of prompt action by the General Government to provide permanent protection—to the Committee on Rivers and Harbors.

By Mr. WILLCOX: Petition of citizens of Middletown, Conn., for the perpetuation of the national-banking system—to the Committee on Banking and Currency.

SENATE.

FRIDAY, *June* 27, 1890.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

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

HOUSE BILLS REFERRED.

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

A bill (H. R. 8792) to authorize the construction of a bridge across the Mississippi River at Winona, Minn.; and

A bill (H. R. 8047) to construct a wagon bridge across the Mississippi River at Hastings, Minn.

The bill (H. R. 8155) to grant school district numbered 7 of the township of Dearborn, Wayne County, Michigan, certain lots of land for school purposes was read twice by its title, and referred to the Committee on Public Lands.

The bill (H. R. 10086) granting leaves of absence to clerks and employés in first and second class post-offices was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

PETITIONS AND MEMORIALS.

Mr. CASEY presented a petition of the Farmers' Alliance of Sherbrooke, Steele County, North Dakota, and a petition of the Farmers' Alliance of Carrington, N. Dak., praying for the passage of House bill 5353, known as the Butterworth option bill; which were referred to the Committee on Agriculture and Forestry.